



Public Record Office Standard

PROS 07/05

Authority

Retention & Disposal Authority for Records of State Trustees Limited

Version 2017

Incorporating Variation 1 & 2

07/05	Issue Date: 20/08/2007	Expiry Date: 20/08/2017
Variation 1	Issue Date: 10/10/2013	Expiry Date: 20/08/2017
Variation 2	Issue Date: 22/09/2017	Expiry Date: 20/08/2020

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Public Records Act 1973

(Section 12)

Retention & Disposal Authority for Records of State Trustees Limited

Public Record Office Standard (PROS) 07/05

Variation 1:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of State Trustees Limited, issued as Public Record Office Standard (PROS) 07/05 on 20 August 2007, as follows:

- **Changes to the description of class 4.0.0**
- **Changes to the description and retention period of class 4.1.0**

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood
Director and Keeper of Public Records

Date of issue: 10 October 2013

Public Records Act 1973

(Section 12)

Retention & Disposal Authority for Records of State Trustees Limited

Public Record Office Standard (PROS) 07/05

Variation 2:

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the Standard applying to Records of State Trustees Limited, issued as Public Record Office Standard (PROS) 07/05 on 20 August 2007, as follows:

Extension of the application of this Standard until 20/08/2020.

This Variation shall have effect from its date of issue.

[Signed]

Justine Heazlewood

Date of issue: 22 September 2017

Director and Keeper of Public Records

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Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records is responsible for the establishment of standards for the efficient management of public records and for assisting public offices to apply those standards to records under their control. Officers in charge of public offices are responsible under section 13 of the Act for carrying out, with the advice and assistance of the Keeper, a program of records management in accordance with the standards established under section 12 of the Act.

1 Introduction

1.1 Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*.

The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

1.2 Context of this Authority

1.2.1 Public Record Office Victoria Standards

This Authority should be used in conjunction with the standards issued by the Keeper of Public Records under section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

1.2.2 Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is

or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

1.2.3 Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

1.2.4 Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

1.3 Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

1.4 Explanation of Authority Headings

CLASS NUMBER

The class number or entry reference number provides citation and ease of reference.

DESCRIPTION

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

STATUS

This entry provides the archival status of each class - either permanent or temporary.

CUSTODY

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria.

Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 *Management of Electronic Records* (Version 2).

The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*.

2 Concurrence of Public Office

This Authority has the concurrence of:

Signature: [Signed]

Date: 15/08/2007

Name: Anthony G Fitzgerald

Position: Managing Director

3 Establishment of Standard

Pursuant to Section 12 of the *Public Records Act* 1973, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to the records of State Trustees Limited.

This standard as varied or amended from time to time, shall have effect for a period of ten (10) years from the date of issue unless revoked prior to that date.

[Signed]

Justine Heazlewood
Keeper of Public Records

Date of Issue: 20/08/2007

4 Acknowledgments

PROV would like to thank the following people for providing their knowledge and expertise and helping to create this Authority:

5 Further Information

You can obtain relevant publications, supplies of relevant forms, and answers to any enquiries you may have by first contacting your agency's records manager or the Public Record Office Victoria:

Public Record Office Victoria



(03) 9348 5600

e-mail: agency.queries@prov.vic.gov.au

web: www.prov.vic.gov.au

6 Retention & Disposal Authority

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.0.0	<p>WILLS SERVICES</p> <p>The function of advising and receiving instructions for the drafting of wills on behalf of State Trustees Limited (State Trustees) clients. Includes all activities associated with the preparation, drafting and execution of the will.</p> <p>Execution involves the signing of the will in the presence of witnesses.</p> <p>[Note: For wills records relating to deceased estates managed by State Trustees, use 3.0.0 Estate Management.]</p>		
1.1.0	<p>Wills - Executed</p> <p>The activities relating to the preparation, drafting and execution of wills, the original of which is being held either by State Trustees or by a third party.</p> <p>Includes those wills of clients where it is unknown whether they are deceased or whether they have made a subsequent will.</p> <p>[For wills that are executed and State Trustees becomes executor of the Estate, use 3.0.0 Estate Management.]</p> <p>[For wills that are executed and a third party becomes executor of the Estate, use 1.5.0 Wills Executed – Estate Managed by third party]</p>	<p>Temporary</p> <p>Destroy 100 years after will is executed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.2.0	<p>Wills – Revoked</p> <p>The activities relating to the preparation and drafting of wills executed but subsequent notification has been received by State Trustees that wills are revoked.</p> <p>[Note: Only relates to records where State Trustees does not hold subsequent wills.]</p>	<p>Temporary</p> <p>Destroy 16 years after will revoked.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
1.3.0	<p>Wills – Not executed on clients’ instructions</p> <p>The activities relating to the preparation and drafting of wills that have never been executed because clients did not wish to proceed.</p>	<p>Temporary</p> <p>Destroy 16 years after instructions received from clients.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
1.4.0	<p>Wills – Execution unknown</p> <p>The activities relating to the preparation and drafting of wills where State Trustees has no knowledge if wills have been executed.</p>	<p>Temporary</p> <p>Destroy 16 years after instructions received from clients.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
1.5.0	<p>Wills – Executed - Estate managed by third party</p> <p>The activities relating to the preparation, drafting and execution of wills where Probate or Letters of Administration in respect of the deceased estates have been granted to third parties.</p>	<p>Temporary</p> <p>Destroy 16 years after administrative use is completed.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY

2.0.0 ATTORNEYSHIP AND GUARDIANSHIP SERVICES

The function of preparing enduring powers of attorney and guardianships for State Trustees clients. Types of powers of attorneys include: Enduring Power of Attorney (Financial), Enduring Power of Attorney (Medical Treatment), Enduring Power of Guardianship and any other forms approved in accordance with *Instruments Act* 1958. This function also covers the activities whereby State Trustee is acting as Enduring Power of Attorney (Financial) for a client.

Includes the activity of advising and receiving instructions for the preparation and drafting of Enduring Power of Attorneys on behalf of State Trustees clients.

[Note: For Enduring Power of Attorney records relating to deceased estates managed by State Trustees, use 3.0.0 Estate Management.]

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
2.1.0	<p>Enduring Powers of Attorney and Guardianship</p> <p>The activities relating to the preparation, drafting and execution of Enduring Powers of Attorney, the original of which is being held either by State Trustees or by a third party.</p> <p>Includes situations whereby the death of the client is unknown.</p> <p>Also includes the preparation of Enduring Powers of Attorney that have been executed, activated and ceased prior to the client's death whereby State Trustees has been appointed as Attorney and/or whereby State Trustees has not been appointed as Attorney.</p> <p>Includes situations whereby the Enduring Power of Attorney is executed and is active upon the client's death or has not been activated at time of client's death.</p> <p>Includes financial activities carried out by State Trustees in its capacity as an Enduring Power of Attorney and Guardian for a client involving decision making activities undertaken by State Trustees including payment of bills, etc.</p> <p>Includes the preparation and drafting of Enduring Powers of Attorney and Guardianships which have been executed but subsequent notification has been received by State Trustees that Enduring Powers of Attorney and/or Guardianships are revoked.</p>	<p>Temporary</p> <p>Destroy 16 years after administrative use is concluded.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

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Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY

**2.1.0 Enduring Powers of Attorney and
(Cont'd) Guardianship (Continued)**

Encompasses activities relating to the preparation and drafting of Enduring Powers of Attorney that have not been executed on client's instructions; and the preparation and drafting of Enduring Powers of Attorney where State Trustees has no knowledge if Enduring Powers of Attorney have been executed.

[Where State Trustees is the Executor, use 3.0.0 Estate Management.]

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.0.0	<p>ESTATE MANAGEMENT</p> <p>The management and administration of client estates by State Trustees.</p> <p>As the Executor, State Trustees is responsible for the administration of the deceased estate, including attending to the liabilities of the estate and the distribution of assets to beneficiaries according to the testator's Will. Also includes taxation services provided in relation to the management of the estates.</p>		
3.1.0	<p>Estates – No Trust Established</p> <p>The activities relating to the preparation, management and administration of client estates by State Trustees where no Trust has been established.</p> <p>Includes the Authorisation for State Trustees to act as client's estate manager; Deed; Court Orders; extracts and originals of Birth and Death Certificates.</p>	<p>Temporary</p> <p>Destroy 16 years after finalisation of the estate.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.2.0	<p>Estates – State Trustees Services Revoked</p> <p>The activities relating to the preparation, management and administration of client estates whereby formal notification has been received by State Trustees that their services have been revoked.</p> <p>Includes the authorisation for State Trustees to act as client’s estate manager; Deed; Court Orders; extracts and originals of Birth and Death Certificates, and client instructions revoking the services of State Trustees.</p>	<p>Temporary</p> <p>Destroy 16 years after State Trustees services have been revoked.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
3.3.0	<p>Estates – Where a Trust has been Established</p> <p>The activities relating to the preparation, management and administration of client estates where a Trust has been established by the client.</p> <p>This activity includes genealogical research undertaken by State Trustees whereby a bona fide beneficiary is identified and a Certificate of Declaration of Next of Kin is issued.</p> <p>Includes the authorisation for State Trustees to act as client’s estate manager; Deed; Court Orders; extracts and originals of Birth and Death Certificates, Client instructions, Original Certificate of Declaration of Next of Kin issued by State Trustees, schedule of rates for genealogical research undertaken, etc.</p>	<p>Temporary</p> <p>Destroy 16 years after finalisation of any trusts arising out of the estate.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
4.0.0	RETAIL FINANCIAL SERVICES State Trustees manages financial planning, including investment services, relating to clients, trusts, enduring Power of Attorney and estates.		
4.1.0	Financial Planning Advice Financial planning advice and investment services provided to State Trustees clients. Includes records of financial planning advice, investment services and research records, correspondence with clients, financial plans and strategies, etc.	Temporary Destroy 7 years after action complete	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
4.2.0	Retail Taxation Services Management of State Trustees client's taxation information. Includes taxation records including formal taxation returns, Business and Activity Statements (BAS/IAS); Capital Gains Tax records and responses to Australian Taxation Audits. [For taxation services relating to Estates, use 3.0.0 Estate Management.]	Temporary Destroy 5 years after the records were prepared or obtained, or 5 years after completion of the transactions to which the records relate, whichever is later.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
5.0.0	TRUST ADMINISTRATION The administration of Private Charitable Trusts, State Trustees Australia Foundation and other trusts managed by State Trustees.		
5.1.0	Private Charitable Trusts – Establishment and Management The activities relating to the establishment and ongoing management of the Trust by State Trustees. Includes the authorisation for State Trustees to manage the Trust; Deed of Amendments, Trust Deed, etc.	Temporary Destroy 7 years after State Trustees ceases to manage the Trust.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
5.2.0	Private Charitable Trusts – Financial Summary Summary of financial transactions relating to the Trust. Includes Annual Financial Statements.	Temporary Destroy 7 years after Trust is wound up or State Trustees ceases to be the Trustee.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.
5.3.0	Private Charitable Trusts – Financial Input Routine financial transactions relating to the Trust summarised in the Financial Summary (5.2.0 Private Charitable Trusts – Financial Summary). Includes accounts received, Trust expenditure, etc.	Temporary Destroy 7 years after action complete.	Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
5.4.0	<p>State Trustees Australia Foundation – Establishment and Management</p> <p>The activities relating to the establishment and ongoing management of the Foundation by State Trustees.</p> <p>Includes the authorisation for State Trustees to manage the Trust; Deed of Amendments, Trust Deed, etc.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO (VERS Encapsulated Object) format.</p>
5.5.0	<p>State Trustees Australia Foundation – Financial Summary</p> <p>Summary of financial transactions relating to the Foundation.</p> <p>Includes Annual Financial Statements relating to the Foundation.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>
5.6.0	<p>State Trustees Australia Foundation – Financial Input</p> <p>Routine financial transactions relating to the Foundation summarised in the Financial Summary (5.5.0 State Trustees Australia Foundation – Financial Summary).</p> <p>Includes accounts received, Trust expenditure, etc.</p>	<p>Temporary</p> <p>Destroy 7 years after action complete.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
5.7.0	<p>All Other Trusts – Establishment and Management</p> <p>The activities relating to the establishment and ongoing management of trusts (excluding State Trustees Australia Foundation and Private Charitable Trusts) by State Trustees.</p> <p>Includes Authorisation for State Trustees to manage the Trust; Deed of Amendments, Trust Deed, etc.</p>	<p>Temporary</p> <p>Destroy 7 years after State Trustees ceases to manage the Trust.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
5.8.0	<p>All Other Trusts – Financial Summary</p> <p>Summary of financial transactions relating to a trust (excluding State Trustees Australia Foundation and Private Charitable Trusts).</p> <p>Includes Annual Financial Statements relating to the Trust.</p>	<p>Temporary</p> <p>Destroy 7 years after State Trustees ceases to manage the Trust.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
5.9.0	<p>All Other Trusts – Financial Input</p> <p>Routine financial transactions relating to a trust (excluding State Trustees Australia Foundation and Private Charitable Trusts) summarised in the Financial Summary (5.8.0 All Other Trusts – Financial Summary).</p> <p>Includes accounts received, Trust expenditure, etc.</p>	<p>Temporary</p> <p>Destroy 7 years after action complete.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
6.0.0	<p>ADMINISTRATOR SERVICES FOR REPRESENTED PERSONS</p> <p>The function State Trustees provides in relation to protecting the financial and legal interests of Victorians who are unable to manage their own affairs because of mental illness, injury or disability.</p> <p>These customers to whom State Trustees provides services are known as "Represented Persons".</p>		
6.1.0	<p>Case Management Summary Record</p> <p>Refers to report(s) generated from the State Trustees Management System that provides a summary of all current Client and Support Program cases.</p>	<p>Permanent</p> <p>Retain as State Archives.</p>	<p>Transfer hard copy or electronic copy to PROV when administrative use has concluded.</p> <p>Electronic records are to be transferred in VEO format.</p>
6.2.0	<p>Case Record - Establishment and Management</p> <p>The activities related to the establishment and ongoing management of the client by State Trustees.</p> <p>Includes the Authorisation for State Trustees to manage the client and his or her affairs, VCAT orders, court documents, etc.</p>	<p>Temporary</p> <p>Destroy 16 years after death of client, or State Trustees' services revoked.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

Retention & Disposal Authority			
CLASS NO.	DESCRIPTION	DISPOSAL ACTION	
		STATUS	CUSTODY
6.3.0	<p>Case Record - Financial Summary</p> <p>Summary of financial transactions relating to the client.</p> <p>Includes Annual Financial Statements pertaining to the client.</p>	<p>Temporary</p> <p>Destroy 16 years after death of client, or State Trustees' services revoked.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>
6.4.0	<p>Case Record - Financial Input</p> <p>Routine financial transactions relating to the client summarised in the Financial Summary records (6.3.0).</p> <p>Includes accounts received, client expenditure, etc.</p>	<p>Temporary</p> <p>Destroy 7 years after action complete.</p>	<p>Hold in agency or APROSS pending destruction.</p> <p>Electronic records should be maintained in readable format pending destruction.</p>

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