




Speech By  
**Jim Madden**

**MEMBER FOR IPSWICH WEST**

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

 **Mr MADDEN** (Ipswich West—ALP) (5.01 pm): I rise to speak in the cognate debate of the Information Privacy and Other Legislation Amendment Bill 2023—otherwise known as the privacy amendment bill—and the Public Records Bill 2023. I support both bills and any amendments proposed by the minister.

The privacy amendment bill was introduced to the Queensland Legislative Assembly on 12 October 2023. As the Office of the Information Commissioner noted in its submission, 'We welcome this bill and in general terms support it.' The bill addresses recommendations and proposals made over a number of years. If passed, it will modernise the information privacy protection framework in the Queensland public sector and implement a range of measures intended to streamline and simplify the right to information access process. We also note that the bill seeks to address some of the recommendations made in the Coaldrake report on culture and accountability in the Public Service sector.

As has been pointed out by some commentators, a key provision of the privacy amendment bill is to introduce a mandatory data breach notification scheme to Queensland government departments and agencies. Hidden amongst the amendments is a subtle change to section 33 of the Information Privacy Act, which regulates the transfer of personal information to entities outside Australia. This is relevant if personal information is stored on computer networks and servers outside Australia; for example, in cloud-based service providers located overseas. The privacy amendment bill will replace the word 'transfer' in section 33 with the word 'disclose'. This is helpful in many ways, but it also changes the way departments and agencies must manage the disclosure of personal information overseas.

The Public Records Bill 2023 was also introduced in the Legislative Assembly by the Minister for Treaty, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Communities and Minister for the Arts on 12 October 2023. Prior to the bill's introduction in May 2022 the Queensland government announced an independent review of the Public Records Office Act 2002. On 31 August 2022 Justice Byrne AO, RFD provided the *Report of review of the Public Records Act 2002* to the Queensland government. Rather than amending the act, a new bill has been developed to provide greater flexibility for drafting changes and improving overall outcomes for modernisation, clarity and consistency. As detailed in the explanatory notes, the report by Justice Byrne AO RFD and the Queensland government's response to the *Report of review of the Public Records Act 2002* were released on 16 February 2023 along with a consultation regulatory impact statement for public feedback.

An analysis of the consultation outcomes found that modernised legislation would be the most effective approach to support public authorities and the community. The Public Records Bill has been developed in response and implements a majority of the 25 recommendations for legislative change that are detailed in the report. As the minister pointed out in her first reading speech, this bill will replace

the Public Records Act 2002 with a modernised record-keeping legislative framework. The Palaszczuk government is committed to ensuring that the storage, maintenance, preservation and accessibility of public records reflects the changing nature of record keeping. There are currently at the Queensland State Archives over 3.5 million records that tell many stories of the state's history spanning 200 years. The Queensland State Archives plays a pivotal role in preserving our collective memory, offering a window into our history as well as a comprehensive record of past events, policies and decisions, providing a deep understanding of how our society has evolved over time. As pointed out by the Queensland Human Rights Commission—

While the regime for the management of public records established by the *Public Records Act 2002* appears to include records created and received by entities established by letters patent<sup>5</sup>, and requires custody and preservation of certain records, it does not give rights of access to documents unless and until those documents come into the possession of the Queensland State Archives.

In closing, I would like to thank the Education, Employment and Training Committee, committee secretariat, submitters and Hansard. I commend the Information Privacy and Other Legislation Amendment Bill 2023 and the Public Records Bill 2023 as well as any amendments proposed by the minister to the Legislative Assembly.