




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

Record of Proceedings, 24 February 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mrs GERBER** (Currumbin—LNP) (3.06 pm): The Legal Affairs and Safety Committee, as stated by the chair, has oversight of the Office of the Information Commissioner. The OIC is a statutory body that oversees the purposes of the Financial Accountability Act 2009 and the Statutory Bodies Financial Arrangements Act 1982 with the aim of promoting access to government held information and protecting people's personal information held by the public sector. Both these acts pertain to accountability and integrity in the financial management of the state's finances, an extremely important responsibility.

When the Financial Accountability Act was introduced in the parliament in 2009 by a Labor government, integrity and accountability were intended to be foundational. The former treasurer told the House that accountability would be 'the cornerstone of financial management in the Queensland public sector'. However, the Labor government we see in this chamber today has strayed far from this ideal.

As outlined on page 3 of the committee's report, one of the Information Commissioner's functions is to investigate and review decisions of agencies and ministers made under the Right to Information Act, including whether agencies and ministers have taken reasonable steps to identify and locate documents applied for by applicants. With regard to the RTI Act, the OIC annual report advised that they had received 787 external review applications. This is 100 more applications for information than the record high of last year. The median number of days the OIC took to finalise a review was 126 days. This is a month longer than the statutory time frame, which is set at 90 days.

During the committee process the Information Commissioner put this down to the significant increase in external review applications where the agency had not made a decision on the initial application within the statutory time frame. The Information Commissioner stated that 'dealing with such applications at external review is not an efficient use of resources for the OIC, the agency or the applicant who has experienced significant delay'.

It is clear the IOC's workload is increasing and its capacity to keep up is under pressure. However, ensuring information transparency does not seem to be very high on this government's agenda. As we have heard in the media in the past few weeks, among the litany of integrity issues, this government has a chequered track record when it comes to the public's right to information.

In Queensland, we have RTI officers working inside ministerial offices—not just involved with ministerial offices but actually working from within the office. This means ministers are filtering information that should be made public to Queenslanders. In fact, former senior Palaszczuk government advisor Neil Doorley told the *Courier-Mail* earlier this month that in one office he was encouraged to purge emails which could come back to damage the minister or government down the track. This is an instruction Mr Doorley later found out was designed to help circumvent the RTI process, because requests for information usually do not include deleted emails.

Mr Doorley recounted another occurrence. I know that we have heard this before, but I am going to say it again. He said that in the weeks leading into the 2017 state election staff were directed to take the extreme measure of hand-delivering documents relating to particularly sensitive issues to ministerial offices to avoid leaving a digital footprint. There are enough concerns regarding the OIC's privacy work without ministers adding to them. Hand-picking which information can be made public and instructing staff to engage in actions which hide information from the public is nothing short of corrupt. During the committee hearing the Information Commissioner noted a substantial growth in voluntary data breach notifications over the past two years. This is another example of this state Labor government being too slow to act.

The OIC is doing its best to implement the recommendations following Operation Impala, but the state government must play its part. Operation Impala reported on the misuse of confidential information in the Queensland public sector. The Information Commissioner told the committee that there are a number of Operation Impala recommendations that require legislation, such as mandatory data breach notification schemes similar to those being adopted in other jurisdictions. We are taking steps to better manage our voluntary data breach notifications but we need the legislation in order to do it. This is pursuant to recommendation 12 of the Operation Impala report.

We know that a mandatory notification scheme such as this would be beneficial because the OIC's voluntary data breach notification scheme has been a success. However, it raises the question of why the government has not implemented a mandatory notification data breach scheme yet. Why is the government still so slow to act? It has had two years to implement the mandatory notification scheme to help manage the public's expectation that they are notified when their data is at risk, and it is yet to do it. This is a government that is too slow to act when it comes to integrity and accountability.