




Speech By
Fiona Simpson

MEMBER FOR MAROOCHYDORE

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

 **Ms SIMPSON** (Maroochydore—LNP) (3.57 pm): I rise to speak in the cognate debate on two pieces of legislation that have some similarities, although they are primarily different pieces of legislation. One is the Public Records Bill 2023 and the other is the Information Privacy and Other Legislation Amendment Bill 2023. When you raise the issue of what the Public Records Act does, a lot of people may never have heard of it, but it goes to a very important principle—that is, government records belong to the people. They have a certain definition and they are supposed to be protected. This underpins how decisions are made, how government is done and the right of people to know that there is integrity in the way those records are held. Then we have this other piece of legislation around information and privacy. It interacts with the right-to-information legislation.

The Public Records Act is important because it is about the capture and protection of the public record, and the Right to Information Act is about how information is released. Then there are the principles of privacy that interact with that and people's protections. You cannot have a right to information act unless you also have a protection of the public records.

Let's turn to why the Public Records Bill is before the parliament. It is before the parliament not just because in the passage of time the government thought, 'Gee, this is a good idea'; it is before the parliament because of a scandal. This scandal was not just about somebody making a mistake; it was about the cover-up. There is a saying that if the original sin is not what gets you, it will be the cover-up—or to err is human but to cover up is often the greater crime. That is what happened with the mangocube scandal—'mangocube' being part of an email address belonging to the now transport minister in a previous portfolio position he held.

What was the scandal? It became apparent that the minister was conducting government business via private email. Why does that matter? Those private email addresses are still a public record under the definition of the law. It was found that he breached the law but because he deleted his account and they were able to retrieve the account after a long, involved and difficult process—it was like pulling hen's teeth because there was not an open and transparent approach to say, 'Whoops, we made a mistake. This is what happened.' There had to be a prolonged inquiry. The CCC had to get involved to find out what had happened. They called the minister foolish for the way he behaved because he simply did not come clean up-front.

There was a deletion of the minister's email account. We can presume it was because he did not want people to see what was in that email account because there were transactions with a certain union official and government business was being done via backdoor methods. This is all incredibly valid to the bill before the House because the minister ended up being investigated and the truth finally came out. He was not charged and did not incur a penalty for having deleted his emails because they were able to retrieve his emails.

This bill seeks to address and tighten up some of the aspects around the investigation and the position of the State Archivist. The former state archivist was the poor person who, as an independent officer, as a public servant, found themselves in conflict with the government, a senior ministerial staffer and senior public servants. It was that public servant himself as an independent officer, Mike Summerell, the former state archivist, who was hung out to dry and given a hell of a time. This bill seeks to strengthen some of the aspects of the State Archivist's role but it does not go far enough. I want to quote from the former state archivist, Mike Summerell, who was put through hell for daring to stand up to the bullying that went on under this state Labor government. He said—

Between 2017 and 2021 I sought the advice of the Integrity Commissioner in matters relating to potential inappropriate interference in my statutory role on multiple occasions.

In 2021, prior to my departure, I outlined my concerns in regard to potential inappropriate interference in my statutory role to the CCC in great detail.

He went on to say—

For me personally, I feel my attempts to put the public interest in matters of integrity above career cost me my role as State Archivist.

In contrast to the Integrity Commissioner and the Chair of the CCC, I did not actually resign, I was simply told my contract would not be extended.

My own opinion is that my stance on matters of integrity and the independence of the office of the State Archivist were primary factors in that decision.

The Public Records Act has bounced between a couple of ministers. It is interesting that when ministers are in trouble they tend to move certain responsibilities around, and that is certainly what happened in terms of the machinery of government around this act and who was responsible. It has now come back to Minister Enoch again. I would say this: what happened to the former state archivist goes to the heart of some of the damning findings of the Coaldrake review. Professor Coaldrake talked about ministerial staffers parading around like little generals and he talked about this culture of bullying. He also talked about people who gave the ministers essentially what they wanted.

This bill before the House does make it so that any direction from a minister to a state archivist has to be published. However, there is nothing in here about senior public servants such as a director-general directing a state archivist. I recall there were concerns about whether some of the reports of the former state archivist, Mike Summerell, had been altered or interfered with before they were published. These questions were asked and I remember one of the senior public servants—a director-general at the time—said something like, 'We were there to offer help if needed around these annual reports.' We will take that on face value but I make this point. The State Archivist can still be directed by other senior public servants, those who are more senior to that person and that office, and that does not have to be published. A ministerial directive does, but that does not.

The legislation before the House also facilitates some of the administrative arrangements around the release of cabinet documents. I note that this is essentially an administrative practice that the government is saying they are going to fulfil Coaldrake's recommendation some 500 days after that recommendation was made. There is an opportunity for the government to start being more transparent now. They do not need this legislation to do that and they are still blocking the release of a lot of information. They need to start doing it differently. The sunshine has not come in. We have certainly seen that in regard to the release of documents that are still sucked into cabinet and blocked when we go to RTI them. We still see it with this government when ministers are in trouble. They do not just come out and say they made a mistake and fess up. They double down, they deny there was a problem and often we find a great deal more pain has to be borne by some of the statutory and senior public servants who have a heart for integrity who find themselves in conflict with the bullying culture of this government.

It is a matter of fact that what we have seen has been an appalling abuse of some truly independent and fine, upstanding public servants who have had the temerity to stand up to the bullying culture of this Labor government, which denies there is a problem and then covers it up. We still have not seen the culture of cover-up by this government addressed. We still have not seen the culture of bullying of those who dared to have a different opinion addressed. Until we see something different, we know it is time for this government to go. They have no respect for true independence or transparency.

(Time expired)