

28 April 2026

Our ref: [SS:MC]

Email: [policy@qls.com.au](mailto:policy@qls.com.au)

Dr James Popple  
Chief Executive Officer  
Law Council of Australia  
Level 1, MODE3  
24 Lonsdale Street  
BRADDON ACT 2612

By email: [REDACTED]

Dear Dr Popple

### **Retention and destruction of estate and estate planning records**

Thank you for the opportunity to provide feedback on proposed changes to clause 3.4 of the Best Practice Guide for Legal Practitioners in relation to Elder Financial Abuse (**Best Practice Guide**) and the retention and destruction of estate and estate planning records. The Queensland Law Society (**QLS**) appreciates being consulted on this issue.

QLS supports measures intended to clarify guidance to practitioners and provide additional guidance for identifying and responding to the risk of elder financial abuse.

In relation to the retention of documents, QLS has published Client Document Retention Guidance to our members,<sup>1</sup> which addresses the issues you have identified. Annexures A and B of the guidance set out our recommended retention periods for various documents.

QLS has taken the view that the retention period is a matter of judgment for each legal practice. Some practices may wish to retain documents for longer periods than we recommend for their own risk management purposes. This deferral to individual judgment was reflected in recent discussions by members of the Elder Law Committee, who had differing views and practices when retaining documents.

In our view, the guidance we have issued is sufficient for our members. We do not consider it necessary to develop formal minimum standards in a Legal Practice Rule or equivalent.

In relation to the proposed amendments to the Best Practice Guide, we suggest leaving out the reference to the Law Society of South Australia's recommended retention periods, as these

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<sup>1</sup> QLS, *Client Document Retention Guidance* (March 2024) <https://www.qls.com.au/content-collections/guides/document-retention-guide>

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periods may conflict with other State and Territory recommendations, which may confuse practitioners.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on [REDACTED] [REDACTED]

Yours faithfully



Peter Jolly  
**President**