



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

Hansard 17 April 2002

PUBLIC RECORDS BILL

Hon. J. FOURAS (Ashgrove—ALP) (3.17 p.m.): The two issues I wish to address are the impact of this bill on government owned corporations and the management of ministerial records. The Public Records Bill 2001 applies to approximately 800 Queensland public authorities, including state government departments and local government authorities, state courts, statutory authorities, commissions of inquiry, ministerial offices and, unless specifically exempted, government owned corporations. Twenty-two GOCs are subject to the existing legislative framework and will continue to be subject to the proposed legislation. These include Ergon Energy and Energex, the Ports Corporation of Queensland, Brisbane, Gladstone and Mackay port authorities, Queensland Rail, Queensland Investment Corporation and Sunwater, to name a few.

Legal opinion obtained by the department has confirmed that GOCs are public authorities for the purposes of this legislation. So that there is no misunderstanding, GOCs have been advised in writing that they are public authorities under the Libraries and Archives Act 1998 and, in future, public records legislation. In supporting the inclusion of GOCs as public authorities, Queensland State Archives acknowledges that effective record-keeping systems strengthen accountability for the management and disposal of public records. These systems also support corporate governance requirements and enable records of enduring value to be available in the future for historical and cultural research purposes.

It is important to underline that the proposed bill does not impinge upon the ability of Queensland GOCs to exercise full commercial control of the documents they create. It should also be noted that Queensland State Archives envisage that only a small proportion—a few per cent—of all records created will need to be retained for the longer term. These records will relate to matters of significant public interest for the purposes of future historical research and would normally be retained as part of the GOC's corporate memory. It is evidently clear therefore that the bill will allow the operation of GOCs to continue on an equal footing with their private sector counterparts who are not so constrained by such legislation.

The bill will also assist GOCs in establishing cost-effective records retention and disposal frameworks. It should also be understood that ministerial records are public records for the purpose of the Public Records Bill as they are under the current Libraries and Archives Act. The public records created or received in ministerial offices which document the minister's role as a minister of the Crown are public records under the proposed legislation. This is consistent with the treatment of these records under the present legislative regime. Private records, such as party political records, personal records and records relating to a minister's business as a member of the Legislative Assembly are not considered public records and, consequently, do not come within the ambit of the bill.

Under the arrangements in the proposed legislation, ministerial records that are subject to the legislation will be classified as restricted access records for a period of 30 years from the last dealing on the record. These arrangements are also consistent with the protocol established between the Premier and the then Leader of the Opposition in April 1999 for the management of access to ministerial public records. Under the terms of this protocol, approval for access to records less than 30 years old must be obtained from the current leader of the party that was in power at the time the records were created. Alternatively, where access to a ministerial record is sought under the Freedom of Information Act 1992, the current leader of the party that was in power at the time that the record was created would be consulted under section 51 of the FOI Act.

It should be noted that an additional provision has been included in the proposed legislation to require archive staff to give reasonable notice to a ministerial office before seeking to inspect or recover public records. Queensland State Archives will continue to provide ongoing assistance, advice and training to ministerial staff by the Ministerial Services Branch of the Department of the Premier and Cabinet. QSA is particularly active in raising awareness of proper record-keeping practices in the critical periods leading up to and immediately after an election. It is important that incoming governments understand their responsibility.

In conclusion, the Public Records Bill will assist government owned corporations in establishing cost-effective record retention and disposal frameworks. The bill will also preserve the current legislative arrangements for the treatment of ministerial records. It is important that we have contemporary legislation for record keeping. This legislation provides the level of regulatory mechanism that is necessary for public records. I commend this bill to the House.
