EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

Members present:
Ms KE Richards MP—Chair
Mr JP Lister MP
Mr MA Boothman MP
Mr N Dametto MP
Mr BL O'Rourke MP
Mr JA Sullivan MP

Staff present:
Mr R Hansen—Committee Secretary
Ms H Koorockin—Committee Support Officer

PUBLIC BRIEFING—INQUIRY INTO THE INFORMATION PRIVACY AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 13 November 2023

Brisbane

MONDAY, 13 NOVEMBER 2023

The committee met at 11.59 am.

ALLEN, Ms Kathryn, Principal Legal Officer, Department of Justice and Attorney-General

EISEMANN, Ms Joanna, Principal Legal Officer, Department of Justice and Attorney-General

HAILSTONES, Ms Alexis, Principal Legal Officer, Department of Justice and Attorney-General

LLOYD-JONES, Mr Rob, Director, Department of the Premier and Cabinet

ROBERTSON, Mrs Leanne, Assistant Director-General, Department of Justice and Attorney-General

TUBOLEC, Ms Melinda, Acting Director, Department of Justice and Attorney-General

WELCH, Ms Rachel, Executive Director, Department of the Premier and Cabinet

CHAIR: I declare this briefing open. I welcome representatives from the Department of Justice and Attorney-General and the Department of the Premier and Cabinet. Before I turn to questions from the committee, would anyone like to respond to any of the points made by earlier witnesses today in the hearing?

Mrs Robertson: Thank you, Chair. Before I make some comments in relation to the feedback this morning, I would like to acknowledge the traditional custodians of the land on which we meet and pay my respects to elders past, present and emerging.

In my comments I will focus on some of the feedback we got from the submissions and the some of the comments this morning. Some of the submissions highlighted the issue about the interface with the Commonwealth Privacy Act review and the interaction of the reforms in the bill with the Commonwealth government's response to the Privacy Act review and any resulting legislative amendments that may arise to the Commonwealth legislation. We in DJAG understand that the next stage of work in the Commonwealth Privacy Act review will involve the development of legislative amendments informed by a detailed impact analysis and targeted consultation with stakeholders. It is understood that the Commonwealth intends to introduce legislation in 2024. That information is actually available on the Commonwealth Attorney-General Department's website.

The bill before the committee does provide an increase in privacy protections for Queenslanders and moves towards the Commonwealth government's privacy framework as it stands. Any further changes—once the Commonwealth government makes amendments to its legislation—would be a matter for government at that point in time. Not all the reforms in the Commonwealth sphere will of course be appropriate for Queensland. The reforms in this bill have aligned as much as possible with the Commonwealth legislation as it exists now, but with some departures to accommodate Queensland nuances.

Some of the submitters this morning, including the Information Commissioner, raised issues around the Information Commissioner's powers and recommended consideration of a broader expansion of powers in a number of areas. The Information Commissioner's powers in the bill are commensurate with the nature of the Information Commissioner's functions, noting the Information Commissioner's functions are not quite the same as the Office of the Australian Information Commissioner. The powers in this bill before the committee intend to strike an appropriate balance between the coercive nature of the powers and the rights and liberties of individuals and maintain appropriate safeguards to ensure that confidential or privileged information is not unnecessarily provided. We understand that the Office of the Information Commissioner has also suggested amendments to section 135 of the Queensland Information Privacy Act to ensure that the functions

of the Information Commissioner clearly include functions related to the new mandatory data breach notification scheme under the bill. The department's written response to that submission indicated that we are giving that matter further consideration.

It should be noted that the powers of the Information Commissioner under the Queensland Information Privacy Act are directly connected to the functions stipulated in section 135. Therefore, an expansion or clarity in respect of section 135 would have to have corresponding expansion or clarity in respect of the powers. The issue of resourcing came up this morning and in written submissions, in particular from the Office of the Information Commissioner. As indicated in the explanatory notes for the bill, the Office of the Information Commissioner has been allocated by government $11.465 million over four years and $2.563 million ongoing through the state budget 2023-24 for operational implementation, development of an ICT solution and training and awareness activities. This is intended to support the OIC in its statutory responsibilities to provide education, training and guidance in relation to the RTI Act and the IP Act and its new regulatory and statutory functions, including the oversight of the mandatory data breach notification scheme. Resourcing of the OIC to undertake education and training will assist agencies and entities to implement the reforms.

We note that the Local Government Association of Queensland also expressed concerns about the impact of the reforms on local governments, particularly smaller councils and regional and remote communities. As has been indicated previously, it is currently proposed to commence the information privacy reforms on 1 July 2025. Phased commencement, including a 12-month delay to implement the mandatory data breach notification scheme for local government, will provide a longer period for councils to transition to the new mandatory data breach notification scheme and mitigate the immediate resourcing impact of needing to implement the mandatory data breach notification scheme at the same time as any other reforms.

The LGAQ raised in its written submission—and I understand early today—that one of its key concerns is that the bill extends the mandatory data breach notification scheme to contractors. I would just like to clarify that the bill does not do this. The mandatory data breach notification scheme only applies to agencies. Just to clarify: the LGAQ was previously consulted on the proposal to extend those obligations to contractors, but the proposal is not included in the bill before the committee due to concerns raised by stakeholders, including the LGAQ.

CHAIR: We tried to bring that to their attention, but Ms Smith had not an opportunity to read the response. Hopefully once she has had a bit more time to digest and consider that she will see that that should not be a concern.

Mrs Robertson: I have one final point in respect of the amendments in relation to letters patent, which was raised by the Queensland Human Rights Commission in its written submission and also, I understand, before the committee earlier this morning. Basically, their comments were around the amendments removing organisations established under letters patent from the definition of 'public authority' under the RTI Act and the impact on personal and cultural information about First Nations people. DJAG notes that the purpose of the RTI Act is provide a right of access to information in the government's possession or the government's control. While letters patent organisations are established by the Governor in Council, the department understands that those entities were not intended to be captured by the right to information framework. To the extent that letters patent organisations hold information about First Nations people, it would be open to those organisations to provide voluntary access to any records they may hold, including to assist with the Path to Treaty and truth-telling inquiry.

We note that the Path to Treaty Act 2023 provides that the Truth-telling and Healing Inquiry has limited compulsion powers directed towards the participation of and production of information or documents from government agencies only. This model intends to encourage voluntary participation and sharing of histories, stories, experience and truths from Aboriginal and Torres Strait Islander peoples and non-Indigenous Queenslanders alike. DJAG also notes from the explanatory notes to the amendments moved during consideration in detail of the Path to Treaty Bill 2023 that clause 87A was included in the Path to Treaty Act 2023 to provide for a review—

within 12 months after—

the commencement of the Truth-telling and Healing Inquiry—

to ensure the powers of the inquiry continue to support the effective gathering of information that reveals the full impact of colonisation on First Nations people of Queensland.

That is a quote from the minister's amendments in consideration in detail at the time. That is a broad overview of some of the issues that we have heard in the written submissions and more recently this morning, but, of course, we are open to questions.

CHAIR: Terrific. Thank you very much, Mrs Robertson.

Mr LISTER: Thank you very much, everyone, for appearing today. Mrs Robertson, it was interesting that you spoke about the exemption of contractors and the concerns that the Local Government Association of Queensland had. I take it that an agency that is bound by the framework proposed here could outsource to a contractor some of their obligations and therefore would slip under the radar or not be accountable? I am sure the answer is no, but, if you could it explain it to me, that would be great.

Ms Tubolec: It is possible for agencies to subcontract or put obligations on their subcontractors to report, but not to contract out and obviate that obligation at law. A contract cannot subvert a legislative requirement. Obviously, there is a way for agencies to ensure that their contractors notify them whenever a data breach occurs, and those requirements can be imposed in the terms of the contracts. That currently is the case in New South Wales. The New South Wales bill, which introduced a mandatory data breach notification scheme, commences very soon. They only imposed the obligation on departments and agencies in the same way that we have in this bill. The extension of that to contractors is done by way of contractual terms on a case-by-case basis. It is up to agencies to decide whether to impose that on a discretionary basis, relative to the capability and whatever their terms of the contract are. That is definitely the practice in New South Wales. It is not seen to be an undermining or a redaction from the obligations that exist at law on the agency; it is more to complement it and to make sure that, when information is breached by a contractor, the agency then knows about it. It is complementary and not undermining.

Mr SULLIVAN: In other words, agencies, councils or the state government can outsource work but it does not outsource responsibilities to report?

Ms Tubolec: Absolutely.

Mr LISTER: Allowing for that fact, how then would the LGAQ be satisfied given that its concern was that contractors would be roped in and that would imply additional actions, activities and costs, particularly to small councils?

Ms Tubolec: The LGAQ's concerns were that they thought that the bill imposed a statutory requirement at law for contractors to conduct an assessment whenever a data breach occurs and to notify the OIC whenever an assessment occurs via the agency in certain circumstances. Their concerns were based on the extra work that agencies—the councils—would need to do in doing due diligence on the contractors when negotiating contracts. Their concerns were based on the imbalance of bargaining power between the contractors and the state and so on. Their concerns were fundamentally about the arrangements in an earlier version of a proposal that they saw that would cause fundamental problems with the way that contracting relationships occur and that that would not work in the mandatory notification of data breach scheme. They obviously have missed that that change has come out of the bill. Hopefully, through this process and through us providing clarity that they can see now that that is not there. I do not think their concerns are that what is in the bill would cause complications for contractors; it is more what they thought was in there could cause that complication.

Mr BOOTHMAN: At the moment, if there is a data breach in a council is that council required to lodge information with the Office of the Australian Information Commissioner?

Ms Tubolec: No. You can correct me if I am wrong, but at the moment there is no mandatory reporting requirement in Queensland law. That is what this bill seeks to introduce for any of our Queensland government agencies, statutory bodies or local governments. The Commonwealth Privacy Act applies to a different cohort of agencies. There are Commonwealth government departments and agencies that are regulated by the Commonwealth Privacy Act as well as private entities. Generally, businesses that earn over $3 million per annum are subject to the notification regime of the Commonwealth. Local governments are not subject to the Commonwealth Privacy Act, and that is why it is important to bring them into this bill because they are not currently covered.

Mr BOOTHMAN: With the future changes that Mrs Robertson was talking about, is the federal government also looking at including those entities such as local governments?

Ms Tubolec: No, the Commonwealth Privacy Act review has not been looking at expanding the scope to cover state entities. That is the remit of the states and they have not been looking at crossing that over. They have been looking at expanding the cohort of people otherwise who are covered by the Commonwealth Privacy Act, and that would generally be small businesses they have been investigating. Those businesses that earn under $3 million in turnover have been one of the primary focuses of the Commonwealth Privacy Act review. It was accepted in principle in the

Commonwealth government response to the final review report, but it is still subject to some regulatory impact analysis given it would have a very significant impact on businesses. They have indicated that they would need to do some specific tweaks to the application of the provisions as they would apply to small businesses that may not be able to comply with such robust requirements. No, the Commonwealth has not envisaged expanding the Commonwealth Privacy Act to apply to local governments here in Queensland.

Ms Hailstones: To the extent that local government holds tax file number information, I understand they are separately subject to the Commonwealth Privacy Act reporting obligations for mandatory data breaches, as are other organisations that hold tax file number information.

Mr BOOTHMAN: Would those contractors who are working for councils be included in what the federal government is proposing? They could be classed as a small business.

Ms Tubolec: They would be where they contract with a Commonwealth agency, but the Commonwealth Privacy Act has a specific exclusion to say that a breach under the Commonwealth Privacy Act does not occur where it is done in accordance with a contract with a state agency, so the answer is no.

Mr DAMETTO: I would like to thank the panel for addressing the committee today. My question is probably a two-part question with regard to the practicality of the proposed legislation. Firstly, if there is a data breach and it is recorded and then reported by one of our local councils, what practically happens next after that? What follows from that? The second part to my question is if there is noncompliance by local government with the legislation, what then practically happens after that? Is there help for the local government to bring their standard up? How does the department envisage that interaction?

Ms Tubolec: I might get Joanna to answer that question, but if I can just take this opportunity to talk about the mandatory data breach notification scheme and distinguish cybersecurity from privacy protection, which is one of the important things that one of the earlier submitters raised. The bill has two key areas of reform: it improves privacy protections so that agencies must ensure they protect individuals' personal information. That is more about active steps that you take about how you handle it; it is not specifically about buying a new IT system or getting cybersecurity expertise. The reforms in the bill are separate to that. They are about management of the information. Obviously, government records are increasingly held in electronic form so it is inevitable those concepts will conflate. There is an important distinction in that this bill is not strictly about cybersecurity. That means that when we are thinking about impacts on local government—and we heard earlier about expertise and so on to implement these reforms—you do not necessarily need a cybersecurity expert to implement all of these reforms.

The other area of reform in the bill is the mandatory data breach notification scheme. Privacy breaches can occur in all sorts of ways. They can be very simple breaches; for example, as the Information Commissioner mentioned earlier, an email sent to the wrong person. It is not necessarily the grand hacking incident we always see in the media. There is a big scale of privacy breaches. The notification scheme that we have in this bill is about systems and processes to respond when a breach occurs. It is not necessarily about ICT solutions to manage those; it is about how to recognise when something has happened, containing the breach—taking active steps to deal with it—and then notifying individuals so they are empowered to protect themselves. Through those processes the agencies will naturally improve their systems and processes. The main thing we want to reflect on after hearing today's evidence is that, yes, cybersecurity is important, but it is not the only impost here. It goes back to what Mrs Robertson was saying earlier about the help that the OIC will provide in supporting agencies. It will be very practicable to help them prepare for this and set up response plans, set up guidelines and processes and how to internalise that and set up systems to manage things and not necessarily about the procurement of systems.

CHAIR: It is more governance.

Ms Tubolec: Governance; that is right. That is a really good word. I wanted to add that in before Joanna talks about how the scheme will work.

Ms Eisemann: The mandatory data breach notification scheme involves three key steps: first, to contain the breach. If the agency reasonably suspects that a data breach is an eligible data breach which meets particular thresholds, they must take reasonable steps to contain the data breach and then mitigate the harm caused by the data breach in the event that involves multiple agencies giving notice to the other agencies involved. The second step is around assessment. Agencies must assess whether there are reasonable grounds to believe the data breach is an eligible data breach of the agency and it must be completed within 30 days after the suspicion was formed. Thirdly, where the

agency reasonably believes there has been an eligible data breach they are required to notify the Information Commissioner and then notify individuals as soon as practicable unless an exemption applies.

Mr SULLIVAN: To follow on from Ms Tubolec's comments in terms of the signalling that it gives, it is not just about cybersecurity breaches. I am sure your team was listening to our earlier witnesses this morning. They spoke about the culture change, the signalling of seniority and leadership, the network that is already in existence, that sort of thing. Can you comment any more on that in terms of the purpose of this bill in terms of sending that signal in terms of privacy importance?

Ms Tubolec: The bill does represent an uplift in privacy protections, both through the new privacy principles introduced and the mandatory data breach notification scheme. That way it holds agencies to a higher standard more closely aligned with what is expected of Commonwealth government agencies to provide consistency. Through the reforms in the bill, agencies will obviously have a long lead time. We recognise it is a pretty big change. That is why there is an intended proclamation date of 1 July 2025 to establish these pretty significant reforms to improve protections for Queenslanders for the protection of personal information. The bill contains a range of measures to help agencies get ready for this, including ensuring the OIC's functions are there to support agencies and provide guidance where necessary.

Ms Eisemann: The OIC has specific functions around leading the improvement of public sector privacy administration in Queensland. Part of their role includes promoting understanding and compliance with obligations under the act, providing best practice leadership and advice and conducting a range of other specific activities to achieve that objective.

Mr SULLIVAN: As you flagged in your introduction, the funding—while being held by OIC—is actually about helping other organisations, the relationships that they have, training and all that sort of thing.

Mrs Robertson: Yes, it is supporting the OIC to comply with its statutory functions.

Mr SULLIVAN: Considering that you were listening this morning, you will not be surprised by my question. The issue of privacy is a balancing act, and in government when we want agencies to cooperate, when we need to work with community organisations, councils, even just across portfolios, we need data cooperation. Are you confident that this provides the right balance when it comes to privacy but also not sending a signal to not cooperate?

Ms Hailstones: As Nicole from IIS mentioned this morning, the IP Act is intended to allow government to achieve its legitimate purposes, and it does it like every privacy act: through having rules with some exceptions. The changes in relation to exceptions and the rules are not fundamentally different to the way that they were and—

Mr SULLIVAN: Legally, or in terms of just culture and signalling too? Do you think it is still encouraging people to cooperate?

Ms Hailstones: Yes, that is absolutely the aim. In that context, sometimes there are confidentiality provisions in legislation and they in fact always take precedence over the Information Privacy Act. Privacy issues do not always necessarily arise from privacy principles. Yes, government aims for agencies to work together and to have appropriate balances. OIC's resourcing as well is about helping agencies understand that privacy is not just about restricting access to information; it is about the whole life cycle of information, and that includes the collection, use and disclosure of information.

Mr O'ROURKE: Thank you for being here today. I understand the role of your department across Queensland entities. One of the things I find quite amazing is that when I get on my phone and search for something, all of a sudden I start getting ads about the product. Is there work happening between the Queensland government and the Commonwealth government in that space? I do not know whether it is artificial intelligence. Is it coming into the privacy space?

Ms Tubolec: In terms of any cooperation between governments, I do not think there is anyone we are aware of who is working in that space. Generally, what you are talking about are private entities, social media use and so on. That is more a space that is regulated by the Commonwealth Privacy Act. Those sorts of concerns have been looked at as part of the Commonwealth Privacy Act review work, which obviously has lots of sensitive issues about the use and collection of information by all sorts of businesses for different purposes. In terms of that, it is not a space that the Queensland government regulates. The Information Privacy Act has a very niche role, and that is beyond the scope of anything in this bill.

Mr SULLIVAN: I should have started by thanking you for your detailed response to the submissions provided. I put this to the LGAQ this morning. One of the issues raised was an element raised by the CCC in relation to council controlled entities as opposed to contractors. I think this is a phenomenon we have seen with large councils. I think you probably know that I wear different hats, so I sort of have some interaction in this space with the CCC. Do you have anything further to add to the submission from the CCC and/or what mechanisms should be in place for council controlled entities?

Ms Tubolec: The bill expands the RTI Act to allow a regulation to be made to declare a particular entity to be within scope of the RTI Act. It also provides some criteria the minister must consider in declaring such an entity. It does not by default automatically capture council controlled entities the way that the CCC's submission and the report recommended.

Mr SULLIVAN: It provides a mechanism to do so.

Ms Tubolec: That is right. It is intended to allow it on a case-by-case basis rather than a blanket approach for all the 300 to 400-odd council controlled entities that might exist out there that operate in various different forms.

Mr SULLIVAN: Going back to a previous exchange with Mr Lister, you are again trying to capture so that councils cannot try to outsource a whole bunch of their otherwise council work to another entity that. If appropriate, on a case-by-case basis, it not be captured; is that right?

Mrs Robertson: In the event that government made a decision to actually prescribe by regulation to pick those entities up, yes. What the amendments are trying to do is flesh out the criteria in that sense.

Mr BOOTHMAN: My final question goes to the scope of how smaller councils can actually achieve what we are asking here, especially when we have large multibillion dollar organisations such as Optus—poor old Optus seems to copping a bit of flak at the moment. What types of grants or incentives is the department looking at to actually assist councils in meeting these requirements?

Ms Tubolec: As Mrs Robertson stated earlier, the OIC has been funded to help agencies, whether it be state government, statutory bodies or local councils, all prepare to get ready for the introduction of these reforms and it is through the funding that has been provided to OIC that councils will receive those benefits. That might be through guidelines that are issued by the OIC and other support and guidance and training materials that the OIC is statutorily required to provide.

Mr BOOTHMAN: Is that to attract people to move into these more remote parts of Queensland to take up these positions? My main concern is that we have a critical skills shortage at the moment. How are we going to deal with that to ensure that we can actually adhere to the mandatory guidelines within this bill?

Mrs Robertson: I think that the question around capacity more broadly is probably a wider issue than the scope of this bill. I think your question posited what the department was doing. Within the department's remit is the issue around that OIC funding. I do not want to pre-empt how the OIC would go about doing this and developing the capacity, in particular in those smaller councils, as that would be a matter for them. When the RTI Act and Information Privacy Act were introduced in 2009, my understanding is that there was a delayed commencement in relation to councils to allow—I do not know whether it was called the OIC at that stage, so forgive me if I have that wrong—them the time to work with smaller councils to develop that capability and capacity. I certainly cannot deny that there is a capability issue across all aspects of government and the private sector, but one would expect the OIC to have the same sort of knowledge base it had back in 2009 and be able to nuance the materials to the needs of a smaller entity.

Mr SULLIVAN: Can I go to some more technical issues and ask if you have any further feedback to your submission on some of the human rights issues raised, specifically in relation to the increased penalty in the Criminal Code for hacking. Secondly, in terms of the issue of right of entry for authorised officers, do you have anything further to add to the justification for those changes?

Mrs Robertson: I might turn to Kath Allen in relation to the hacking offence first, if that is okay.

Ms Allen: Can I clarify your question in relation to the hacking offence. Was it the increased penalty?

Mr SULLIVAN: That it is justified for reasons under the Human Rights Act.

Ms Allen: The human rights issues in relation to the increased penalty, certainly.

Mr SULLIVAN: Sorry, I was not making a criticism; I was putting a point of view that has been raised.

CHAIR: And that it has been considered in regards to human rights and why.

Ms Allen: In the statement of compatibility that accompanied the bill that was introduced, which I might refer to, we are increasing the maximum penalty of the simpliciter offence in subsection (1) to three years imprisonment and reclassifying this offence as a misdemeanour. The amendments limit the right to liberty and security of a person and we have included a justification.

CHAIR: Were other less restrictive measures considered to achieve the purpose?

Ms Allen: There were. A less restrictive option to increasing the penalty for breaching requirements relating to the misuse of restricted computers would include not increasing the penalty. However, maximum sentences are generally a reflection of the intended seriousness of the offence and it was considered that the current penalty did not accurately reflect the seriousness of the offence.

CHAIR: Does similar apply with regard to the right to entry of premises piece?

Ms Tubolec: The bill contains some entry and inspection powers for the mandatory data breach notification scheme. I am assuming that is what you are talking about?

Mr SULLIVAN: It is.

Ms Tubolec: It provides a right of entry for authorised officers from the Office of the Information Commissioner to inspect an agency's systems and practices for compliance with the mandatory data breach notification scheme. The proposal in the bill is considered to be the least restrictive on human rights given that it ensures that consent is one of the pathways that is sought by the chief executive officer in the first instance and then if consent is not able to be obtained then the person can enter the premises as long as it is during ordinary business hours. It is set out in a bit more particularly in the act, but that is generally the process followed. When the authorised officer is conducting the inspection there are also further limitations to protect human rights by ensuring that copies of documents are not able to be taken. I believe that is, in fact, one of the concerns raised by the Privacy Commissioner, to say that they would like that and that it was for human rights reasons and for FLP reasons that was not included in the bill—that was access to records—and giving fair notice ahead of time before the entry power. I think those two provide a safeguard for human rights and ensure that it is the least restrictive option available.

Mr SULLIVAN: From the FLP technicalities to the more practical, we have had some evidence today, particularly from the LGAQ, that smaller councils will not be able to deal with these sorts of privacy issues. In terms of the issue of a contractor, a contractor is not just a developer or someone building a bridge or a road; a contractor when it comes to local councils could be a homeless shelter, DV wraparound services or child protection wraparound services. Whether someone lives in Stafford or they live in the bush, when it comes to the privacy of a DV victim or a child who is vulnerable, surely the same principles apply when it comes to contractors. In terms of visualising what a contractor is, it is not just about construction workers, it is actually about important wraparound services.

Ms Tubolec: Absolutely. That is not just for local government; that applies equally to all state government agencies. Contractors are used for all sorts of services provided by government. It includes legal professionals, IT services, DFV services—any business that is engaged to provide a service for government that collects personal information for part of that. Obviously where there is no personal information they would not be engaged by the act.

Mr LISTER: One of the things that animates us as members of parliament is our ability to speak in the House on the bills that come before us. It seems that the majority of the legislative change proposed in the bill falls within only five clauses in the bill. Looking at some of them they are quite large. The effect of that is that when consideration in detail occurs—if it occurs; sometimes we are guillotined—we are given three minutes in which to speak about individual clauses. Given that some of the fairly important changes here such as the implementation of the Queensland privacy principles and the mandatory data breach notification fall within a single clause, it has an effect of limiting the ability of members of parliament to, under the standing orders, speak about each one which may be of concern to our constituents. What is the background to how the bill is constructed and is there a reason which would justify having such large changes proposed under individual clauses?

Mrs Robertson: Basically, the drafting of the bill, the construct of that drafting, is a matter for the Office of the Queensland Parliamentary Counsel. For example, there are provisions which include a whole new chapter and so that might be a clause. I think that might be what you are adverting to in part.

Mr LISTER: Yes.

Mrs Robertson: You are putting something into an existing piece of legislation and the thinking process is to make sure where it fits thematically in relation to the existing structure of the act. In relation to your broader question about the time for debate, with respect I would probably say that that is outside the scope of this bill and probably for other forums to engage in.

CHAIR: Indeed, you are correct.

Mr SULLIVAN: Could I also humbly suggest that officers at OQPC do not really think about the debate time when they are drafting their legislation.

Mr LISTER: Really?

Mrs Robertson: They have more than enough on their plate.

CHAIR: I have one thing I want some clarification on. Having not fully appreciated the letter patent that was spoken about earlier, what are the diversity of organisations that fall under that?

Ms Tubolec: We had anticipated this question. Unfortunately, we do not have a comprehensive list, but we know that there are anywhere from 400 to 800 organisations in that category. There is no register or anything that is kept up to date across government at the moment, but we know that they do cover cultural organisations, as the QHRC referred to, but it also covers the RSL, kindergartens, entities that are really private in nature—private in terms of business—but are more commercially oriented. It is for that reason that they are excluded from the bill because they are not traditionally a government undertaking.

CHAIR: They will fall then under the federal sphere of policy?

Ms Tubolec: Good question.

CHAIR: I am just trying to figure out where they fit and that there is no unintended consequence of them being excluded.

Ms Tubolec: I would have to check the exact exclusions under the Commonwealth Privacy Act.

Ms Eisemann: It is quite a complex definitional matter. We might need to take that on notice.

CHAIR: Could we get some further information?

Mrs Robertson: That is fine.

Mr SULLIVAN: Would there be some that no longer exist?

Ms Tubolec: Yes. They do come in and out of existence. That is the problem with having an exact list updated any time.

Mr SULLIVAN: It was not a criticism, I am just commenting on the complexity of it.

Ms Tubolec: Yes, that is right. They might be established initially by letters patent, which is essentially something that is set up by the Crown, almost like a royal decree. It is an instrument made by the Governor in Council, but sometimes those entities cease trading or cease operating and the letters patent may not always be revoked. They are an historical instrument not so much used in modern times. A lot of them will have become incorporated associations or may have changed their business structure into even another corporatised entity.

Mr SULLIVAN: Or merged.

Ms Tubolec: That is right.

CHAIR: Any additional information you could give us on that would be fantastic. If you could get that information to us by close of business Monday, 20 November that would be fantastic. Thank you very much for appearing again before us today and helping clarify some of those matters raised. Thank you to all of the officers, Hansard, our secretariat and the broadcasting team for their assistance today. A transcript of these proceedings will be available in due course. I now declare this public briefing closed.

The committee adjourned at 12.44 pm.