

~~The Right to Information Bill recognises the information rights of Queenslanders. This bill, and the broader package of policy reforms that my government is rolling out with it, will make Queensland the most open and accountable government in Australia.~~

~~Debate, on motion of Mr Langbroek, adjourned.~~

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INFORMATION PRIVACY BILL

First Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.40 pm): I present a bill for an act to provide safeguards for the handling of personal information in the public sector environment, and to allow access to and amendment of personal information. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Information Privacy Bill.

Tabled paper: Information Privacy Bill, explanatory notes.

Second Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.40 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Information Privacy Bill 2009. This is Queensland's first privacy legislation. This is a bill to provide safeguards for the handling of personal information held in the public sector environment and provides a mechanism for people to access and amend their personal information.

Governments hold information about many personal aspects of people's lives. For example, governments may hold people's personal health records, adoption information or identity information such as driving licences. The government has an obligation to ensure that this information is appropriately managed and the public's privacy is protected.

The Information Privacy Bill codifies the existing administrative privacy regime and replaces provisions of the existing Freedom of Information Act that deal with applications to access and amend personal information. The bill is designed to work in parallel with the Right to Information Bill 2009 which I have just introduced. My government has developed the two bills to implement the recommendations of the independent review of Queensland's Freedom of Information Act led by Dr David Solomon.

Along with the Right to Information Bill, an exposure draft of the Information Privacy Bill was released in December 2008 for public consultation for almost four months. A large number of submissions from a range of external stakeholders contributed to the development of the two bills.

The Information Privacy Bill recognises the importance of protecting individuals' personal information through appropriate safeguards. It establishes how public sector agencies are to deal with personal information by setting out the information privacy principles to which agencies must adhere. The bill extends the application of the information privacy principles to service providers contracted by government by requiring agencies to contractually bind service providers dealing with personal information.

Ministers and parliamentary secretaries will be required to adhere to the information privacy principles in relation to actions they take in their ministerial capacity. This means that personal information held by ministers will be subject to the same degree of protection as personal information held by public sector agencies. Parliamentary committees and members of parliament generally will continue to be exempt from the bill. This is consistent with other jurisdictions and ensures that the bill does not infringe on the privileges of the institution of parliament.

The bill will also apply to local government. To allow time for local governments to implement the requirements of the Information Privacy Bill, there will be a transition period of one year before the privacy principles will apply to local government.

The bill creates a new process to allow people to complain to the Information Commissioner if they believe that an agency has breached the privacy principles in relation to their own personal information. The new Queensland Civil and Administrative Tribunal will hear any complaints that the Information Commissioner is unable to successfully mediate. If the tribunal is satisfied that the complaint

has been substantiated, it may order up to \$100,000 to compensate an individual for loss or damage as a result of the breach.

The commencement of the privacy complaints function, however, will be delayed until the tribunal begins operating, which is expected to be in December this year. This will provide a transition period for agencies and allow the Information Commissioner to undertake training and awareness programs and set up processes for dealing with privacy complaints.

The bill gives Queenslanders a legislative right to access and amend their personal information. In putting information privacy into law for the first time and establishing a Privacy Commissioner, my government is ensuring that individuals' personal information is appropriately protected. Including this access and amendment function in separate privacy legislation was a key Solomon report recommendation, which the government has supported.

The operation of the access and amendment provisions of the bill will be monitored during the implementation phase and as part of the mandated two-year review of the operation of both acts. I am confident that the Information Privacy Bill and Right to Information Bill together will strike the right balance between promoting maximum disclosure of government information and protecting the privacy of its citizens.

Debate, on motion of Mr Langbroek, adjourned.

~~PARLIAMENT OF QUEENSLAND AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 23 April (see p. 171), on motion of Ms Bligh~~

~~That the bill be now read a second time.~~

~~**Mr LANGBROEK** (Surfers Paradise—LNP) (Leader of the Opposition) (2.45 pm): I rise to speak to the Parliament of Queensland Amendment Bill 2009 which amends the Parliament of Queensland Act 2001. This bill is about government accountability. Accountability is one of the core principles of the Liberal National Party, yet it is a concept that seems to elude the members opposite. Nowhere is this more evident than in this bill that seeks to reform the existing committee structure. I say at the outset that we will be supporting this bill but we have significant reservations. It gets our reserved support.~~

~~I will not address the details of the previous bill that the Premier has brought in in relation to FOI, but I note that the Premier spoke about having received expert advice, that there was careful consultation and reviews and that all government departments were spoken to before bringing in the FOI changes, and yet there has not been that type of consultation regarding changes to this committee structure. That is a concern that the Liberal National Party has about the role of the executive in terms of coming to this parliament and controlling the parliament.~~

~~I note from the explanatory notes because it was a very short second reading speech from the Premier that, according to the government, the proposed changes to the structure of the parliamentary committee system are designed to create a committee system more focused on developing best practice policy and legislative solutions to issues facing Queenslanders while maintaining the necessary oversight role that parliamentary committees provide. It will align more closely with the current departmental arrangements and the priorities of the government. The bill will result in the parliament having six statutory committees.~~

~~The bill will amend the Parliament of Queensland Act 2001 to create a Law, Justice and Safety Committee in place of LCARC and amalgamate the Public Accounts Committee and the Public Works Committee and their functions to form the Public Accounts and Public Works Committee. The functions of the Members' Ethics and Parliamentary Privileges Committee, the Scrutiny of Legislation Committee, the Standing Orders Committee and the Parliamentary Crime and Misconduct Committee will remain unchanged under the bill.~~

~~The Law, Justice and Safety Committee will be a statutory committee as it will take on the legislative functions of LCARC. However, it is proposed that additional policy functions of a parliamentary committee will be conferred on the committee by resolution, as with the other parliamentary committees. The policy functions will cover an area regarding law, justice and safety that is referred to the committee by the Legislative Assembly. To complement the statutory committees it is proposed to establish three parliamentary committees to consider policy issues relevant to the portfolio areas of Economic Development, Environment and Resources, and Social Development.~~

~~A resolution of the parliament will be required to add parliamentary committee functions to the Law, Justice and Safety Committee in addition to the functions currently held by LCARC and establish and confer functions and powers on three parliamentary committees, namely the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee.~~