




Speech By  
**Deb Frecklington**

**MEMBER FOR NANANGO**

---

Record of Proceedings, 28 November 2023

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

 **Mrs FRECKLINGTON** (Nanango—LNP) (3.25 pm): I rise to contribute to the debate on the Information Privacy Amendment Bill 2023. I note that this is a cognate bill with the Public Records Bill, which my colleague the shadow minister and member for Surfers Paradise just reflected upon. If time allows, I may get to that section of the cognate debate today.

The policy objectives that have been outlined for the information privacy amendment bill are to: strengthen Queensland's information policy framework to better protect personal information; clarify and improve the operation of Queensland's information privacy and right to information frameworks; and—interestingly—to provide for the proactive release of cabinet documents. At the outset, I note that the opposition will not be opposing this bill; however, as the committee has highlighted, we will be noting some concerns and the reasons behind them.

Over the last few years Queenslanders—and other Australians—have experienced large-scale data breaches which have changed the way we think about privacy. For many, it has increased awareness of the danger of data breaches and the importance of securing our personal information. In September and October last year some 10 million Optus and Medibank customers heard they may have been subject to a data breach. Months later QUT experienced their own data breach, with over 11,000 current and former students affected. The topic of privacy is on the agenda and the minds of everyday Australians who in the past would not have found this important. We have seen long lines at customer service centres and thousands seeking new drivers' licences in fear of what may come.

The Australian Office of the Information Commissioner's Australian Community Attitudes to Privacy Survey 2023 unsurprisingly found increased concern about privacy. In fact, it found that 62 per cent of Australians see the protection of their personal information as a major concern in their life. Only 32 per cent feel in control of their data privacy, and 74 per cent feel that data breaches are one of the biggest privacy risks they face today. This has increased by 13 per cent since 2020. Almost 47 per cent said they had been informed by an organisation that their personal information was involved in a data breach in the 12 months prior to completing the survey. Of those, 76 said they had experienced harm as a direct result. Whilst this issue has grown in significance, it has not been an unexpected outcome of our growing dependence on online accessibility and presence in the last two decades. This was a predictable pressure we were always going to face.

Interestingly, the information privacy amendment bill responds to several reviews and reports, including: the review report; the Crime and Corruption Commission report titled *Operation Impala: report on misuse of confidential information within the Queensland public sector*; another Crime and Corruption Commission report titled *Culture and corruption risks in local government: lessons from an investigation into the Ipswich City Council (Operation Windage)*; the strategic review report; and the Coaldrake report, which was notably titled *Let the sunshine in: review of culture and accountability in the Queensland public sector*. The final report was dated 28 June 2022.

Once again, we have those opposite, the go-slow government, who seem to have no priority for the action that Queenslanders need, particularly when it comes to integrity and accountability. The Attorney-General stated—

The efficient and effective operation of the Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) is critical to ensuring this commitment is met and are important components of Queensland's integrity framework.

It sounds like the right outlook, you may say, but this statement came from the foreword in the report on the review of those two acts, known as the review report, which was released over six years ago. The fact that many of the recommendations are only just now getting implemented is a demonstration that, if the Attorney genuinely believes these acts are important components of Queensland's integrity framework, then the government has no commitment to integrity.

As well as the bill bringing amendments in line with recommendations from the review report published in 2017, it also implements recommendations from Operation Impala and other reports. For it to take over six years for some of these recommendations to be brought forward is simply unacceptable and makes it clear that this is anything but a priority for the government. The government and public authorities can hold enormous amounts of data and the Queensland public has a right to know if this information will be protected adequately and whether they will be informed if anything is breached. I think it would be helpful for the Attorney to share a bit of how this information is stored and the protections in place at present to give us that reassurance.

The bill amends the definition of 'personal information' in the IP Act to be consistent with the Commonwealth definition. This is in line with recommendation 14 of the review report and recommendation 16 of the Impala report. Unfortunately, given that recommendation was made over six years ago and then re-recommended three years later, the impact of changing it now means we will likely only have alignment for possibly a year. Given the Privacy Act review at the federal level, which the government recently responded to, the definition of 'personal information' is likely to change again to be more relevant to the issues faced today. This is what happens when you drag your feet. We are now looking at having to change this definition again once the federal bill goes through, which could be, like I stated, within a year.

The adoption of a single set of privacy principles will simplify the current framework which requires health agencies to follow the national privacy principles and all other agencies to be under the information privacy principles. This, however, is also impacted by the Privacy Act review. The QPPs will apply to all Queensland agencies, other than Australian privacy principle entities. The Australian privacy principle scheme is also subject to the Privacy Act review process, including considering extended protections for de-identified information. Stakeholders are generally supportive of the intent of those changes. However, as this has been delayed for so long, it is now complicated by the Privacy Act review and this must be taken into account.

One of the major changes in this bill is the introduction of the mandatory data breach notification scheme for public agencies. In fact it was in November last year when the Palaszczuk government Treasurer, Treasurer Dick, was embroiled in the issue of his department's major privacy breach that saw more than 10,000 Queenslanders sent other people's fines along with private information such as their names, addresses and rego numbers. This is the private information of other Queenslanders. This bill is an attempt to hold those to account by being up-front and honest with those Queenslanders by needing to notify us—all those Queenslanders—of the breach rather than hiding it. We had the famous line by Treasurer Dick after this breach was discovered. People were eating their cornflakes and saw the front page of the paper and they said, 'Hang on a minute. Am I one of those people whose private information has been breached by the Palaszczuk government?' Treasurer Dick stated in response to this that famous line: 'I did not lick the stamps on 2.4 million letters', in a dismissive fashion made for the upper class he flowed with. This is incredible: 'I did not lick the stamps.' It gets worse. He went on and said—

**Ms Grace:** Whingeing and whining. It's never-ending.

**Madam DEPUTY SPEAKER** (Ms Bush): Order, member for McConnel.

**Mrs FRECKLINGTON:** It sounds like the member for McConnel is whingeing and whining over there about the Treasurer saying that he did not lick 2.4 million stamps, but it actually gets worse than that. Minister Dick said—

**Ms Grace** interjected.

**Madam DEPUTY SPEAKER:** Member for McConnel, if it continues I will start issuing warnings.

**Mrs FRECKLINGTON:** It gets worse. What did the Treasurer say after he said he does not lick that number of stamps? He actually said, 'We get someone else to do it.' What arrogance, from someone who is so out of touch with everyday Queenslanders. It is unbelievable. It is a disgrace that Palaszczuk government ministers genuinely believe it is okay to say to Queenslanders, 'Don't worry about your privacy breach. It's someone else's fault.' There is no accountability under this Palaszczuk government: 'We get someone else to do our dirty work.' That is exactly what Cameron Dick said. Rather than boasting that he is above the work of a postie, the Treasurer would be better off admitting the problem and giving Queenslanders an apology.

**Ms Grace** interjected.

**Mrs FRECKLINGTON:** This kind of breach, member for McConnel, is exactly why we need mandatory notification. Imagine if you were one of the people who had to suffer through that breach while the Treasurer of Queensland just dismissed it away. In fact the Treasurer of Queensland was never even going to tell Queenslanders about it. It came out in the wash.

This private information is sacred. Another question needs to be where the Queensland government information is held. Where is it actually held? The ministers obviously believe it is someone else's job to worry about that. In relation to the mandatory data disclosure, the briefing note from the department provided—

Currently Queensland government agencies are not subject to any legislative requirements in the IP Act requiring them to notify data breaches concerning individuals' personal information but are subject to a voluntary notification scheme under the Office of the Information Commissioner's (OIC's) Privacy Breach Management and Notification Guideline.

...

... the proposed Queensland scheme would require agencies to assess data breaches and notify the OIC and individuals whose personal information has been accessed, disclosed or lost of an 'eligible data breach'.

The scheme applies to agencies as defined under the act, including a minister—such as the Treasurer, who has been there—department, local government and public authority. Australian government agencies and organisations with an annual turnover of more than \$3 million are already covered under the Commonwealth Privacy Act mandatory data breach notification scheme, as has been noted by the Attorney-General. This will bring Queensland government agencies and public authorities under a similar scheme and it will operate in a similar way.

Where an agency knows or reasonably suspects that a data breach has occurred, it will be required to make all reasonable steps to contain that data breach, assess whether the data breach is an eligible data breach, mitigate harm caused by that breach, and, if applicable, give written notice to any other agency affected by that breach. An eligible data breach is defined as an unauthorised access to, or unauthorised disclosure of, private information which is likely to result in serious harm to an individual to whom the information relates, or loss of information where unauthorised access to, or disclosure of, information is likely to occur and would be likely to result in serious harm to an individual to whom the information relates. If the agency reasonably believes there has been an eligible data breach, it must prepare and give a statement to the Information Commissioner, including a description of that personal information. I submit that that is exactly what Queenslanders have a right to expect when a government holds so much of our private information.

One of the biggest concerns that came from the mandatory data breach reporting was around the impact upon local governments. It is really important to note that the opposition members of the committee, the member for Theodore and the member for Southern Downs, in relation to this committee report on the bill—and I do thank them—noted in their statement of reservation, whilst very short, in relation to this section of the bill, the concerns of the LGAQ but also many local governments that are very concerned about the impost of this section of the bill on those local councils. I do note that the Attorney did address that in her contribution to the bill by noting that the impost would not be there because the Information Commissioner—and I do not want to paraphrase—will be resourced adequately to provide training sessions. Then the Attorney went on to say that this section of the bill will not impact upon local councils until 2026, to give them time to prepare for that change in this legislation.

While I note that and take that on board, I want to reflect that the concerns came through the statement of reservation, where we said that we shared the concerns of the LGAQ about the ability for local governments, especially in the smaller regional, remote and First Nations councils, to properly fulfil their obligations outlined in the legislation. One thing that we will be looking forward to are reassurances from the Attorney that that will be continuing. It is important that those concerns are taken on board. I know that the LGAQ was deeply concerned about that, but, as I say, do note that the Attorney-General did acknowledge those concerns in her contribution.

I also note that, whilst extra funding and extra staffing was to go to the Information Commissioner, there were changes to the powers of the Information Commissioner flowing from those amendments, particularly in relation to the investigative powers. I would like to note the LNP's concerns that they should be closely monitored to ensure that this an appropriate place for those investigations to be initiated and carried out and, as I noted, that the Information Commissioner be resourced adequately to carry out the training for the local councils.

I now move onto the section of the bill which goes to the proactive release of cabinet documents. The Coaldrake report was handed down in June 2022. When the report was released the Premier said—

I don't just welcome it—I embrace it.

...

We will accept all of his recommendations and we will implement them lock, stock and barrel.

...

They are bold, they are comprehensive and they are visionary ...

That energy and excitement has quickly evaporated. We heard nothing for months and months after that about any of those proposed reforms. I look forward to the contribution of my colleague the shadow minister for integrity, the member for Maroochydore, who I am quite sure will be talking at length about that. Once again, it was all announcement and no follow-through.

On the complaints clearing house, it was in, then it was not technically viable and then, after consideration and media pressure, it was back in once again.

**Mr Minnikin:** 'Survey says'.

**Mrs FRECKLINGTON:** 'Survey says'; I take that interjection. One of the recommendations was for cabinet submissions and their attachments, agendas and decision papers to be proactively released and published online within 30 business days of the decisions. There was no urgency given to the change required. This was not a case of complex legislation needing to be drafted. The explanatory notes, in fact—and I will point to the Attorney-General—stated clearly—

While legislation is not required to enable the scheme, a small number of amendments are included in the Bill to support the simple operation of the proactive release scheme.

It is in the explanatory notes. I would like the Attorney-General to confirm when the Cabinet Handbook will be changed and when the first release of these cabinet documents—

**Mrs D'Ath** interjected.

**Mrs FRECKLINGTON:** I will take that interjection. I look forward to hearing in the summing-up when the first release of documents will occur.

Queenslanders want a government that they can trust, but it is clear that they do not have one. We only need to see the reports which have led to us being here today. I will get to the 'mangocube bill' that we are about to talk about. We have a Premier who has often talked about and often quoted the fact that she was elected on openness, transparency and accountability. We are here discussing two bills that have come about because of review after review into the accountability, the transparency and the lack of integrity from this government. I mean, let the sun shine in. We only need to look at the information privacy amendment bill 2023 which is based on a review report called *Let the sunshine in: review of culture and accountability in the Queensland public sector*. Like I said, the Premier said 'lock, stock and barrel'. We have seen anything but.

The LNP will not be opposing the bill in relation to the Information Privacy and Other Legislation Amendment Bill 2023. I will just briefly move on because I note we do not have all day to debate this bill, but I do just want to put on record in relation to the Public Records Act that again it is a bill that is before the House because of an issue that has arisen from a cabinet minister of the Palaszczuk government.

**Mr Minnikin** interjected.

**Mrs FRECKLINGTON:** I will take the interjection because that minister—it is on public record—was called foolish. We are here today because we have a Public Records Act that needs to be changed because, as has been found, a minister of the Palaszczuk government used his own private email. Not only that, he went further and deleted the public records that were contained therein. Therefore, we are here today discussing the changes to the Public Record Bill 2023 because of the lack of accountability,

integrity, openness and transparency of the Palaszczuk government. We are talking about right back to 2017 when those allegations were made against Minister Bailey, and we saw some 1,200 items identified as public records deleted. We note that a minister of the Palaszczuk government had no authority to delete or dispose of those records.

**Mr Minnikin:** Rookie error.

**Mrs FRECKLINGTON:** I take that interjection. I believe it is more serious than rookie error, because if you have the privilege to be a cabinet minister in this state, you should take your responsibility seriously. What we have seen here is a minister who has continually, time and time again, dismissed the actions of a proper upstanding, accountable minister of the Crown and now we are standing before the House actually moving and talking about the Public Record Bill 2023, the so-called 'mangocube bill'. That is why we are here today. The government can wash it up any way they like, but we know that the former state archivist said on a number of occasions that an inquiry into the integrity of the Queensland government was simply necessary. Actually, he did not say 'simply'; he said it was necessary. He did not belittle it in any way. He also went on to state that the legislation was completely inadequate to ensure the integrity of the Public Records Act which stems completely from the fact that the Palaszczuk government has a minister who does not understand the importance of the Public Records Act. Certainly it is important that we make sure that this bill—

**An opposition member** interjected.

**Mrs FRECKLINGTON:** It is it is actually quite incredible. I will take that interjection. It is quite incredible that we actually have to pass this bill because Queenslanders can no longer trust that a minister will be upstanding in relation to public records and the importance of the public record. With that contribution, I once again note that the opposition will not be opposing this bill.