

Serial 140
Public Information Amendment Bill 2015
Ms Manison

A Bill for an Act to amend the *Public Information Act*

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC INFORMATION AMENDMENT ACT 2015

Act No. [] of 2015

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2015

An Act to amend the *Public Information Act*

[Assented to [] 2015]
[Second reading [] 2015]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Public Information Amendment Act 2015*.

2 Act amended

This Act amends the *Public Information Act*.

3 Section 3 amended

Section 3

insert (in alphabetical order)

Government promotional information, see section 8B(2).

information notice, in relation to a decision by the Auditor-General to make an order under this Act, means a written notice stating:

- (a) the reasons for the decision; and
- (b) the rights of appeal against the decision that are available to the person to whom the order is given, including the period within which, and the way in which, the appeal must be made.

4 Section 6 amended

- (1) Section 6(2)(c)

omit

comments.

insert

comments; or

- (2) After section 6(2)(c)

insert

(d) is an advertisement that includes an image of the holder or occupier of the office of a Minister; or

(e) is Government promotional information given without the agreement required by section 8B(1).

5 Section 7 amended

- (1) Section 7(3)(a)

omit

or

insert

and

- (2) After section 7(3)(a)

insert

(ab) if the review was conducted on the request of an Assembly member – give a copy of the report to the member; and

- (3) Section 7(3)(b), after "include"

insert

a copy of

- (4) Section 7(4)

omit

-
- (5) Section 7(5)
omit
mentioned in subsection (3)(a)

6 Section 8 amended

- (1) Section 8(2)
omit
public:
insert
public or, if the public authority is an Agency, give written notice to the Chief Executive Officer of the Agency:
- (2) Section 8(2)(b) and (3), after "public authority"
insert
or Chief Executive Officer
- (3) Section 8(4)
omit
authority:
insert
authority or Chief Executive Officer:
- (4) Section 8(4)(b), after "public authority"
insert
or Chief Executive Officer

7 Section 8A and Part 2A inserted

After section 8, in Part 2
insert

8A Auditor-General's orders after completing review

- (1) This section applies if, after completing a review of particular public information, the Auditor-General determines this Act is contravened in relation to the information.

(2) The Auditor-General may order the public authority that gave the public information to the public or, if the public authority is an Agency, the Chief Executive Officer of the Agency, to withdraw the public information by taking the action stated in the notice.

(3) A person commits an offence if the person contravenes an order given under subsection (2).

Maximum penalty: 8 penalty units.

(4) In addition, the Auditor-General may order one of the following to repay the costs incurred by the Territory in relation to the giving of the public information:

(a) if the public authority is an Agency – the Chief Executive Officer of, or the Accountable Officer for, the Agency;

(b) otherwise – the public authority.

(5) If an order is made under subsection (4), the amount payable under the order is recoverable as a debt due and payable to the Territory.

(6) An order made under this section must:

(a) be given in writing to the person to whom the order relates; and

(b) be accompanied by an information notice.

(7) In this section:

Accountable Officer, see section 3(1) of the *Financial Management Act*.

Part 2A Government promotional information

8B Agreement required to give Government promotional information to public

(1) A public authority must not give Government promotional information to the public unless:

(a) the holders or occupiers of the following offices have agreed in writing that the information may be given:

(i) the Chief Minister;

(ii) the Leader of the Opposition; and

(b) the public authority has been given a copy of the agreement.

-
- (2) In this section:

Government promotional information means information, other than information of a general or operational nature, that:

- (a) highlights the role or achievements of the holder or occupier of the office of a Minister; or
- (b) emphasises the achievements of the Government; or
- (c) advertises or promotes a policy of the Government; or
- (d) relates to matters in contention between the Government and Opposition.

8 Section 9 amended

After section 9(3)

insert

- (4) Sections 63(9) and (10) and 64 of the *Interpretation Act* apply in relation to public information guidelines as if a reference in those provisions to subordinate legislation were a reference to those guidelines.
- (5) Section 57 of the *Interpretation Act* does not apply to public information guidelines.

9 Section 9A inserted

After section 9

insert

9A Appeals

- (1) A person who is entitled to be given an information notice in relation to a decision by the Auditor-General to make an order under this Act may appeal to the Local Court against the decision.
- (2) The appeal must be started within 28 days after:
 - (a) if the person receives an information notice – the day the person receives the notice; or
 - (b) otherwise – the day the person becomes aware of the decision.
- (3) An appeal must be made in accordance with the procedure prescribed under the *Local Court Act*.

-
- (4) At the hearing of the appeal fresh evidence may be given.
 - (5) On hearing the appeal, the Local Court may make any orders it considers appropriate.
 - (6) An appeal does not affect the operation of the decision to which the appeal relates, unless the Local Court orders that the decision is stayed until proceedings in relation to the appeal end.

10 Part 4 heading amended

Part 4, heading

omit

for Public Information Act 2010

11 Part 4, Division 1 heading inserted

After Part 4, heading

insert

Division 1 Transitional matters for Public Information Act 2010

12 Part 4, Division 2 inserted

After section 11

insert

Division 2 Transitional matters for Public Information Amendment Act 2015

12 Existing public information guidelines

- (1) The existing guidelines continue in force after the commencement of the amendment Act as if they had been made in accordance with section 9 as amended by the amendment Act.
- (2) In this section:

amendment Act means the *Public Information Amendment Act 2015*.

existing guidelines means the guidelines made under section 9 as in force immediately before the commencement of the amendment Act.