

NORTHERN TERRITORY OF AUSTRALIA  
INFORMATION AMENDMENT ACT 2003

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Act No. 26 of 2003

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Act No. 26 of 2003

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## AN ACT

to amend the *Information Act*

*[Assented to 26 June 2003]*  
*[Second reading 28 May 2003]*

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Information Amendment Act 2003*.

**2. Principal Act**

The *Information Act* is in this Act referred to as the Principal Act.

**3. Public sector organisations**

Section 5 of the Principal Act is amended by omitting subsections (2), (3) and (4) and substituting the following:

"(2) The following are not public sector organisations:

- (a) the Commissioner;
- (b) a person or body declared by the Regulations not to be a public sector organisation.

"(3) The following are not Agencies:

- (a) an Agency that is a Government Business Division;

*Information Amendment Act 2003*

- (b) if a Government Business Division forms part of an Agency – that part of the Agency.

"(4) A Government Business Division or Government owned corporation is a public sector organisation for personal information only.

"(4A) A public sector organisation may be declared by the Regulations to be a public sector organisation for personal information only."

**4. Application for access to government information**

Section 18 of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) The application is to be accompanied by the application fee (if any)."

**5. Conduct of review**

Section 39 of the Principal Act is amended by omitting from subsection (5) "of the public sector organisation that" and substituting "who".

**6. Application of Part**

Section 130 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Subject to subsection (2), this Part applies in relation to all records of a public sector organisation even though the organisation is a public sector organisation for personal information only."

**7. When should records be transferred to the archives service?**

Section 141 of the Principal Act is amended –

- (a) by omitting "A public" and substituting "(1) A public";
- (b) by omitting from paragraph (b) "must" and substituting "must, subject to this section,"; and
- (c) by inserting at the end the following:

"(2) The archives service may, on the application of a public sector organisation and if satisfied the organisation's operations require it, extend the 30-year period for one or more further periods, each of which must not exceed 5 years.

"(3) The application is to be in a form approved by the archives service.

- "(4) The archives service –
- (a) must revoke the extension if requested by the public sector organisation; or
  - (b) may revoke the extension if satisfied –
    - (i) the operations of the organisation no longer require it; or
    - (ii) the organisation is not complying with the standards applicable to the organisation for a record that would, apart from the extension, have been transferred to the archives service for inclusion in the Territory Archives.

"(5) If the extension is revoked, the public sector organisation must transfer the record to the archives service for inclusion in the Territory Archives as soon as practicable."

## **8. Confidentiality**

Section 148 of the Principal Act is amended by omitting the penalty provision at the foot of the section and substituting the following:

"Penalty: 400 penalty units or imprisonment for 2 years."

## **9. Fees for applications and complaints**

Section 156 of the Principal Act is amended by inserting after subsection (4)(c) the following:

"(ca) provide for the payment and refund of deposits for processing fees;"

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