



Responsible Public Authority : Prostitution Licensing Authority

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Scope of disposal schedule

This Schedule applies to the core business records of the Prostitution Licensing Authority, and covers the function of prostitution regulation in Queensland, including brothel licensing and registration, and advertising approvals for brothels and sole operators.

It also covers legacy records of the Prostitution Licensing Authority, including those relating to appeals submitted to the Independent Assessor.

This Schedule is to be used in conjunction with the *General Retention and Disposal Schedule for Administrative Records (GRDS)*.

References to repealed legislation within this Schedule may be taken to be a reference to current legislation if the context permits.

Authority

Authorisation for the disposal of public records is given under, and subject to, the provisions of s.13 of the *Public Records Act 2002* (the Act). Public records must not be disposed of if disposal would amount to a contravention of s.13.

Revocation of previously issued disposal authorities

Any previously issued disposal authority which applied to disposal classes described in this schedule are revoked. The agency responsible should take measures to withdraw revoked disposal authorities from circulation.



About this Schedule

All of the retention periods in this approved schedule are the minimum period for which the sentenced records must be maintained.

Additionally, any class may be required to be retained longer if subject to any of the following requirements:

- (i) for any civil or criminal court action which involves or may involve the State of Queensland or an agency of the State
- (ii) because the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- (iii) pursuant to the *Evidence Act 1977*, or
- (iv) for any other purpose required by law.

This list is not exhaustive.

Documents which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency viz-a-viz another legal entity and any document which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

Records which are subject to a Right to Information application are to be retained for a period greater than the time specified to ensure that all avenues for appeals for review under the legislation are exhausted, even though the records may be due for destruction according to this Schedule at the time of the application (see *General Retention and Disposal Schedule for Administrative Records*).

The following is a brief explanation of the layout of this Schedule and key terms used. For further information on how to apply this Schedule please refer to the *Guideline for the Implementation of Retention and Disposal Schedules*, available from the Queensland State Archives' website.



Example

Reference	Description of records	Status	Disposal Action
1.1.1	Advertising approvals Records relating to the authorisation of prostitution advertisements for publication in Queensland, in accordance with s.93 of the <i>Prostitution Act 1999</i> .	Temporary	Retain for 15 years after approval.

- Reference:** Indicates the function, activity or class number, for example 1.1.1.
- ‘Function’ – Functions represent the major responsibilities that are managed by an agency to fulfil its goals. Functions are high-level aggregates of the agency’s activities.
 - ‘Activity’ – The major tasks performed by an organisation to accomplish each of its functions. An activity should be based on a cohesive grouping of transactions producing a singular outcome.
- Description of records:** Describes the record class, indicating which records it covers for sentencing.
- Status:** All classes of public records have a temporary or permanent retention status. Permanent denotes records that should be retained forever while temporary denotes records that can be destroyed under the authority of the Schedule.
- Disposal Action:** Indicates the minimum period for which the records must be retained before authorised disposal can occur. Possible disposal actions include:
- ‘Retain permanently’ refers to records which should be transferred to Queensland State Archives once they are no longer required for business purposes.
 - ‘Retain permanently by agency’ refers to records that have been determined by Queensland State Archives to be temporary but, at the request of the agency, are retained permanently by the agency.



They are not eligible for transfer to Queensland State Archives unless re-appraised and assigned a 'Retain permanently' disposal action.

- 'Retain for X years after ...' refers to the minimum period for which the records must be retained before final disposal. The retention period commences once the disposal trigger has occurred.
- 'Retain until reference ceases/administrative use ceases' means retain until the record is no longer required to carry out the agency's functions or as information to support the agency's business activities.

Transfer of public records to Queensland State Archives

Records covered by a class with the disposal action of 'Retain permanently' should be transferred to Queensland State Archives with the approval of the State Archivist. Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records.

Further details are available from the Guideline *Transferring Public Records to Queensland State Archives* (available from <http://www.archives.qld.gov.au/Recordkeeping/Transfer/Pages/Default.aspx>), or contact Agency Services at Queensland State Archives on (07) 3131 7777.



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1. PROSTITUTION REGULATION

The function of regulating the prostitution industry in Queensland in accordance with the Prostitution Act 1999.

Reference	Description of records	Status	Disposal Action
1.1	<p>ADVERTISING APPROVALS</p> <p><i>The activity of approving the publication of certain prostitution advertisements in Queensland, as required by the Guidelines about the Approved Form for Advertisements for Prostitution.</i></p> <p><i>See section 2.1 for legacy records relating to advertising approvals issued to sole-operators and brothels.</i></p>		
1.1.1	<p>Approved applications</p> <p>Records relating to the approval of certain prostitution advertisements for publication in Queensland, in accordance with s.93 of the <i>Prostitution Act 1999</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications• copies of advertisements including websites, newspaper and magazine adverts and business cards• decisions.	Temporary	Retain for 15 years after approval.



Reference	Description of records	Status	Disposal Action
1.1.2	<p><i>Refused applications</i></p> <p>Records relating to the refusal of applications for prostitution advertisements for publication in Queensland.</p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to judicial review.</i></p>	Temporary	Retain for 2 years after refusal of application.
1.2	<p>COMPLIANCE</p> <p><i>The activity of inspecting and auditing brothel owners and managers for compliance with the Prostitution Act 1999.</i></p>		
1.2.1	<p>Records relating to the monitoring of Queensland brothels for compliance with the <i>Prostitution Act 1999</i>, including inspections and audits.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• inspection and audit reports• authorisations for police entry into brothel premises.	Temporary	Retain for 10 years after cessation of trading.
1.3	<p>DECLARATIONS</p> <p><i>The activity of declaring premises as a prohibited brothel.</i></p>		



Reference	Description of records	Status	Disposal Action
1.3.1	<p><i>Prohibited brothels</i></p> <p>Records relating to the declaration of premises as a prohibited brothel, in accordance with s.65 of the <i>Prostitution Act 1999</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications to Magistrates Court• notices• copies of declarations.	Temporary	Retain for 5 years after the expiry or cancellation of the declaration.
1.4	<p>DEVELOPMENT APPLICATIONS</p> <p><i>The activity of a local government approving premises to operate as a brothel.</i></p>		
1.4.1	<p>Records relating to development applications for a material change of use of premises as a brothel provided to the Prostitution Licensing Authority by the relevant local government, in accordance with s.63B of the <i>Prostitution Act 1999</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• copies of development applications• notices of assessment under the <i>Sustainable Planning Act 2009</i>• decision notices.	Temporary	Retain until reference ceases.



Reference	Description of records	Status	Disposal Action
1.5	<p>LIAISON</p> <p><i>The activity of liaising with external agencies and organisations on matters relating to prostitution in Queensland and Australia.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to committees and meetings.</i></p>		
1.5.1	<p>External agencies</p> <p>Records relating to liaison with external agencies and organisations on matters affecting prostitution in Queensland and Australia.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• correspondence• submissions.	Permanent	Retain permanently.
1.6	<p>LICENSING</p> <p><i>The activity of authorising the operation and management of brothels in Queensland by issuing brothel licences and manager's certificates.</i></p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for financial records relating to the payment of licensing fees.</i></p>		



Reference	Description of records	Status	Disposal Action
1.6.1	<p>Brothel licences</p> <p>Records relating to the licensing of brothels in Queensland in accordance with s.10 of the <i>Prostitution Act 1999</i>.</p> <p>Includes all records relating to the approval, cancellation, amendment, suspension, surrender and renewal of brothel licences.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications• background, referee and probity checks• Queensland Police Service reports• decision notices• investigations• referrals.	Permanent	Retain permanently.



Reference	Description of records	Status	Disposal Action
1.6.2	<p><i>Manager's certificates</i></p> <p>Records relating to the certification of brothel managers in accordance with s.35 of the <i>Prostitution Act 1999</i>.</p> <p>Includes all records relating to the approval, cancellation, amendment, suspension, surrender and renewal of manager's certificates.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications• background, referee and probity checks• Queensland Police Service reports• decision notices• investigations• referrals.	Temporary	Retain for 6 years after the expiry, cancellation or surrender of the certificate.



Reference	Description of records	Status	Disposal Action
1.6.3	<p><i>Refused applications</i></p> <p>Records relating to the refusal of applications for a brothel licence or manager's certificate.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• application• background, referee and probity checks• Queensland Police Service reports• decision notices• referrals.	Temporary	Retain for 3 years after finalisation of any appeals process.
1.6.4	<p><i>Withdrawn applications</i></p> <p>Records relating to the withdrawal of applications for a brothel licence or manager's certificate.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications• background, referee and probity checks• Queensland Police Service reports• referrals.	Temporary	Retain for 2 years after withdrawal of application.



Reference	Description of records	Status	Disposal Action
1.7	REGISTRATION <i>The activity of registering brothel licences and manager's certificates issued by the Prostitution Licensing Authority.</i>		
1.7.1	Register of brothel licences and manager's certificates Register of brothel licences and manager's certificates kept in accordance with s.111 of the <i>Prostitution Act 1999</i> . Information includes: <ul style="list-style-type: none">• names of licence or certificate holders• granting, renewal, surrender, suspension or cancellation of licence or certificate• address of premises where licensed brothel can operate• address of premises where manager can operate• authorisations for police entry into brothel premises.	Permanent	Retain permanently.



2. LEGACY RECORDS

This section covers legacy records which are no longer created by the Prostitution Licensing Authority. Please contact Queensland State Archives regarding any other legacy records not listed below.

Reference	Description of records	Date Range	Status	Disposal Action
2.1	ADVERTISING APPROVALS <i>The activity of authorising the publication of advertisements by sole operators (sex workers) or brothels in Queensland. See Section 1.1 for current records relating to the authorisation of prostitution advertisements in Queensland.</i>			
2.1.1	Sole operators Legacy records relating to the authorisation of advertisements for publication in Queensland for sole operators in accordance with s.93 of the Prostitution Act 1999. Records may include, but are not limited to: <ul style="list-style-type: none">• applications• copies of advertisements including websites, newspaper and magazine adverts and business cards• decisions.	2000 – 2008	Temporary	Retain for 15 years after approval.



Reference	Description of records	Date Range	Status	Disposal Action
2.1.2	<p>Queensland brothels</p> <p>Legacy records relating to the authorisation of advertisements for publication in Queensland for Queensland brothels, in accordance with s.93 of the <i>Prostitution Act 1999</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• applications• copies of advertisements including websites, newspaper and magazine adverts and business cards• decisions.	2000 – 2008	Temporary	Retain for 5 years after trading name changes.
2.1.3	<p>Interstate brothels</p> <p>Legacy records relating to the authorisation of advertisements for publication in Queensland for interstate brothels, in accordance with s.93 of the <i>Prostitution Act 1999</i>.</p> <p>Records may include but are not limited to:</p> <ul style="list-style-type: none">• applications• copies of advertisements including websites, newspaper and magazine adverts and business cards• decisions.	2000 – 2008	Temporary	Retain for 5 years after last action.



Reference	Description of records	Date Range	Status	Disposal Action
2.1.4	<p>Refused applications</p> <p>Legacy records relating to the refusal of applications for advertisements for publication in Queensland for sole operators and Queensland and interstate brothels.</p> <p><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to judicial review.</i></p>	2000 – 2008	Temporary	Retain for 2 years after refusal of application.
2.2	<p>APPEALS</p> <p><i>The activity of deciding appeals submitted to the Independent Assessor.</i></p>			
2.2.1	<p>Assessment decisions</p> <p>Legacy records relating to appeals against the decision of an assessment manager for a material change of use of premises for a licensed brothel, submitted to the Independent Assessor in accordance with s.64K of the <i>Prostitution Act 1999</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• copies of development applications• submissions• notices• decisions.	2001 – 2009	Permanent	Retain permanently.