




Speech By
Corrine McMillan

MEMBER FOR MANSFIELD

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

 **Ms McMILLAN** (Mansfield—ALP) (4.31 pm): I rise to make a contribution to the Public Records Bill 2023. The current Public Records Act 2002 is not fit for purpose in 2023. A lot has changed in the last 20-plus years, especially in relation to data and information sharing in the digital age. That is why the Palaszczuk government initiated an independent review of the Public Records Act. The review, conducted by retired Supreme Court Justice John Byrne, made 27 recommendations to help modernise Queensland's record management framework. Twenty of the 25 legislative recommendations are addressed within this bill.

An estimated 500 public authorities across Queensland, including government departments, local governments, government owned corporations and other statutory bodies, have responsibilities under the current act. The proposed reforms contained within this bill will provide clearer requirements to those authorities as well as aligning their practices with the ever-evolving digital recordkeeping landscape. Importantly, the bill puts the responsibility for recordkeeping at the door of the CEO, the chairperson or the person responsible for the day-to-day management of the public authority. The bill is clear that a public authority must ensure its public records are made in a way that accurately shows the actions or decisions of the authority, and the matters then inform or contextualise the actions or decisions of that public authority. The new definition of a 'public record' in clause 9 reflects the increasingly digital environment in which public records are created and helps to clarify requirements. The definition covers a digital ecosystem while still accommodating existing and future physical records.

Public authorities are also responsible for ensuring the ongoing accessibility of public records. They need to take all reasonable steps to ensure that the public record maintains its integrity and can be accessed and used. The bill also requires public authorities to comply with any relevant standards made by the State Archivist. They must also have regard to any relevant policies made by the State Archivist and may have regard to any guidelines made. Public authorities are responsible for setting the restricted access periods for the public records they transfer to the archives in alignment with the time periods set in the bill. They must make decisions about access to restricted records and can apply conditions when granting access.

Mr DEPUTY SPEAKER (Mr Hart): Pause the clock. There is way too much background noise. Tone it down a bit or maybe take it outside.

Ms McMILLAN: It is like being in a classroom again, Mr Deputy Speaker.

Mr Kelly: Year 9 maths.

Ms McMILLAN: That is right: year 9 boys on a Friday afternoon. The bill includes the requirement that decisions about access and any conditions applied must be made within 35 days after receiving a request, with a period longer having to be agreed by the State Archivist. There is also a new requirement within the bill that will require a public authority to advise the State Archivist of why an access request to a restricted public record has been denied.

The independent review also recommended that the State Archivist have the power to take custody of public records from public authorities to protect records from loss or damage. The bill will implement that recommendation and establish an ability, in clause 26, for the State Archivist to take custody of public records from a public authority where the public records are over 25 years old or of permanent value, at risk of loss or damage and no longer in active use by the public authority.

I acknowledge the work of the committee and the deputy chair as well as all committee members. I thank the committee secretariat. I have focused my contribution on the Public Records Bill as that is the bill that came before my committee. I acknowledge both the Attorney-General for her work and also the minister for her work on the Public Records Act. The aspect of the act that deals with data sovereignty and First Nations history is going to be a really important step for us as Queenslanders in determining the true history of Queensland. There will be many truths uncovered during the process of the truth-telling inquiry which will be supported by the Public Records Act. I commend the minister for her work and for capturing that very important history in Queensland. We look forward to very much improved and significant relationships with our First Nations peoples over the coming years. I commend both bills to the House.