




Speech By  
**Kim Richards**

**MEMBER FOR REDLANDS**

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

 **Ms RICHARDS** (Redlands—ALP) (3.50 pm): I rise to speak in support of the Public Records Bill and the Information Privacy and Other Legislation Amendment Bill 2023. These are two very important pieces of legislation that will modernise the way we keep records. The original act was in 2002 and I think things have changed a fair bit in the last 20-odd years when it comes to records and digital technology. Smartphones were not a thing when the legislation was written, nor were iPads. Facebook was not around until 2004, YouTube 2005, Twitter 2006, Instagram 2010, Snapchat 2011 and TikTok 2016, so there has been a fair bit to try to catch up on.

The Education, Employment and Training Committee conducted the inquiry into the Information Privacy and Other Legislation Amendment Bill. Before I move onto the details of the bill, I want to respond to a few points raised by the member for Nanango. During the public hearing the Queensland Information Commissioner noted that the Commonwealth is looking into it but it is still a while off and that it is important we get these protections in place now for all Queenslanders. It is important to note that, although the Commonwealth is on the path, we have been able to get there quicker and will be able to provide Queenslanders with more protection.

With regard to the elements around the transparency, it has to be noted that when the LNP were in government they did not sign up to a proactive release of cabinet documentation. That was not on their trajectory. I was not a member of this place at this time, but I believe that they banned the media from this chamber. Their track record does not speak to transparency and openness at all.

The LGAQ was raised in the statement of reservation. I appreciate that Queensland is a very decentralised state with a lot of small councils but, at the same time, they represent Queenslanders. It should not matter where you live; your data should be protected. Local governments should now have in place risk mitigations around the cyber protection of the data they hold. The data local governments hold on individuals is substantial. I do not think it should be a huge task to provide notification if data breaches occur. You would like to think that all local governments are looking after their community and citizens and protecting their data.

The policy objectives of the bill are to strengthen Queensland's information privacy framework to better protect personal information and improve responses and remedies for data breaches and data misuse; clarify and improve the operation of Queensland's information privacy and right-to-information frameworks; and provide for the proactive release of cabinet documents.

The Australian government's Office of Australian Information Commissioner has just released its report on notifiable data breaches for January to June 2023. It is interesting that in that six-month reporting period there were 288 notifiable attacks that were from malicious or criminal attack, 107 from human error—I think everybody has had an occasion where they have sent an email to the wrong person—and 14 from system faults. I do not think those numbers necessarily reflect the number of

people impacted, because large-scale data breaches, the likes of which we have seen with Medibank and Optus, have affected in some cases 10 million or more people. It is really important that we get this legislation in place to provide our communities with more protection.

The most common kinds of personal information involved in those breaches have been contact details, identity details and financial information. It is also noted that an individual's name, home address, phone numbers, email addresses, health data, passport data, date of birth and driver's licence details have formed many parts of those breaches, which have the potential to create a financial impact. I think this is very important.

In examining the bill, we looked at defining personal information, the adoption of a single set of Queensland Privacy Principles, the Queensland Privacy Principles codes, the mandatory data breach notification scheme—I note that local councils are getting a 12-month extension in terms of when the scheme becomes active—misuse of restricted computers, the proactive release of cabinet documents, waivers of obligations, corporations legislation displacement, and the exclusion of letters patent entities from 'public authority' definition. Our whole committee learned a little bit about how organisations are established under a letter of patent.

The report made three recommendations. Recommendation 1 was that the bill be passed. Recommendation 2 was that proposed new section 49 in clause 33 be amended to require that any extension of time must be only for an amount of time reasonably required for the assessment to be conducted. It is important that people have surety that action is being taken as quickly as possible. Recommendation 3 was that the Attorney-General clarify those matters around the letters of patent. I am really pleased to see that being picked up in the foreshadowed amendments.

I take this opportunity to thank the committee for their work. I thank all of the submitters, the witnesses and our secretariat. It was a very interesting and informative process. I certainly learned a lot about the protections the Palaszczuk government provides for Queenslanders.