

NORTHERN TERRITORY OF AUSTRALIA

INFORMATION AMENDMENT ACT 2011

Act No. 3 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 3 of 2011

An Act to amend the *Information Act*

[Assented to 14 March 2011]
[Second reading 2 December 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Information Amendment Act 2011*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Information Act*.

4 Section 49A amended

Section 49A(b)(v)

omit, insert

(v) a commission of inquiry established under the *Local Government Act*.

5 Section 71 repealed

Section 71

repeal

6 Section 81 amended

Section 81(2)(a)

omit

; and

insert

; or

7 Section 86 amended

Section 86(1)(a)

omit, insert

(a) to develop and issue guidelines to public sector organisations about the following:

(i) freedom of information;

(ii) the correction of personal information;

(iii) the protection of privacy;

(iv) for IPP 2.1(ca) – the use and disclosure of health information;

8 Section 146 amended

Section 146(2)

omit, insert

(2) A person must not knowingly make a statement that is false or misleading, or contains a material omission, for the purpose of gaining access under this Act to:

(a) another person's personal information; or

(b) information about another person's business, professional, commercial or financial affairs.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

9 Section 158 replaced

Section 158

repeal, insert

158 Regulations

The Administrator may make regulations under this Act.

10 Schedule 2 amended

(1) Schedule 2, IPP 1.3(f)

omit

the main consequences (if any)

insert

any consequences

(2) Schedule 2, after IPP 2.1(c)

insert

(ca) the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest and the following apply:

- (i) the research, compilation or analysis will not be published in a form that identifies the individual;
- (ii) it is impracticable for the organisation to seek the individual's consent before the use or disclosure;
- (iii) in the case of disclosure – the organisation reasonably believes the recipient of the information will not disclose the information;
- (iv) if the information is health information – the use or disclosure is in accordance with guidelines issued by the Commissioner under section 86(1)(a)(iv) for this paragraph;

(3) Schedule 2, IPP 2.1(d)(ii)

renumber as subparagraph (iii)

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- (4) Schedule 2, after IPP 2.1(d)(i)
insert
(ii) a serious or imminent threat of harm to, or exploitation of, a child; or
- (5) Schedule 2, after IPP 2.2 (in IPP 2)
insert
- 2.3 In this IPP:
child, see section 13 of the *Care and Protection of Children Act*.
exploitation, see section 16 of the *Care and Protection of Children Act*.
harm, see section 15 of the *Care and Protection of Children Act*.
- (6) Schedule 2, IPP 6.4(b)
omit
date,
insert
date;
- (7) Schedule 2, IPP 6.7(c)
omit
request,
insert
request;
- (8) Schedule 2, IPP 10.1(c)(ii)
omit
collection,
insert
collection;

11 Act further amended

The Schedule has effect.

Schedule Act further amended

section 11

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 4, definition <i>IPP</i>	referred to	mentioned
section 4, definition <i>person</i>	a natural person deceased person	an individual deceased individual
section 4, definition <i>unique identifier</i>	(not the person's name) the purposes of	
section 5(5)(c)	within the meaning	as defined in section 3
section 5(6)	the purposes of	
section 10(2)(c)	information,	information;
section 11(1)(b)(iii)	public,	public;
sections 11(2) and (3) and 12(1)	referred to	mentioned
section 17(3)(b)	applicant,	applicant;
section 18(2A)	(if any)	
section 20	the purpose of	
section 20(a)	(if any) that are (inclusive)	
section 21(2)(b)(ii)	(if any) (<i>all references</i>)	
section 23(3) and (3)(a)	referred to	mentioned
section 23(3)(b)	information,	information;
section 26(1)	referred to	mentioned
section 27(1)(c)	exist,	exist;
section 29(1)(b)	organisation,	organisation;

section 29(2)	referred to	mentioned
section 30(1) and (7)	the purposes of	
section 30(2)	(if any)	
section 30(6)	referred to	mentioned
section 33	the purpose of	
section 33(a)	(if any) that are (inclusive)	
section 36(1)	referred to	mentioned
section 37(1)(b)	organisation,	organisation;
section 37(2)	referred to	mentioned
section 38(1)(b)	information,	information;
section 40(1)(a)	in part	part
section 40(1)(b)	in part , as the case may be	part
section 41	the purposes of	
section 42(2)(b)(iii)	all words from "for" to "interfering"	to harass, obstruct or otherwise interfere
section 42(3)	(if any)	
sections 44 and 45(1)(a)(viii), (2) and (3)	referred to	mentioned
section 48, note	<i>Note</i>	<i>Note for section 48</i>
sections 50(1), 52(2), (3), (4) and (5), 55(2), (4), (5) and (6) and 57(4), (5) and (6)	referred to	mentioned
section 60(1)	in writing	
section 60(1)(a) to (c) and (3)(a) and (b)	referred to	mentioned

section 60(3)(c)	whole paragraph	(c) information mentioned in section 56.
section 60(3)	as the case may be.	
section 61(1)(b)	her,	her;
section 63(2)	referred to	mentioned
sections 70 and 72(5)	the purposes of	
section 73(2)(c)	interest,	interest;
section 74(2)(b)	referred to	mentioned
sections 75(1) and 78	notice in the <i>Gazette</i>	<i>Gazette</i> notice
sections 80(4)(b) and 81(3)	(if any)	
section 85(2)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 87(2)	the purposes of	
section 87(2)(c)	86(1)(e),	86(1)(e);
section 91(2)(c)	all words from "an" to "that Act"	a public sector employee, warrant dismissal under the <i>Public Sector Employment and Management Act</i>
section 94(1)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 96(1)	all words after "be"	public sector employees.
sections 96(2) and 98(3) and (4)	referred to	mentioned
section 98(3)	(inclusive)	
section 100	in pursuance of	under
section 100(b)	94,	94;
section 107(1)	the purpose of	

section 108(4)(b)	respondent,	respondent;
section 111(4)(b)	the records (if any)	any records
section 111(4)(c)	the recommendations (if any)	any recommendations
section 115(2)(a)	referred to	mentioned
section 115(4)	the purpose of	
section 116(1)(c)	complaint,	complaint;
section 116(1)(e)	the orders (if any)	any orders
section 116(2)	referred to	mentioned
section 118(1)(c)	reason,	reason;
section 128(1)(c)	complaint,	complaint;
section 128(3)(b)	the purposes of	
section 129(2)(d)	appeal,	appeal;
section 133(2)(b)	record,	record;
section 144(2)	all words from "referred" to "virtue"	mentioned in subsection (1) because
section 144(3)	the purpose of	
section 145(2)(a) to (d) and (g)	referred to	mentioned
section 147(2)	the purposes of	
section 148(1)(a)	referred to	mentioned
section 148(2)(b)	the purposes of this Act,	this Act;
section 148(2)(c)	the purposes of	
section 149(2) and (3)(c)	referred to	mentioned
section 149(3)(a)	the purposes of	
section 149(3)(b)	authorisation,	authorisation;

section 150(1)	Where a natural person	If individual
section 150(1)(a)	natural person	individual
section 150(2)	the purposes of a natural person natural person, the natural person.	individual individual, individual.
section 150(3)	A natural person	An individual
section 151(1)(a)	referred to	mentioned
sections 153 and 156(4)(b)	the purposes of	
section 156(5)	the case may be	appropriate
Schedule 1, entry for <i>Care and Protection of Children Act</i>	whole entry	
Schedule 1		<i>(in alphabetical order)</i> <i>Care and Protection of Children Act</i> section 301(1)
Schedule 1, entry for <i>Taxation Administration Act</i>	102	102(1)
