

Australian Capital Territory

# **Territory Records (Records Disposal Schedule – Public Trustee Services Records) Approval 2006 (No 1)**

**Notifiable instrument NI2006—30**

made under the

**Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)**

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## **1. Name of Instrument**

This instrument is the Territory Records (Records Disposal Schedule – Public Trustee Services Records) Approval 2006 (No 1)

## **2. Approval**

I approve the Records Disposal Schedule – Public Trustee Services Records.

## **3. Commencement**

This instrument commences on the day after notification.

David Wardle  
Director of Territory Records  
30 January 2006



# **Records Disposal Schedule Public Trustee Services Records**

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## INTRODUCTION

The *Records Disposal Schedule – Public Trustee Services Records* is the official authority for the disposal of records relating to Public Trustee Services Records.

It is one of a series of Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with the *Territory Administrative Records Disposal Schedule (TARDiS)*.

## PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Public Trustee Services records – created or maintained by ACT Government Agencies.

## SCOPE

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. It applies to records in any format, including electronic records.

## AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, officers using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

## STRUCTURE AND RELATIONSHIP TO THE TERRITORY VERSION OF KEYWORD AAA

A Records Disposal Schedule generally specifies retention periods. That is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence.**

The *Records Disposal Schedule – Public Trustee Services Records* has a hierarchical structure that reflects its arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all Public Trustee Services records regardless of titling conventions used, so that records, which have not been titled using the terminology represented by this Records Disposal Schedule, may still be sentenced with relative ease.

### ***Territory Version of Keyword AAA***

The Territory Version of Keyword AAA is the general administrative thesaurus produced by the Territory Records Office. The structure and terms used in this Records Disposal Schedule are closely related to those used in the Territory Version of Keyword AAA, which is based on functional analysis of business activity. This methodology (i.e., the analysis of business activity) produces a hierarchical model of an organisation's business activity. The hierarchical model also represents a classification scheme for the records that document functions, activities and transactions.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 – Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

## **GUIDELINES FOR USE**

### ***Coverage of authority***

The Records Disposal Schedule – Public Trustee Services Records:

- covers all Public Trustee Services records;
- is intended to be used in conjunction with TARDiS;
- specifies the minimum period records should be kept (retention periods);
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

### *Layout of the schedule*

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or ‘disposal classes’ relating to the functions are described. These are followed by a composite list of classes designated ‘Retain as Territory Archives’. The functions and activity disposal sets show the following details:

#### **Function.**

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

#### **Activity.**

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to the activity. Activities can relate to many functions with the scope notes covering all of these relationships (e.g., the activity ‘Policy’ is linked to all of the functions). However, each function and activity set represents a unique unit.

#### **Entry No.**

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

#### **Description of Records.**

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

#### **Disposal Action.**

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

## **FORMAT OF RECORD**

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

- cards;
- registers;
- files;
- microfilm;
- microfiche;
- COM (computer output microfiche);
- electronic records, including various electronic media, and
- any other formats.

### ***Electronic records***

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways – on the database (the main database, or a special archives database); on magnetic media; on optical disks; or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period. Routine treatment (such as wiping, updating, alterations or re-recording) does not constitute disposal.

## **DESTRUCTION OF RECORDS**

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

## **UPDATING THE RECORDS DISPOSAL SCHEDULE**

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

## **ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE**

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.

## **RELATED LEGISLATION**

The following legislation is related to the records classes covered by this Records Disposal Schedule:

*Administration and Probate Act 1929*  
*Agents Act 2003*  
*Audit Act 1989*  
*Confiscation of Criminal Assets Act 2003*  
*Crimes Act 1900*  
*Electronic Transactions Act 2001*  
*Financial Management Act 1996*  
*Freedom of Information Act 1989*  
*Guardianship and Management of Property Act 1991*  
*Income Tax Assessment Act 1997*  
*Legal Practitioners Act 1970*  
*Power of Attorney Act 1956*  
*Privacy Act 1988*  
*Public Trustee Act 1985*  
*Territory Records Act 2002*  
*Trustee Act 1925*  
*Unclaimed Moneys Act 1950*  
*Wills Act 1968*



## **DEFINITIONS**

### ***Agency***

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

### ***Appraisal***

The process of evaluating business activities to:

- determine which records need to be captured;
- determine how long the records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

### ***Business Classification Scheme***

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

### ***Principal Officer***

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

### ***Records***

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transition of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

### ***Records of an Agency***

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

### ***Records Disposal Schedule***

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.

### ***Records Management Program***

A document that complies with Section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

### ***Recordkeeping Systems***

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources that are applied within an agency to ensure that full and accurate records of business activity are made and kept.

## ***Records Disposal Schedule – Public Trustee Services Records January 2006***

### ***Scope Note***

An explanation of terms used in describing the records and the context in which they were made and used.

### ***Sentencing***

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule that applies to the record and assigning a retention period consistent with that part.

### ***Territory Archives***

Records preserved for the benefit of present and future generations.

## **BUSINESS CLASSIFICATION SCHEME**

***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services.

Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.

***Advice***

The activities associated with offering opinions by or to the agency as to an action or judgment. Includes the process of advising.

***Cases***

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, organisations or clients.

***Committees***

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc.

***Financial Management Services***

The activities associated with the management of trust and unclaimed moneys lodged, investing Government trust moneys and the examination of private financial manager's accounts.

***Policy***

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the agency's operating procedures are determined.

***Procedures***

Standard methods of operating laid down by an organisation according to formulated policy.

## **RECORDS DISPOSAL SCHEDULE**

***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services. Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.

***Advice***

The activities associated with offering opinions by or to the agency as to an action or judgment. Includes the process of advising.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.1.1 ████████████████████	Receipt of advice that resulted in major changes	Retain as Territory Archives
1.1.2 ████████████████████	Receipt of other advice	Destroy 5 years after last action
1.1.3 ████████████████████	Working papers documenting the development of advice	Destroy 2 years after last action

***Cases***

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, organisations or clients.






<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.2.1 ████████████████████	A person's Will (where an estate is administered by the Public Trustee). Lodged in the Supreme Court after death.	Retain as Territory Archives
1.2.2 ████████████████████	A person's Will (where the client is unlocatable or no action taken under the Will by the Public Trustee).	Destroy 100 years after execution date
1.2.3 ████████████████████	Enduring Powers of Attorney (where not acted upon).	Destroy 100 years after execution date
1.2.4 ████████████████████	Records relating to a deceased person's estate including instructions for Wills, grants of representation, notices to treat, next-of-kin declarations and determinations, discovery of assets and liabilities, bank books and records, share and investment certificates, lists and details of assets and liabilities, title searches, valuations and dealings with real estate, statements of account and details of beneficiaries.	Destroy 25 years after last action
1.2.5 ████████████████████	No asset Will and associated documents (where Will current at death).	Destroy 25 years after last action

***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services. Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.

***Cases (Continued)***

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, organisations or clients.


<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.2.6 	Trust and management of finances including Powers of Attorney, instructions, discovery of assets and liabilities, records of payments made and moneys received, dealings with real estate, dealings with investments, bank books and records, financial accounts and statements, medical affidavits and reports, documentation relating to title searches, copies of titles, mortgage documents, applications, security papers, comments or decisions by boards or committees, valuations, and copies of discharge of mortgage and financial reviews under the <i>Trustee Act 1925</i> .	Destroy 25 years after last action
1.2.7 	Client Trust Information contained in the Trust Accounting System (TACT) database including client number used as the case file number.	Destroy 25 years after last action
1.2.8 	Preparation of Enduring Powers of Attorney.	Destroy 7 years after last action
1.2.9 	Revoked Wills and Wills not proceeded with and associated documentation.	Destroy 7 years after last action
1.2.10 	Tax returns and assessments completed.	Destroy 7 years after last action

***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services. Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.




***Committees***

The activities associated with the management of committees and task forces. Includes the committee's establishment, appointment of members, terms of reference, proceedings, minutes of meetings, reports, agendas etc.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.3.1 	Records relating to board, committee and foundation administration including minutes of meetings, appointments, charter and recommendations. Includes the: <ul style="list-style-type: none"><li>• Investment Management Advisory Committee;</li><li>• Public Trustee Investment Board;</li><li>• Risk Management Committee; and</li><li>• Capital Region Community Foundation.</li></ul>	Destroy 25 years after last action

***Financial Management Services***

The activities associated with the management of trust and unclaimed moneys lodged, investing Government trust moneys and the examination of private financial manager's accounts.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.4.1 	Trust and unclaimed moneys. Includes receiving and paying claims for moneys lodged with the Public Trustee under the <i>Unclaimed Moneys Act 1950, Agents Act 2003 and Legal Practitioners Act 1970</i> . Includes receiving payments required to be made under those Acts and receiving, assessing and paying claims for those unclaimed moneys.	Destroy 25 years after last action
1.4.2 	Investment of Government trust moneys. Includes investing Government trust moneys in accordance with the "Prudent Person Principle" under the <i>Trustee Act 1925</i> , being separate government trust accounts under separate legislation.	Destroy 7 years after last action
1.4.3 	Examination of accounts of financial managers. Includes examination of accounts for other private financial managers.	Destroy 7 years after cessation of order






***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services. Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.



***Policy***

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the agency's operating procedures are determined.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.5.1 	Final policy documents.	Retain as Territory Archives
1.5.2 	Records documenting the development and establishment of the agency's policies. Includes: <ul style="list-style-type: none"><li>- policy proposals</li><li>- research papers</li><li>- results of consultations</li><li>- supporting reports</li><li>- major drafts.</li></ul>	Destroy 7 years after policy is superseded
1.5.3 	Comments and working papers documenting the development of policies	Destroy 2 years after the promulgation of the new policy

***Procedures***

Standard methods of operating laid down by an organisation according to formulated policy.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.6.1 	Master set of agency manuals, handbooks, and directives etc detailing procedures.	Destroy 7 years after procedures are superseded
1.6.2 	Development of agency procedures.	Destroy 2 years after last action

***CLASSES FOR RETENTION AS TERRITORY ARCHIVES***


**Classes for retention as Territory Archives**

***PUBLIC TRUSTEE SERVICES***

The function of providing the ACT community with access to secure, efficient, competitive and caring trustee, estate administration and Will-making services. Includes the provision of financial management services under Enduring Powers of Attorney or under Order of the Guardianship and Management of Property Tribunal.


***Advice***

The activities associated with offering opinions by or to the agency as to an action or judgment. Includes the process of advising.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.1.1 	Receipt of advice that resulted in major changes	Retain as Territory Archives

***Cases***

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, organisations or clients.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.2.1 	A person's Will (where the estate is administered by the Public Trustee). Lodged in the Supreme Court after death.	Retain as Territory Archives

***Policy***

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the agency's operating procedures are determined.

<b><i>Entry No.</i></b>	<b><i>Description of Records</i></b>	<b><i>Disposal Action</i></b>
1.5.1 	Final policy documents.	Retain as Territory Archives