

Proclamation – Information Privacy and Other Legislation Amendment Act 2023

Explanatory notes for SL 2024 No. 9

made under the

Information Privacy and Other Legislation Amendment Act 2023

General Outline

Short title

Proclamation commencing certain provisions of the *Information Privacy and Other Legislation Amendment Act 2023*

Authorising law

Section 2 of the *Information Privacy and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the proclamation is to commence certain provisions of the *Information Privacy and Other Legislation Amendment Act 2023* (IPOLA Act). The provisions to be commenced by the proclamation amend the *Right to Information Act 2009* (RTI Act) to support the proactive release scheme recommended by the Coaldrake Report, *Let the Sunshine in: Review of culture and accountability in the Queensland public sector*. In particular, the provisions commenced by the proclamation:

- insert a new section 18A in new part 3 of chapter 1 of the RTI Act, to ensure that the public interest immunity in proceedings and processes is not altered by the publication of information by Cabinet, or decisions by Cabinet to officially publish Cabinet information;
- insert a new section 22A to the RTI Act, to provide protection from civil liability for Ministers disclosing information under a publication scheme or other administrative scheme in good faith; and
- amend schedule 3, section 2 of the RTI Act to provide clarity for applicants and decision makers under the RTI Act concerning the exempt status of information in Cabinet submissions and Cabinet decisions, and other Cabinet related documents, in view of the official publishing of information by decision of Cabinet under the proactive release scheme.

Achievement of policy objectives

The policy objective is achieved by fixing the commencement date of 1 March 2024 for the sections in the IPOLA Act which support the proactive release scheme.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the RTI Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Proclamation is the only effective means of achieving the policy objective.

Benefits and costs of implementation

There are no costs to government in implementing the specified sections of the IPOLA Act.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles (FLPs).

Consultation

The Department of the Premier and Cabinet consulted all departments on the timing of commencement of the proactive release scheme. The Queensland Treasury Office of Productivity and Red Tape Reduction was also notified of the Proclamation. In accordance with the *Better Regulation Policy*, no further regulatory impact analysis or consultation was determined by the Department of the Premier and Cabinet as being required and an Impact Analysis Statement has been prepared and approved for publication.