

Public Records Bill 2023

Explanatory Notes

Short title

The short title of the Bill is the Public Records Bill 2023.

Amendment objectives and the reasons for them

The amendments will make three minor corrections to the Bill.

The long title of the Bill is ‘A Bill for An Act about making, managing and accessing public records and continuing the role of the State Archivist and the Office of State Archives, to repeal the *Public Records Act 2002*, and to amend this Act and the legislation mentioned in schedules 4 and 5 for particular purposes’. A minor correction to change ‘the Office of State Archives’ is required to reflect the name of the relevant institution.

The amendment will correct the reference by amending clause 106 to replace ‘Office of State Archives’ with ‘office of the Queensland State Archives’.

Schedule 5 makes consequential amendments to update references in various legislation from ‘*Public Records Act 2002*’ to ‘*Public Records Act 2023*’. These consequential amendments include changes to section 191(2) in the *Information Privacy Act 2009* (clause 5) and section 182(2) in the *Right to Information Act 2009* (clause 10) to replace in both Acts from ‘under’ to ‘*Public Records Act 2002*’ with ‘as permitted under the repealed *Libraries Act 1988*...’.

The amendment will remove the reference to ‘repealed’ in front of the ‘*Libraries Act 1988*’ because that Act has not been repealed.

The objective of the amendments is to make these three minor corrections.

Achievement of objectives

The policy objectives are achieved by:

- Making a minor amendment to clause 106 of the Bill, which amends section 106 of the Bill, to replace the words ‘Office of State Archives’ with ‘office of the Queensland State Archives’; and
- Making minor amendments to schedule 5 of the Bill, which makes consequential amendments to section 191(2) in the *Information Privacy Act 2009* and section 182(2) in the *Right to Information Act 2009*, to remove the word ‘repealed’ in front of ‘*Libraries Act 1988*’.

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives other than by legislative amendment.

Estimated cost for government implementation

There are no costs associated with the amendments.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles in the *Legislative Standards Act 1992*.

Consultation

Given the minor nature of the amendments, consultation was not required.

Consistency with legislation of other jurisdictions

As the amendments are minor, it is not necessary to consider their consistency with legislation in other jurisdictions.

Notes on provisions

Amendment 1

Clause 106 provides for the amendment of the long title of the Act. The long title of the Bill includes reference to ‘Office of State Archives’.

The amendment will correct this by amending clause 106 to amend the Long Title to replace ‘Office of State Archives’ with ‘office of the Queensland State Archives’.

Amendment 2

Schedule 5 provides for consequential amendments to update other references to the *Public Records Act 2002* within other legislation. These consequential amendments include changes to section 191(2) in the *Information Privacy Act 2009* and section 182(2) in the *Right to Information Act 2009* to replace in both Acts from ‘under’ to ‘*Public Records Act 2002*’ with ‘as permitted under the *Libraries Act 1988*...’.