



Speech by

BONNY BARRY

MEMBER FOR ASPLEY

Hansard 17 April 2002

PUBLIC RECORDS BILL

Ms BARRY (Aspley—ALP) (3.02 p.m.): I am pleased to rise to support the Public Records Bill 2001. In speaking to the bill this afternoon, I want to particularly talk about how the Public Records Bill 2001 compares with the Libraries and Archives Act 1988 and with other Australian public records legislation. In doing so, I hope to respond in part to some of the matters raised by the member for Moggill, particularly in relation to the independence of the State Archivist. In fact, it is an independence that is strengthened by this bill.

The Public Records Bill proposes a contemporary framework for the management of public records and also marks a changing role for Queensland State Archives. The bill differs from the Libraries and Archives Act 1988 in that it makes access principles consistent with the principles of the Freedom of Information Act 1992, it strengthens the role of Queensland State Archives as the lead agency in developing and implementing standards for the management of the public records of state and local government, it provides for the establishment of a Public Records Review Committee, and it strengthens the provision for accountability in the decision-making process on the disposal of public records and ensures the State Archivist's independence in these matters.

This bill proposes that a consistent and equitable approach for access to government information is an essential part of democratic process. The framework for classifying restricted access periods for the provisions dealing with access to public records in the custody of Queensland State Archives has been aligned with the relevant provisions dealing with exempt matter under the Freedom of Information Act 1992. The bill also recognises that the sensitivity of most information declines with the passage of time and that it is appropriate for older records to be available for public access. New legislation for archives has also been made necessary by the rapidly changing technological and administrative environment in which public record keeping now takes place.

The Public Records Bill 2001 will provide the legislative framework for Queensland State Archives to establish and implement a policy framework which reflects national and international best practice in record keeping, including the management of electronic records. In this bill we see the necessary evolution of the traditional role of State Archives from managing historical records in its custody to one which also includes regulating record-keeping standards and practices throughout government. All other Australian public records legislation, excluding Tasmania, sets a clear mandate for the relevant archival authority to issue current record keeping standards. This mandate extends to the provision of assistance and advice to agencies in their implementation of record-keeping standards and to monitor and measure compliance with these standards.

The bill brings together contemporary archival approaches and builds on the experience of earlier and contemporary public records legislation from federal, Australian states and territory jurisdictions. This bill provides for an access regime which complements the principles of the Freedom of Information Act 1992. This relationship with freedom of information legislation exists in other Australian public records legislation and provides a consistent and equitable framework for managing and accessing government information. Importantly, the Public Records Bill proposes a nine-member Public Records Review Committee whose function it is to advise the State Archivist and minister about issues relating to the administration of the bill. The committee will also hear appeals submitted by the public authorities against certain disposal decisions made by the State Archivist and resolve disputes between a public authority and the State Archivist regarding the classification of records.

The structure of the committee provides for nine members drawn from the areas of community, including the judiciary, state government, local government, the information management profession and five others determined by the minister to have experience and knowledge that is relevant to the functions and activity of the committee. This latter category of membership may include genealogists, historians and the academic and research community. All other Australian jurisdictions have some form of council, commission or board to provide oversight of aspects of disposal and access determination.

The Public Records Bill also strengthens the State Archivist's independence in disposal decisions. The establishment of a Public Records Review Committee provides a formal mechanism for the review of disposal decisions made by the State Archivist. An annual report to parliament may also detail the disposal of records under the control of State Archives. In conclusion, the Public Records Bill is consistent with fundamental legislative principles and provides a consistent and equitable approach for access to government information. It proposes a contemporary framework for the management of public records and also provides a stronger role for Queensland State Archives, reflecting the clear mandate for issuing record-keeping standards set out in other Australian public records legislation. I congratulate the minister and the department for their work in this matter. I commend the bill to the House.