



State Records Act 1997

Operational Records Disposal Schedule

Public Trustee (and predecessor agencies)

RDS 2018/06 Version 1

Effective Date: 11 December 2018 to 31 December 2028

Approved Date: 11 December 2018

Approved by SRC



Public Trustee (and predecessor agencies)

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Preamble

Purpose of the Schedule

This Operational Records Disposal Schedule (RDS) authorises arrangements for the retention or destruction of records in accordance with Section 23(2) of the *State Records Act 1997*.

Application of the Schedule

Public Trustee

Approved Date: 11 December 2018

Effective Date: 11 December 2018 to 31 December 2028

Authorisation by State Records

This authorisation applies only to the disposal of the records described in the Schedule.

State Records' Contact Information

State Records of South Australia

GPO Box 464
ADELAIDE
South Australia 5001
Email: StateRecords@sa.gov.au

Ph: 7322 7081

Chair, State Records Council

Director, State Records



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Disposal of Official Records

Legislation

Section 23(1) of the *State Records Act 1997* states that an agency must not dispose of official records except in accordance with a determination made by the Manager [Director] of State Records with the approval of the State Records Council.

Section 23(2) states:

‘If an agency requests the Manager to make a determination as to the disposal of official records, the Manager must, as soon as practicable:

- (a) with the approval of the [State Records] Council, make a determination requiring or authorising disposal of the records in a specified manner; or
- (b) make a determination requiring delivery of the records into the custody of State Records or retention of the records and later delivery into the custody of State Records.’

The contents of an RDS, once the approval process is complete, constitute a determination within the meaning of the *State Records Act 1997*.

Functions of the Schedule

An RDS plans the life of these records from the time of their creation to their disposal. It describes the records created and/or controlled by Public Trustee, the disposal sentence specifying whether they are to be retained as archives or destroyed, and when this should occur.

This Operational Records Disposal Schedule has been prepared in conjunction with staff from Public Trustee to determine the records which need to be kept because of their long term value and to enable the disposal of records once they are no longer needed for administrative purposes. The assessment of the records takes into account their administrative, legal, evidential, financial, informational and historical values. The appraisal of the records is in accordance with the State Records’ policy as documented in *Appraisal of Official Records – Policy and Objectives* - available from State Records’ website (www.archives.sa.gov.au).

The Schedule complements the General Disposal Schedules (GDS) that are issued by State Records to cover housekeeping and other administrative records common to most State Government agencies.

Using the Schedule

The Schedule applies only to the records described within it.



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Layout

The Schedule is laid out as follows:

- Item Number:** Numbering in the Schedule is multi level:
- Functions have single numbers (e.g. 1.)
 - Activities and/or processes have two-level numbers (e.g. 1.1)
 - Disposal classes have three-level numbers (e.g. 1.1.1)
- Function:** The general functions are shown in 12 point bold Arial upper case at the start of each section. (e.g. **TRUSTEE SERVICES**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (e.g. **Fund Administration**).
- Description:** Descriptions are in three levels ranging from broad functions to specific disposal classes:
- definitions of functions are shown at the start of each section in bold (e.g. **The function of managing services for Trustees. Including responsibility for investment decisions, policies and strategies in accordance with the Public Trustee Act ...**)
 - definitions of activities are located adjacent to the activity title in italics e.g. *The activity of administering investments for Public Trustee clients.*
 - descriptions of each disposal class are arranged in sequence under the activity definitions.
- Disposal Action:** Disposal actions relate to the disposal classes arranged under the activity descriptions. The status of the class is either PERMANENT or TEMPORARY with a disposal trigger and retention period given for all temporary records.

Retention Period of the Record

The Schedule is used to sentence records. Sentencing involves applying the record retention periods within the RDS to the records of Public Trustee. Decisions are made using the Schedule about whether records are to be retained and, if so, for how long, or when they are to be destroyed.

Retention periods set down in the Schedule are minimum ones and Public Trustee may extend the retention period of the record if it considers there is an administrative need to do



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so. Where Public Trustee wishes to retain records for substantially longer periods it should request that the Schedule be amended to reflect this requirement.

Custody and Transfer of the Record

Permanent Records

Section 19 of the *State Records Act 1997* includes provisions for the transfer of custody of an official record:

- a) when the agency ceases to require access to the record for current administrative purposes or
- b) during the year occurring 15 years after the record came into existence - whichever first occurs

Official records that have been sentenced as permanent, in accordance with an approved disposal schedule, are required to be transferred to State Records.

Agencies with valid reasons to retain permanent records for longer than 15 years should apply in writing to Director [Manager], State Records requesting either a postponement or an exemption from section 19.

It should be noted that postponement or exemption are only granted in exceptional circumstances.

Temporary Records

The custody of official records that have been sentenced as temporary is the responsibility of agencies. A policy and standards framework for the management and storage of temporary value official records has been established by State Records as documented in *Records of Temporary Value: Management and Storage: Standard and Guidelines (May 2002)*. Public Trustee needs to comply with these policy documents - available from State Records' website (www.archives.sa.gov.au).

The custody of official records on networks or hard drives is also the responsibility of agencies. Public Trustee needs to ensure that records in electronic format remain accessible to authorised users for the duration of the designated retention period. State Records is, however, currently examining options for the transfer of permanent value electronic records in digital form to its custody.

Destruction of Temporary Records

Prior to destruction, the following General Disposal Schedules (GDS) need to be consulted:

- ***GDS 16 Impact of Native Title Claims on Disposal of Records*** to ensure records which are relevant to native title claims in South Australia are identified and preserved.



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- ***GDS 27 for Records Required for Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care*** to ensure the preservation of official records that may relate to the rights and entitlements of the individuals who present a court claim or apply for an ex gratia payment and of the State Government in defending or processing those claims and applications.
- ***GDS 32 for Records of Relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse*** to ensure that records of relevance to the Royal Commission are protected and available for the purposes of the Royal Commission and any subsequent actions involving the South Australian Government as well as for future reference and accountability purposes and to protect the rights and entitlements of stakeholders.

When official records, in Public Trustee's custody or housed in secondary storage, are due to be destroyed in accordance with the provisions of this or other disposal determinations.

Public Trustee must ensure that all destruction is secure and confidential and that a certificate confirming destruction is provided by private contractors.

Standard methods for destruction of paper are shredding, pulping or other means that are environmentally friendly.

Records in electronic format must only be destroyed by reformatting or rewriting to ensure that the data and any "pointers" in the system are destroyed. "Delete" instructions do not offer adequate security as data may be restored or recovered.

Public Trustee should keep their own record of all records destroyed, noting the relevant disposal authority. Proof of destruction may be required for legal purposes, or in response to FOI applications. When records are destroyed systems that control them should also be updated by inputting destruction dates and relevant disposal authorities.

Review

State Records' disposal schedules apply for a period of ten years. Either Public Trustee or State Records may propose a review of the Schedule at an earlier time, in the event of changes to functions or procedures that affect the value of the records covered by the disposal authority. Reviews are especially necessary if there is vast administrative change that affects the currency and use of the records and/or the records are dispersed to other agencies.

The State Records Council needs to approve all amendments to the Schedule. Officers using the Schedule should advise State Records of any necessary changes.



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Context Statement

Context of the Agency Covered by the Schedule

Public Trustee History and Background

1881-1900

On 10 January 1880, South Australia's Attorney General W.H. Bunday introduced a Bill for an Act to establish a Public Trustee. The Public Trustee Act was proclaimed in 1880 and the Public Trustee commenced operations on 1st January 1881 with Henry Wood the first Public Trustee. From 1881 to 1925, all cash transactions were entered by hand and kept in bound ledgers. Adelaide's population was 260,000 with 23% living within 10 miles of the GPO.

1901-1920

William Wright dominated this period as the longest serving Public Trustee (he worked for the agency for 45 years including 24 as Public Trustee). Funds and securities held in Trust grew from \$698,000 in 1900 to \$2,764,596 in 1920. The Catherine Helen Spence Charitable Trust was set up in 1920. The Trust still provides a scholarship managed by the Department for Education and Child Development. Public Trustee administers over 1,000 estates for servicemen from World War 1 at no charge.

1921-1940

Funds and securities held grew to \$5,124,222 in 1930. Public Trustee's first "bookkeeping" machine was purchased in 1932 so records could be automated. A "Listing and Adding Machine" arrived in 1926 (on wheels).

Public Trustee made a profit of \$9,496 in 1933-1934. Public Trust was located in the Supreme Court building from 1881 to 1927. In 1926 Public Trustee managed the Prince Alfred Mariners Fund to assist 'wrecked, penniless, injured or sick' mariners, their widows and children. The Aged and Infirm Person's Property Act was introduced in 1940 to allow an administrator such as Public Trustee to be appointed to manage a person's affairs not covered by Mental Health Legislation.

1941-1960

In 1948, the first "manual Sumlock calculating machine" was used at Public Trustee. The post Second World War era saw Public Trustee again administering estates for servicemen and women at no charge. In 1946, the Public Trustee office was open 5.5 days per week. By 1956 Public Trustee had relocated to its own premises – the old RAA building in Hindmarsh Square. Funds and securities held increased from \$5,458,381 in 1940 to \$18,029,336 in 1960.

1961-1980



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The first conference for Australian and New Zealand Public Trustees was convened. 51,948 Wills were on hand in 1963. In 1975 25 Franklin Street was purchased through Section 118a of the Administration and Probate Act, which allowed the Public Trustee to acquire an interest in real estate for use of the office at a cost of \$2,245,000. Public Trustee branches opened in Mount Gambier and Port Augusta in 1977. In 1977 the Guardianship Board was created under the Mental Health Act. The Board can appoint Public Trustee to administer estates for clients lacking testamentary capacity through mental illness or disability. South Australian Succession Duties were abolished on 1 January 1980. During that year in excess of half of all trust accounting records were computerised and all word processing apart from some specialised real property documents was carried out on the Ultimate Computer system. Public Trustee took a more commercial approach to the business.

1981-2000

In 1991 the conversion to accrual accounting system took place for trust, protected and other estates and corporate ledger. In 1995, the Public Trustee Act was amended which enabled classes of investors able to invest in Public Trustee's Common Funds to expand.

2000-2006

Catherine O'Loughlin was appointed Public Trustee in March 2002. Major renovations to the Public Trustee building for earthquake mitigation were completed in 2005. Public Trustee's Core Business Information System was replaced in March 2004. Public Trustee was acknowledged as a BankSA Heritage Icon in 2006. Funds and securities increased to more than \$900 million in 2006.

2006-2018

In October 2006, Public Trustee celebrated its 125th anniversary with an official function at Edmund Wright House.

A dynamic new corporate logo and brand style was implemented across the organisation

Public Trustee ceased to conduct its own enterprise bargaining negotiations in 2006-07 and joined the South Australian public sector wages parity agreement.

In May 2007, the Public Trustee building at 25 Franklin Street was sold as part of a whole of government strategy. Public Trustee remained as a tenant for the next 3 years.

Mark Bodycoat was appointed Public Trustee in September 2007 and remained in the role until September 2010.

In June 2010 the organisation moved from its Franklin St location to new accommodation at 211 Victoria Square. Public Trustee leases three and a half levels with two separate shop fronts for Wills and Personal Estate customers and its new accommodation is 4-star green rated.



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Debra Contala was appointed Public Trustee in November 2010.

A Business and Corporate Development team was formed in 2011 to focus on Strategic Plan initiatives and the recommendations of a review by the Statutory Authorities Review Committee (SARC). Among the recommendations implemented was a customer satisfaction survey. This is an annual event and is used to improve our services.

In 2015, investments managed by Public Trustee exceeded \$1 billion for the first time. The South Australian Civil and Administrative Tribunal (SACAT) was formed. SACAT replaced the Guardianship Board in the role of appointing administrators under administration orders to make decisions about the legal, financial and business affairs of a person unable to make these decisions for themselves.

Debra Contala retired as Public Trustee in March 2018 and Nicolle Rantanen has been appointed as acting Public Trustee. Prior to joining Public Trustee Nicolle was Chief Operating Officer at the Department of Treasury and Finance. Nicolle has extensive experience in the Government, Superannuation and Banking industries.

Public Trustee Role and Function

The Public Trustee is a statutory officer pursuant to the Public Trustee Act. Public Trustee is a body corporate and a corporation sole with the powers of a natural person. Public Trustee is ultimately responsible to Parliament through the Attorney General but complete independence is assured by the constituting legislation in respect of the particular duties and individual roles undertaken.¹

The Public Trustee has the full responsibilities of the trustee in carrying out the roles and functions of the office. The Public Trustee can delegate his powers to staff. Public Trustee as an office functions by these delegations from the Public Trustee (the statutory officer).

Public Trustee has been known for more than 125 years for its trustee, estate management and will making services. Traditionally, it has been known as a 'maker of wills'. To keep pace with changing consumer expectations, its services include a range of personal estate planning, administration and trustee services sought by people today – will making, estate administration, trusts, Enduring Power of Attorney, appointing an Enduring Guardian, Personal Management Services, taxation services, funds management services. These services are provided within a secure, stable and professional environment.

Under the provisions of Section 5(2) of the *Public Trustee Act 1995*, Public Trustee may act as a trustee, executor of a will, administrator of an estate (whether or not of a deceased person), manager, receiver, committee, curator, guardian, next friend, agent attorney or stakeholder.

¹ Public Trustee Annual Reports 2005/06, 2006/07



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The Public Trustee is responsible for the strategic direction of the office and the management of service delivery. The Public Trustee continuously monitors and oversees the organisations financial position, including the audit process, and ensures the conduct of the organisation and its staff is legally and ethically of the highest order and that the working practices of the office fully comply with the law and the responsibilities of a trustee. The Public Trustee has the power to delegate duties to staff.

Whilst Public Trustee is a government business unit charged with returning dividends and taxation equivalent revenue to the State Government, it is also required by legislation to provide services to all clients seeking an administrator, manager, executor or trustee. Public Trustee will not refuse the business of any client, regardless of their financial circumstances.

This schedule applies to both the Public Trustee (the statutory officer) and the Public Trustee (the organisation).

Public Trustee Structure Description

Public Trustee consists of The Public Trustee and is structured into two streams, namely Business & Client Financial Services and Customer Services. See Appendix 1.

Predecessor Agencies

- 1848 - 1880 – Curator of Intestate Estates
- 1881 - 18.3.1976 – Public Trustee Department

Successor Agencies

There are no successor agencies.

Legislation

The Public Trustee administers the *Public Trustee Act 1995*.

The operations of Public Trustee are also affected by the following Legislation:

- *Administration and Probate Act 1919*
- *Aged and Infirm Persons Property Act 1993*
- *Family Relationships Act 1975*
- *Guardianship Administration Act*
- *Guardianship and Administration Act 1993*
- *Income Tax Assessment Act 1997*
- *Inheritance (Family Provisions) Act 1972*
- *Powers of Attorney and Agency Act 1984*
- *Probate Administration Act*
- *Trustee Act 1936*
- *Wills Act 1936*



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Context of the Records Covered by the Schedule

Coverage of RDS 2018/06

RDS 2018/06 is intended to provide coverage to the past and current records of the Public Trustee. Coverage will include the GRS's listed for operational records and any others in State Records custody that the agency has responsibility for. These include:

- GRS7032 – Substitute Power of Attorney Files
- GRS1706 – Power of Attorney Files
- GRS1705 – Aged and Infirm Persons Property Act Correspondence
- GRS3649 – Wills Withdrawn
- GRS747 – Estate Files
- GRS1704 – Public Trustee Departmental Dockets
- GRS1175 – Administration files

RDS 2018/06 Version 1 does not cover those records located at State Records as GRG 33 Public Trustee Department, as these are already sentenced in accordance with a disposal determination made by the Manager of State Records and approved by the State Records Council on 9 November 1999. This 1999 determination stipulates that records accessioned under the GRG system have a disposal status of permanent.

Related Series Affected by RDS 2018/06

There are no related series affected by this RDS.

Complementary Schedules to RDS 2018/06

There are no complementary Disposal Schedules to use with this RDS.

Existing Disposal Schedules Superseded by RDS 2018/06

- 2007/14 v1 Public Trustee (expired 30th June 2018)

Records Structure within Public Trustee

Client records

Public Trustee uses a Core Business Information System (CBIS) to manage client information. CBIS was introduced on 2nd March 2004. The Client Accounting Entity (CAE)



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number is the alpha numeric system used to identify clients which is partially obtained by CBIS. This number consists of:

- Customer ID which is the next numerical number available in CBIS ie 1234
- Product Instance which is the type of estate probate estate eg Estate Services would be EP
- Entity number – information on a property may be kept separate from the estate so the general estate file would end in 00 and then the real estate file would end in 01.

An example file number would be 1234 EP01 00.

File covers are also colour coded ie deceased trusts and estates are blue, personal estates are green and court orders are white.

Examples of files a client may have:

- 1234:DW01:00 Will file
- 1234:FG01:00 Personal Estate file including South Australian Civil Administration Tribunal (SACAT) and Administration Orders (previously Guardianship Board).
- 1234:EP01:00 Estate Services file
- 1234:FP01:00 Power of Attorney (Enduring)
- 1234:FC01:00 Court Awarded Funds (Supreme Court Award, District Court Award, payments under S16 of the *Public Trustee Act 1995* or payments under the *Aged and Infirm Persons Property Act 1940*)

Fund Administration files

Fund administration files are registered in the Recfind database. Files for the various investments held by the organisation are not recorded in the database.

For security holdings a file is created and named as per the ASX listing eg Ansell Ltd = ANN.



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Broad Description and Purpose of the Records

Records included in RDS 2018/06 cover the core services of the Public Trustee, namely, Estate Services and Trustee Services. This includes:

- Estate and Will administration
- Fund administration
- Taxation administration

Records are managed in paper files.

Functions and Activities Documented by the Records

The functions and activities which form the structure of this RDS are as follows:

ESTATE SERVICES

Advice

Auditing

Estate Administration

Policy

Procedures

Reporting

Will Administration

TRUSTEE SERVICES

Advice

Fund Administration

Policy

Procedures

Reporting

Taxation Administration



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Arrangement of the Records

The current records of the Public Trustee are physically stored in order in accordance with their number pattern. Records are also stored in arch lever folders, manila envelopes and folders.

Agency Creating the Records

Public Trustee created and administers the records covered by this RDS.

Agency Owning or Controlling the Records

Public Trustee controls, owns and administers the records covered by this RDS.

Date Range of the Records

Records Date Range: 1901 to **Ongoing**

Volume of the Records

State Records – approx. 5425 linear metres

TIMG – approx. 1,684 linear metres

On site – approx. 420 linear metres

Digital – 15 Terabytes (all official records are printed and filed, excluding databases)

Special Custody Requirements

There are no special custody requirements.

Special Storage Requirements

There are no special storage requirements.

Issues Not Mentioned Previously

There are no issues that have not already been mentioned.

Comments Regarding Disposal Recommendations

Permanent Records Rationale

Records deemed to be permanent are those which have a continuing value to the State or are of national significance. The appraisal objectives adopted by State Records of South



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Australia as per its *Appraisal of Official Records: Policy and Objective Guidelines*² for identifying records of permanent value relevant to the records covered by this Schedule are:

Objective 2: *To identify and preserve official records providing evidence of the deliberations, decisions and actions of the South Australian Government and public sector bodies relating to key functions and programs and significant issues faced in governing the State of South Australia.*

Examples of disposal classes of the Public Trustee which meet this objective include:

- Advice (1.1.1, 2.1.1)
- Auditing (1.2.1)
- Policies (1.4.1, 2.3.1)
- Procedures (1.5.1, 2.4.1)
- Reporting (1.6.1, 2.5.1)

Objective 3: *To identify and preserve official records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups.*

Examples of disposal classes of the Public Trustee which meet this objective include:

- Estate Administration (1.3.1-1.3.5)
- Will Administration (1.7.1)

Temporary Records Rationale

Records nominated for temporary status in this schedule document routine processes and/or transactions that support the activities of the Public Trustee. Retention periods have been determined by the legal, administrative, evidential and financial accountability requirements.

Temporary records are those that are considered not to have continuing value to the Public Trustee, the State Government or the community. As such these temporary records, have no enduring value once the operational requirement for their existence ceases.

Temporary records include:

- Advice (1.1.2-1.1.3, 2.1.2-2.1.3)
- Fund Administration (2.2.1-2.2.2)
- Reporting (1.6.2, 2.5.2)
- Supplementary and facilitative records (1.4.2, 1.5.2, 2.3.2, 2.4.2)

² Appraisal of Official Records - Policy and Objectives Guideline February 2003 Version 1.8



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- Taxation Administration (2.6.1)
- Will Administration (1.7.2-1.7.7)

Other Disposal Considerations

There are no other considerations for or against the retention or destruction of records affected by this RDS.

Disposal Recommendation Effect on Related Records

There are no related records affected by the disposal recommendations in this RDS.

Alternative Record Formats

This RDS covers records in all formats.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.

Indigenous Considerations

The determinations within *RDS 2018/06* are consistent with Recommendation 21 of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

The principles outlined in *GDS 16*, relating to Native Title claims, have also been considered in the development of this Schedule.

RDS 2018/06 meets all cultural, historical, legal and administrative requirements.

All documents considered relevant to native title in South Australia must be checked for actual relevance with the Native Title Section of the Crown Solicitor's Office before being disposed of.



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Scope Note

Records Covered by this Schedule

This *RDS 2018/06* applies to the records of Public Trustee.

How to Apply this Schedule

Use in conjunction with GDS

This Schedule should be used in conjunction with *GDS 30*, as amended, or its successor. Cross-references to the *GDS 30* are included in this Schedule where appropriate.

To identify records that may be potentially relevant to native title claims, please refer to guideline *Identifying documents which may be relevant to Native Title* attached to *GDS 16*. Where records sentenced for temporary retention are identified as having potential relevance to a native title claim, they need to be retained until 31 December 2024.

To identify records that may be potentially relevant to *Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care*, please refer to *GDS 27*. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2020.

To identify records that may be potentially relevant to the *Royal Commission into Institutional Responses to Child Sexual Abuse*, please refer to *GDS 32*. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2023.

Use in conjunction with, or complementary to, other RDS

This Records Disposal Schedule does not complement any existing schedules.

Other RDS superseded by RDS 2018/06

This RDS does not supersede any existing schedules.

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded

Public Trustee will review and re-sentence the records whose retention periods have altered. Records already in the custody of State Records with permanent retention will not be resentenced.



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Records excluded from RDS 2018/06

RDS 2018/06 v1 does not cover records already in the custody of State Records as part of Government Record Group 33 (GRG33) – Public Trustee Department. These records have been deemed permanent in accordance with a disposal determination made for all GRGs by the Manager [Director] of State Records and approved by State Records Council on 9 November 1999.

Application to records in all formats

RDS 2018/06 v1 applies to records in all formats, including databases and other electronic records. Public Trustee is required to ensure that records remain accessible for the duration of designated retention periods.

Interpretation of the Schedule

Minimum retention periods

Retention periods for temporary records shown in RDS 2018/06 are minimum retention periods for which records need to be retained. It is at the discretion of Public Trustee as to whether records are kept for longer than the minimum period.

Acronyms

- CRM – Customer Relationship Management
- CTMS – Contact Task Management System

Definitions of terms specific to RDS 2018/06

- Customers – can include various people and organisations eg wills customers, beneficiaries of estates and trusts administered by Public Trustee, trustees of estates, trusts, charitable funds and excluded superannuation funds, religious organisations, certain public and statutory funds and Public Trustee staff.
- Estate – an estate under the control of the Public Trustee includes any property administered or managed by, or under the control of, the Public Trustee as executor, trustee, administrator or in any other capacity under the Public Trustee Act or any other Act.
- Non-significant – includes routine records such as periodic reporting and routine advice. Examples include:
 - Analysis of trends in business or benchmarking of products (a type of estate).
 - Task lists of work to be done.
 - Advice from a team leader to a staff member on how to proceed with an issue in an estate.
- Private Administrators – are appointed by SACAT to administer a person's financial affairs
- Private Managers - are appointed by the courts to manage a person's financial affairs.



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- Revoked – officially cancelled.
- SACAT - is the South Australian Civil and Administration Tribunal that may appoint Public Trustee to manage the legal and financial affairs of vulnerable South Australian's that cannot manage their own affairs. SACAT also helps people in South Australia to resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the Tribunal at hearing.
- Significant – significant records of Public Trustee involve public interest or controversy and may include cases where there has been extensive parliamentary debate and/or coverage in the Media. For example:
 - A legal opinion on estate administration which will become a precedent for future use.
 - A ruling by the Australian Taxation Office on estate matters which would be used in all relevant estate tax returns.
 - Legal, accounting and tax advice regarding the investment structure for Common Funds.
 - Ministerial approvals to change investment structures
 - Changes to the *Public Trustee Act 1995* and/or the regulations.
- Trustee - an individual person or member of a board given control or powers of administration of property in trust with a legal obligation to administer it solely for the purposes specified.

Legal Deposit

Legal deposit refers to statutory provisions that oblige publishers to deposit copies of their publications in libraries in the country in which they are published. Under the Commonwealth *Copyright Act 1968* and various Australian state Acts, a copy of any work published in Australia must be deposited with (a) the National Library of Australia and (b) the appropriate State Library. Legal deposit extends not only to commercial publishers but also to private individuals, clubs, churches, societies and organisations.

In South Australia, one copy of publications produced for external use should be deposited with the State Library and the Parliamentary Library (section 35, *Libraries Act 1982*). Publications include books, newspapers, magazines, journals, pamphlets, maps, plans, charts, printed music, records, cassettes, films, video or audio tapes, computer software CD-ROMS, compact discs and other items made available to the public.

Records and Litigation

Where Public Trustee is aware that records may be required for use in litigation, for use in a government enquiry or the consideration of the Ombudsman, the records must not be destroyed. In such circumstances the records must be retained until two years after all cases and enquiries are complete (including appeals) and then have the original retention period applied to the records.



Public Trustee (and predecessor agencies)

Pre-1901 Records

All pre-1901 records are required to be **retained permanently** in accordance with a motion approved by the State Records Council on 19 February 2008.

In this instance, this RDS does **NOT** apply to pre-1901 records.

Approved by SRC



Public Trustee (and predecessor agencies)

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Approved by SRC



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 ESTATE SERVICES			
1	ESTATE SERVICES	The function of assisting customers with estate services, including the preparation of wills and the management of trusts and estates.	
1.1	Advice	<i>The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes process of advising. (KAAA)</i>	
1.1.1	Advice	Records relating to the provision of significant advice. See definitions of terms for explanation of significant.	TEMPORARY Destroy 80 years after action completed.
1.1.2	Advice	Records relating to advice concerning non-significant operational matters.	TEMPORARY Destroy 8 years after action completed.
1.1.3	Advice	Records of advice relating to Power of Attorney not held by Public Trustee.	TEMPORARY Destroy 3 years after action completed.
1.2	Auditing	<i>The activities involved with auditing external administrators appointed by the Courts or SACAT and Managers appointed under legislation.</i>	
1.2.1	Auditing	All records relating to the auditing of external Private Managers and Private Administrators. Includes estates where an Administrator has obtained a grant to administer a deceased estate.	TEMPORARY Destroy 80 years after action completed.
1.3	Estate Administration	<i>The activities relating to the administration of all estates and trusts created pursuant to various trust deeds. Includes deceased, unclaimed and personal estates.</i>	
1.3.1	Estate Administration	Register of communications with customers and actions taken. (Currently CRM and CTMS.)	PERMANENT



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 ESTATE SERVICES			
1.3.2	Estate Administration	Records related to deceased estates. Includes particulars of the estate, medical/coroner reports, statements of assets, death certificates and marriages certificates. Includes details of safe custody packets and Power of Attorneys.	TEMPORARY Destroy 80 years after action completed.
1.3.3	Estate Administration	Records relating to personal estates for living customers where Public Trustee is administrator, attorney or manager appointed to manage a person's financial affairs. Includes: <ul style="list-style-type: none"> • Appointment • Power of Attorneys • Administration orders • Certificates of administration • Copy of last will and testament 	TEMPORARY Destroy 80 years after action completed.
1.3.4	Estate Administration	Power of Attorneys not held in estate file.	TEMPORARY Destroy 80 years after action completed.
1.3.5	Estate Administration	Register of safe custody packets.	PERMANENT
1.4	Policy	<i>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. (KAAA).</i>	
1.4.1	Policy	Master policies.	PERMANENT
1.4.2	Policy	Supplementary records relating to the background and development of policies. Includes working papers, interim and draft reports, surveys, and proposals not adopted.	TEMPORARY Destroy 5 years after action completed.
1.5	Procedures	<i>Standard methods of operating laid down by an organisation according to formulated policy. (KAAA)</i>	



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 ESTATE SERVICES			
1.5.1	Procedures	Master procedures.	PERMANENT
1.5.2	Procedures	Supplementary records relating to the background and development of procedures. Includes working papers, interim and draft reports, surveys, and proposals not adopted.	TEMPORARY Destroy 5 years after action completed.
1.6	Reporting	<i>The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate polices), and to provide formal statements or findings of the results of their examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns. (KAAA)</i>	
1.6.1	Reporting	Records relating to significant reports.	TEMPORARY Destroy 80 years after action completed.
1.6.2	Reporting	Records relating to periodic internal or system reports relating to Estate Services.	TEMPORARY Destroy 5 years after action completed.
1.7	Will Administration	<i>The activities involved in preparing and administering Wills not relating to an existing trust.</i> <i>Use Activity Estate Administration 1.3 for Wills relating to Trusts.</i>	
1.7.1	Will Administration	Register of Wills invoked (database).	TEMPORARY Destroy 80 years after action completed.
1.7.2	Will Administration	Records relating to the making of wills where the will is revoked or withdrawn.	TEMPORARY Destroy 80 years after will revoked.
1.7.3	Will Administration	Register of wills revoked and withdrawn. Closed series (1982 to 1997)	TEMPORARY Destroy 80 years after action completed.



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 ESTATE SERVICES			
1.7.4	Will Administration	Records relating to the making of Wills where the Public Trustee is NOT the Executor. Includes details of safe custody packets. Use Item 1.3.2 and 1.3.3 where Public Trustee is the Executor.	TEMPORARY Destroy 8 years after will executed.
1.7.5	Will Administration	Records of wills for individuals under Guardianship of the Minister where Public Trustee is not the Trustee. Includes copies of wills NOT made by the Public Trustee.	TEMPORARY Destroy 8 years after death.
1.7.6	Will Administration	Wills not proceeded with. Includes wills not finalised.	TEMPORARY Destroy 8 years after action completed.
1.7.7	Will Administration	Daily summary of wills made.	TEMPORARY Destroy 3 months after action completed.



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 TRUSTEE SERVICES			
2	TRUSTEE SERVICES	The function of managing services for Trustees. Including responsibility for investment decisions, policies and strategies in accordance with the Public Trustee Act, the use of standard investment strategies and Sector Common Funds. Includes taxation and fund management.	
2.1	Advice	<i>The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes process of advising. (KAAA)</i>	
2.1.1	Advice	Records relating to the provision of significant advice.	PERMANENT
2.1.2	Advice	Records relating to advice concerning non-significant operational matters. For example, tax and/or accounting advice.	TEMPORARY Destroy 8 years after action completed.
2.1.3	Advice	Records of advice re Wills not held by Public Trustee.	TEMPORARY Destroy 3 years after action completed.
2.2	Fund Administration	<i>The activity of administering investments for Public Trustee clients.</i>	
2.2.1	Fund Administration	Summary records of securities held. Includes details of purchase and sale.	TEMPORARY Destroy 8 years after last entry.
2.2.2	Fund Administration	Records relating to securities held. Includes purchase and sale information, journal sheets, authorisation and contract note.	TEMPORARY Destroy 8 years after action completed.
2.3	Policy	<i>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. (KAAA).</i>	
2.3.1	Policy	Master policies.	PERMANENT



Public Trustee

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 TRUSTEE SERVICES			
2.3.2	Policy	Supplementary records relating to the background and development of policies. Includes working papers, interim and draft reports, surveys, and proposals not adopted.	TEMPORARY Destroy 5 years after action completed.
2.4	Procedures	<i>Standard methods of operating laid down by an organisation according to formulated policy. (KAAA)</i>	
2.4.1	Procedures	Master Procedures.	PERMANENT
2.4.2	Procedures	Supplementary records relating to the background and development of procedures. Includes working papers, interim and draft reports, surveys, and proposals not adopted.	TEMPORARY Destroy 5 years after action completed.
2.5	Reporting	<i>The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of their examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns. (KAAA)</i>	
2.5.1	Reporting	Records relating to significant reports.	PERMANENT
2.5.2	Reporting	Records relating to period internal or system reports relating to Trustee Services. Includes annual investment income report and quarterly tax file number report.	TEMPORARY Destroy 5 years after action completed.
2.6	Taxation Administration	<i>The activity of administering taxation services.</i>	
2.6.1	Taxation Administration	Records relating to the administration of client taxation returns. Includes advice, working papers, copies of tax returns, notices of assessment and copies of beneficiary taxation advice letters.	TEMPORARY Destroy 8 years after action completed.



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