

***Cognate Debate - Information Privacy and Other Legislation
Amendment Bill 2023 and Public Records Bill 2023 – Sandy
Bolton, MP for Noosa***

Thank you, Mr Speaker.

This cognate debate addresses two Bills, the Information Privacy and Other Legislation Amendment and the Public Records Bills 2023.

The first makes a range of amendments to, primarily, the Right to Information Act 2009, with the major one, changes needed to introduce the Government's recent policy of the "proactive release scheme" to release cabinet documents shortly after they are tabled in Cabinet, which was one of the Coaldrake Report recommendations.

The Bill also implements recommendations from a number of other reports – the Review of the Right to Information Act 2009 and Information Privacy Act 2009 tabled in 2017, six years ago, the Crime and Corruption Commission (CCC)'s report Operation Impala, A Report On Misuse Of Confidential Information In The Queensland Public Sector, from three years ago, the CCCs report Culture and Corruption Risks in Local Government: Lessons from an investigation into Ipswich City Council, from five year ago, and the Strategic Review of the Office of the Information Commissioner from six years ago. Clearly this bill has been a long time in the making.

Another key reform is a new single set of privacy principles, replacing the old separate privacy principles and information principles broadly based on the Australian Privacy Principles in the Commonwealth Privacy Act 1998, and adapted for Queensland.

It also establishes a mandatory data breach notification scheme which was also recommended by Professor Coaldrake. This addresses data breaches from malicious action, failure of systems or human action and then mandates Government agencies to notify individuals of these breaches so that are able to take steps to reduce the risk of harm. So basically, notifying the public when Departments and agencies are hacked.

Stakeholders did raise issues, with the Local Government Association of Queensland (LGAQ) advocating for the privacy scheme to be carefully considered in the local government context, including the limited resources available to councils, and that funding would need to be provided to them. The Departments response highlighted that there will be a transition period for the mandatory data breach notification for local government until 1 July 2026 which will provide local governments additional time to prepare for commencement. A Statement of Reservation shared these concerns, especially for smaller regional, remote and First Nations Councils, to properly fulfill their obligations as outlined in the legislation.

Privacy is a central concern for Queenslanders, and who can forget the large data breach last year that impacted nearly 10 million current and former customers of Optus.

It is imperative that the personal information we knowingly provide to Government and private businesses as part of our daily life is protected and kept private. Of equal or greater concern is when our private information is unknowingly obtained or shared, and ongoing complaints from Queenslanders regarding unsolicited emails or robocalls and polls from unknown sources raise many questions.

Governments need to act to ensure our privacy is protected and Government should be a leader and exemplar on this front.

Hence why for three years I have raised the issue of how parties and MPs use the mailing out of postal ballot requests to residents to obtain information, via Reply Paid envelopes that go firstly to a party or MP's mailbox address, prior to being forwarded on to the Electoral Commission. This directly impacts Queenslanders' privacy, and to not legislate that reply paid envelopes indicate who the Reply-Paid address belongs to, is subversive and makes no sense.

Queenslanders deserve to know what is happening to their private information and how it is being used, so they can make a choice whether to readdress their request to the Electoral Commission.

That is just one example, there are more!

This second Bill introduces a completely new Public Records Bill 2023 which replaces the old Public Records Act from 2002. Given that the old Act was passed 20 years ago, it is appropriate to update as back then we didn't have iPhones or Androids, the internet was much simpler, and most transactions and notifications were still done on paper.

We now work very much online, with a variety on new electronic transactions and communications.

A review of the Public Records Act was undertaken by retired Supreme Court Justice, the Hon. John Byrne, supported by a team of experienced subject matter experts, and was released in February 2023. This Bill responds to the 25 recommendations of that report, which covered mundane but important issues such as the definition of a record, regulatory effectiveness, digital transformation and information practices.

Another key aspect is that it recognises the importance of record keeping for Aboriginal and Torres Strait Islander people, providing for representation on the Public Records Review Committee, which gives advice to the Minister, and the creation of a new First Nations advisory group to advise the State Archivist.

The Committee in its report recommendations highlighted the need to work clearly towards establishing Indigenous Data Sovereignty.

A Statement of Reservation highlighted that integrity of public records is a vital part of democracy, including the need for independence for the State Archivist, noting that in a submission to the Committee Inquiry, the Australian Society of Archivists supported more independence for the Queensland Archives.

In closing, thank you to both Ministers and all departments, the committees and their secretariats, and all who submitted to the inquiry.