




Speech By
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MEMBER FOR BUDERIM

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**INFORMATION PRIVACY AND OTHER LEGISLATION AMENDMENT BILL;
PUBLIC RECORDS BILL**

 **Mr MICKELBERG** (Buderim—LNP) (5.15 pm): I rise to address the cognate debate in relation to the Information Privacy and Other Legislation Amendment Bill 2023 and the Public Records Bill 2023—or what might otherwise be described as a collection of provisions that are a response to: the foolish failures of Minister Mark Bailey in the mangocube affair; the sidelining of the former state archivist, Mike Summerell, who was a casualty of the Palaszczuk Labor government's aversion to the truth; or the litany of failures of leadership, failures to hold incompetent, dodgy, foolish ministers to account and failures to govern in the interests of all Queenslanders.

It has been 17 long months since Professor Coaldrake recommended the release of cabinet documents in his report into culture and accountability in the Queensland public sector, yet somehow we are sitting here in the last sitting week of 2023 still debating whether the state government should inform the people whom they have been elected to serve. I should note that we are only addressing some of the provisions contained within the Coaldrake report.

It comes down to common sense, but more than that it comes down to trust. Queenslanders deserve to trust those who represent them and who spend their hard-earned tax dollars. The crux of this debate is whether the state government can be open and transparent with Queenslanders. If something is not measured, it cannot be fixed—we have said that many times—and we only need to look at the Queensland Health crisis and the out-of-date hospital data for proof.

Queenslanders would be shocked to know that this bill is responding to recommendations made in reviews up to six years ago. There is no good reason for this to have taken so long. The only logical conclusion for the delays is that the Premier has been hoping that, with the passage of time, the level of public interest in relation to the failures of openness and transparency of this government will ease.

Getting information from this state government is like pulling hen's teeth. It is my view—and it is a view that journalists and members of the public have also indicated they hold—that the state government has a deliberate position to make the provision of information as difficult as possible. It is a policy that results in people giving up looking altogether. It is evident in the government's approach to the publishing of open data and it is evident in the government's approach to right to information and transparency in government.

I know firsthand, after spending the better part of two years on a right to information application after whistleblowers came to me and sought help to address bullying at the top of the Sunshine Coast Hospital and Health Service. I put in a right to information request and it took years to get that information. The information that I sought was deliberately withheld because it was politically inconvenient. I was blocked at every single opportunity. Documents disappeared and then they magically reappeared after I made it clear that I knew they already existed. That process alone took years of appeals and long written submissions to the Information Commissioner arguing, among other

points, why information about a state government entity with an annual budget of more than \$1.3 billion and which employs more than 6,000 staff was in the public interest. That information was always in the public interest. It had a direct impact on the provision of health care on the Sunshine Coast and on the welfare of doctors, nurses and other health professionals. To suggest for a second that the information was not in the public interest was only ever an attempt to delay the release of that information.

I spent weeks of my time responding to nebulous arguments and bureaucratic RTI processes that were deliberately designed to make it harder to hold the state government to account. Imagine other Queenslanders who want this same information; they are not in a position to invest that time and that effort. I frequently have constituents ask for help because they cannot get the information they need from government departments. Common complaints are about websites which are too confusing or they do not know where to start. They cannot get through to anyone on the phone or, if they do, the person on the other end of the line cannot help them. It is frustrating for people who are trying to do the right thing and help themselves, only to be obstructed by processes of bureaucracy. The Queensland government's Open Data Portal is not kept up to date, and the information on there is often inconsistent, difficult to find and hard to read. I would suggest it is a deliberate policy position of this government to disaggregate data to make it such that you cannot compare across different time periods.

Let's look at Queensland Health's quality and safety information site. It was a website designed to keep patients and GPs informed and it is not even kept up to date. It would be laughable if it were not such a serious issue. It is just the latest in a long list that shows the government is not committed to openness and transparency. There is most certainly a need to improve the provision of data to those Queenslanders we are here to serve, and these bills do take some steps to address those shortfalls, but there is considerably more work to be done.

Queenslanders have a right to see how the government is delivering the services they depend on. It is simple: Queenslanders should be told when the state government makes a decision that affects them. Reports and reviews should be shared for anyone interested in reading them, which is why this bill includes provisions that enable the proactive release of cabinet documents. Note the word 'proactive' instead of 'reactive' which, I would have to say, during my time in this House, every single instance where the government has released information has been on a reactive basis. If we look at non-cabinet documents, that has been the track record. It is hard to see that changing, based on their track record to date.

Let's have a look at the budget blowouts which are prime examples of information that should have been shared with taxpayers—the multibillion dollar blowouts on Cross River Rail, the multibillion dollar blowouts on Gold Coast faster rail and train blowouts. What is the consequence of those blowouts? When the information has been dragged out of the government, we finally get that information about the budget blowouts under this government, but I want to look at what the consequence is of that information not being released in a proactive manner. The consequence is that critical projects get cut—critical projects like the Mooloolah River Interchange or the Sugar Road-Mooloolaba Road intersection upgrade, both of which have been cut under this government. It is funny how promises get publicly announced, but broken promises get swept under the mat.

I move on to the provisions that relate to mandatory data breach notifications. Under those provisions, ministers, departments, local governments and most public authorities will be required to keep a register of data breaches which include specified information, and they will be required to prepare and publish a data breach policy—that is important. Importantly, if an eligible data breach and serious harm is likely to occur, then a notification will be required. That is an important provision to provide confidence to Queenslanders, but it will also have an impact on entities like local government, many of whom are already under budget pressure. That is also true in relation to the adoption of consistent privacy principles. While those provisions in these bills are largely reflective of the requirements placed on private sector entities, there will be costs associated with implementing such provisions, the impact of which was borne out in the LGAQ's submission. It is important that councils are resourced to meet their requirements under the privacy principles because if they are not, it will impact their ability to deliver the services our communities expect.

I want to use a real-world example. Like many regions across Queensland, my community on the Sunshine Coast would like to see more CCTV as one of the ways that they can keep our community safe, and indeed I would like to see more CCTV in public areas like parks so that those who do the wrong thing can be held to account. However, one of the barriers to the adoption of more CCTV on the Sunshine Coast are the requirements to fall on the Sunshine Coast Council to manage and safeguard the personal information in the form of CCTV footage. It is an issue that was detailed in a previous Audit Office report. While public officials and entities obviously need to safeguard private information, so too must we resource entities like the Sunshine Coast Council to ensure we do not get a perverse outcome where councils do not want to install things like CCTV cameras in public spaces because of the

second-order issues associated with the management of information such as the CCTV footage. We need to support councils in the implementation of these important measures. I note that the minister has indicated that additional funding will be provided to the Information Commissioner to help facilitate an education program on some of these things, but we need to support councils through this process. As the Coaldrake report stated—

It is a commonsense proposition that citizens are likely to have more trust in their governments if they know that decisions that use taxpayers' funds, and that may affect their lives quite directly, are made in the open, and are subject to scrutiny.

It is common sense. That is one of the reasons why in our the Right Priorities for Queensland's Future document we have specifically addressed these issues. We have said that an LNP government will reform the right to information processes, and I have spoken about the importance of doing that. We have said that we will strengthen the independence of the Integrity Commissioner—that is an important measure as well—and the importance of the Auditor-General. We will ensure that we bring a culture of frank and fearless advice into the Public Service, and we will appoint a minister for open data and a minister for integrity in government because they are both sadly lacking in this current government.

Queenslanders deserve a government that is open and transparent. All Queenslanders want for Christmas this year is an open and transparent government in which they can trust. Just today we have seen the government's commitment to openness and transparency when the Minister for Transport and Main Roads was dragged out kicking and screaming to a press conference to admit that he had hidden a \$3.1 billion overrun—\$3.1 billion! It is time to show Labor the door in '24.