



Speech By
Hon. Leanne Enoch

MEMBER FOR ALGESTER

Record of Proceedings, 28 November 2023

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

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Treaty, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Communities and Minister for the Arts) (12.52 pm): I move—

That the Public Records Bill be now read a second time.

I want to thank the Community Support and Services Committee for their consideration of the Public Records Bill 2023. I note the committee tabled its report on 24 November 2023. I now table the government's response to the committee's report.

Tabled paper: Community Support and Services Committee: Report No. 38, 57th Parliament—Public Records Bill 2023, government response [2005](#).

I will during this contribution address the recommendations made by the committee and will provide further explanation of how the recommendations will be addressed. I acknowledge the hard work of the chair, the member for Mansfield, the committee members and the secretariat. I also acknowledge those who appeared as part of the committee's inquiry, including the Interim Truth and Treaty Body, the Australian Society of Archivists, the Records and Information Management Practitioners Alliance Global, the Office of the Information Commissioner, and Dr Rose Barrowcliffe, Queensland State Archive's First Nations archives advisor. I also acknowledge the organisations and individuals who made written submissions as part of this process.

This bill will replace the current Public Records Act 2002 with modernised records management legislation, drafted in line with contemporary practice including reflecting the contemporary, diverse and dynamic digital landscape we now operate in. It also reinforces the Palaszczuk government's pledge to instil confidence in Queensland's public sector, particularly regarding the storage, management, preservation and accessibility of public records.

The bill addresses the recommendations from the 2022 independent review of the Public Records Act 2002. Led by retired Supreme Court Justice, the Hon. John Byrne AO RFD, and supported by a team of experienced subject matter experts, the review was undertaken with the objective of modernising our record-keeping framework. The final report of the review made 27 recommendations to modernise Queensland's records management framework. The review's 27 recommendations for both legislative and non-legislative actions made it clear that the act should be modernised to align with contemporary needs.

One of the common themes that emanated throughout the independent review of the Public Records Act 2002 and during consultation was access to public records. One of the key purposes of the bill is to provide a framework for making, managing and accessing public records in a way that benefits both the present and future generations.

Recommendation 15 of the independent review reflects the importance of access by focusing on an improved access framework. The bill implements the recommendation, including adopting a pro-disclosure approach, with public records being open on transfer to the Queensland State Archives,

and with limited triggers to restrict access to the records. It will deliver greater access to records for all Queenslanders and will mean that people will have better access to the records of our state's history. It will open Queensland's cultural legacy and, importantly, preserve this history for generations to come. This is where 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 and, importantly, supporting the long-term preservation of and access to born-digital public records of permanent value.

The Queensland State Archives is also developing a digital archive to ensure the QSA digital collection is managed in a way that preserves the records' context, integrity and authenticity, and survives technological changes, allowing best practice preservation of, and easier access to, permanent digital records for our community. Many aspects of First Nations perspectives have been absent in historical government records, leaving us with a narrative that does not include important voices. The Queensland State Archives holds the evidence of our uncomfortable shared past and has a crucial role to play in supporting the Path to Treaty's commitment to truth-telling.

The Queensland State Archives hold extensive records stretching back 200 years about Aboriginal and Torres Strait Islander people. QSA is currently identifying, digitising and reviewing these records relating to our painful shared history of frontier violence. So far, QSA have digitised more than 18,000 records that relate to First Nations peoples and communities. Decolonisation is about revealing and valuing all perspectives, including those of First Nations people. The review of the Public Records Act provides an opportunity to ensure legislation supports this important work.

The bill adopts a new purpose and set of principles for administering the act, including recognition of the importance of public records for Aboriginal and Torres Strait Islander people. The current Public Records Act 2002 is silent on the interests and perspectives of First Nations peoples. Drafted and commenced over 20 years ago, the Public Records Act predates the United Nations Declaration on the Rights of Indigenous Peoples and does not consider First Nations peoples or communities. The bill recognises the valuable contribution of Aboriginal and Torres Strait Islander people by providing for representation on the Public Records Review Committee, which gives advice to the minister, and the creation of a new First Nations Advisory Group to advise the State Archivist.

The principles outlined in the bill make specific reference to public records relating to Aboriginal and Torres Strait Islander peoples. The principles state—

- The knowledge of Aboriginal peoples and Torres Strait Islander peoples gained from governing their lands, seas, waters, air and resources for at least 65,000 years prior to British colonisation of Queensland is unique and a priceless asset for Queensland.
- The nature, volume and content of public records relating to Aboriginal peoples and Torres Strait Islander peoples and their knowledge is different to that of other Queenslanders.
- These public records may contain content that is sensitive, inaccurate, or offensive and may have been used in the past in a way that disrupted Aboriginal and Torres Strait Islander cultural practices and communities.
- These public records should be managed and accessed with care to—
 - (i) support Aboriginal peoples and Torres Strait Islander peoples to participate in truth-telling and treaty negotiations; and
 - (ii) contribute to reframing the State government's relationship with Aboriginal peoples and Torres Strait Islander peoples; and
 - (iii) otherwise support revitalisation of culture and reconnecting communities and families.

The bill recognises the importance of public records and access to those records for First Nations people. Of course, the Queensland State Archives offers a window into our recent history, giving us an understanding of how Queensland has evolved over time. However, this collection provides a colonial perspective. As I said before, the nature, volume and content of public records relating to First Nations peoples and their knowledge is different to that of other Queenslanders. The establishment of a First Nations Advisory Group will enshrine Aboriginal and Torres Strait Islander decision-making in the management of public records and is a first step towards recognising First Nations data sovereignty within Queensland. The advisory group will provide advice to the State Archivist on how to manage and access public records in a way that supports the goals of Aboriginal and Torres Strait Islander people in matters of truth-telling and impacts on culture, communities and families. This bill will help ensure that our shared heritage is protected for future generations.

There is work still to be done to consider the outstanding recommendations, which will be undertaken collaboratively with key stakeholders. The State Archivist will update government two years after the proclamation of the new legislation on the outcomes of work on the outstanding recommendations.



Hon. LM ENOCH (Alger—ALP) (Minister for Treaty, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Communities and Minister for the Arts) (2.57 pm), continuing: To clarify my earlier comments, the State Archivist will update government two years after the passing, rather than the proclamation, of the new legislation on the outcomes of work on the outstanding recommendations. The update will also report on the success of the implementation of the bill.

The Public Records Bill is a significant step forward for Queensland's public records and is acknowledged by the Australian Society of Archivists as a world-leading example of archival legislation. The Australian Society of Archivists, ASA, applauded the Queensland government for its decision to review and propose improvements to the legislation through the current bill. During the public hearing, this legislation was acknowledged by Mr Adrian Cunningham, an archival expert representing the ASA, to be an excellent and world-leading piece of archives and records legislation. In particular, Mr Cunningham highlighted the improved clarity within the legislation and the positive way that the bill strengthens the autonomy and the independence of the State Archivist and better enables the Archivist to monitor and report on record-keeping maturity across Queensland public authorities.

This ability will support public authorities to strengthen their record keeping practices and will improve the protection and preservation of permanent public records for current and future generations. This will be further strengthened through the new ability for the State Archivist to issue mandatory standards. As noted by QLeave in their submission to the committee, the State Archivist will provide assistance and training to public authorities to assist them in meeting their requirements under this new legislation. I also note the Local Government Association of Queensland provided a submission acknowledging the amendments to the Public Records Act support integrity and accountability and ensure appropriate maintenance and access to Queensland's documented history.

Turning to the recommendations of the Community Support and Services Committee, I thank the committee for its first recommendation: that the bill be passed. The second recommendation from the committee noted the further work needed towards establishing Indigenous data sovereignty. It recommended the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts inform the committee of any progress. The government acknowledges further work is required to consider the establishment of Indigenous data sovereignty and commits to updating the committee on the progress of this matter.

Public records serve as the cornerstone for elevating the efficiency and effectiveness of community services, forming the core for well-informed decision-making and supporting economic growth, innovation and research endeavours. This bill underscores the critical role of ensuring accessibility to our public records for both present and future generations within our community.

Before I close, I also wish to inform the House that I intend to move amendments during consideration in detail of the bill to address some very minor technical corrections. I once again thank the committee for its consideration of the bill, the independent panel members and those who were involved in the consultation process. I commend the bill to the House.