

**Relevant preparatory notes:**

- QIC Limited and its subsidiaries (QIC) are currently exempt from application of the Information Privacy Principles defined in the *Information Privacy Act 2009* (QLD) (IP Act) by virtue of Schedule 2 Part 1.
- QIC is currently exempt from application of the *Right to Information Act 2009* (QLD) (RTI Act) by virtue of Schedule 2 Part 2 section 15, except with reference to community service obligations (CSOs). QIC does not currently have any CSOs.
- On the basis of QIC's limited interaction with either Act, a practitioner's view cannot really be taken. Instead, the focus of this submission is on whether the current applicability and third party consultation thresholds remain appropriate.
- QIC respects and supports the spirit of the Government's 'push-model' of public information engagement and proactively makes available applicable information in accordance with the 'Government Owned Corporation Release of Information Arrangements' (Release of Information Arrangements).

Section	Question	QIC Response
<b>Discussion Paper – Review of the Right to Information Act 2009 and Chapter 3 of the Information Privacy Act 2009</b>		
Part 4 – Scope of the Acts Question 4.4	Should the way the RTI Act and Chapter 3 of the IP Act ( <i>the Acts</i> ) apply to GOCs be changed? If so, in what way?	<p>As stated in the preparatory notes, QIC supports the spirit of the RTI Act and is proactively engaged with the Release of Information Arrangements.</p> <p>However, QIC is a fully commercial Government owned corporation which provides investment and funds management services to not only State and Federal Government agencies, but also to an increasing number of non-Government clients.</p> <p>In doing so, QIC operates within a highly competitive and heavily regulated environment where it must compete with a growing roster of both domestic and international private-sector competitors. Further, QIC's competitors are not generally subject to disclosure frameworks even so far as that contained within the Release of Information Arrangements, let alone the Acts (Australian Securities Exchange Listing Rules notwithstanding).</p> <p><b>On this basis, QIC suggests that the public interest would not be advanced by any change in the scope of the Acts with reference to its operations, and instead strongly advocates for the maintenance of QIC's current exemptions.</b></p>
Part 4 – Scope of the Acts Question 4.5	Should corporations established by the Queensland Government under the <i>Corporations Act 2001</i> be subject to the Acts?	As stated in the preparatory notes, QIC supports the spirit of the RTI Act and is proactively engaged with the Release of Information Arrangements. However, for the reasons outlined in the above response, QIC strongly advocates the maintenance of its current exemptions under the RTI Act. Please refer to the point below addressing question 4.0 of the IP Act review discussion paper for a response regarding that legislation.

Section	Question	QIC Response
Part 6 – Applying for Access and Amendment under the Acts Question 6.13	Should the thresholds for third party consultation be reconsidered?	<p>While QIC acknowledges the robust nature of the third party consultation process defined by section 37 of the RTI Act, QIC would like to take this opportunity to advocate that its current exemption under the RTI Act be extended to include documents sought for release under third party arrangements.</p> <p>Given the defensibility of QIC’s current exemption, QIC posits it would be reasonable for its exemption to be extended to cover all documents it generates, whether held in its records and therefore already exempt, or whether these same documents are held by Government upon provision by QIC in the performance of its duties.</p> <p>Given the commercial sensitivities associated with QIC’s operations, any third party consultation process would conceivably result in a determination that release of QIC documents was not in the public interest. If QIC’s exemption under the RTI Act was extended, it could be argued that cost and efficiency savings may accrue to Government on the basis that an extensive, and presumably costly, third party consultation process would no longer be undertaken.</p> <p>Despite any extension of its current exemptions, QIC would continue to support the spirit of the Government’s ‘push-model’ of public information engagement and proactively make available applicable information in accordance with the Release of Information Arrangements.</p>
Part 7 – Refusing access to documents Question 7.1	Do the categories of excluded documents and entities satisfactorily reflect the types of documents and entities which should not be subject to the RTI Act?	<p>QIC supports the definition of its exemption under Schedule 2 Part 2 section 15 of the RTI Act, as detailed below:</p> <p>‘QIC Limited ACN 130 539 123, or a subsidiary of QIC Limited, in relation to its functions, except so far as they relate to community service obligations’</p> <p>While no CSOs currently apply to QIC, and have not applied traditionally, QIC recognises the public interest factors associated with CSOs and so would support the continued inclusion of the reference to CSOs in the above definition. QIC would note, however, that aspects of CSOs could often be considered commercially sensitive and would therefore promote there being a clear linkage between provisions for release of information regarding CSOs, and the factors favouring non-disclosure of information detailed in Schedule 4 Part 3 of the RTI Act.</p>
<b>Discussion Paper – Review of the Information Privacy Act 2009: Privacy Provisions</b>		
Definition of ‘agency’ Government owned corporations Question 4.0	Should Government owned corporations in Queensland be subject to Queensland’s IP Act, or should they continue to be bound by the Commonwealth Privacy Act?	On behalf of its clients, QIC currently operates interests in Queensland, New South Wales, the Australian Capital Territory, Victoria, South Australia and Western Australia. As such, QIC’s interaction with the National Privacy Principles promotes consistency and efficiency across its operations. On this basis, QIC supports maintenance of its current exemption for all but Chapter 3 of the IP Act, and therefore the continued applicability of the National Privacy Principles.