

Serial 101
Information Amendment Bill 2014
Mr Elferink

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

NORTHERN TERRITORY OF AUSTRALIA

INFORMATION AMENDMENT ACT 2014

Act No. [] of 2014

Table of provisions

1	Short title	1
2	Commencement	1
3	Section 4 amended.....	1
4	Section 73 amended.....	2
5	Sections 74 and 75 repealed.....	3
6	Section 76 amended.....	3
7	Section 80 amended.....	4
8	Part 5, Division 4 heading amended.....	4
	by Commissioner	
9	Section 81 amended.....	4
10	Section 81A inserted	5
	81A Authorisation related to an emergency situation	
11	Part 12 inserted	6
	Part 12 Transitional matters for Information Amendment Act 2014	
	161 Codes of practice	
12	Expiry of Act	6



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2014

An Act to amend the *Information Act*

[Assented to [] 2014]
[Second reading [] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Information Amendment Act 2014*.

2 Commencement

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

3 Section 4 amended

(1) Section 4

insert (in alphabetical order)

emergency situation, see section 18(1) of the *Emergency Management Act*.

(2) Section 4, definition **authorisation**

omit

section 81

insert

Part 5, Division 4

-
- (3) Section 4, definition **code of practice**

omit

Administrator

insert

Commissioner

- (4) Section 4, definition **code of practice**

omit

75

insert

73

- (5) Section 4, definition **law enforcement agency**, after paragraph (c)

insert

(ca) the Northern Territory Emergency Service as defined in section 8 of the *Emergency Management Act*, or

(cb) the Fire and Rescue Service as defined in section 3(1) of the *Fire and Emergency Act*, or

4 Section 73 amended

- (1) Section 73, heading

omit

all words after "**may**"

insert

approve code of practice

- (2) Section 73(1)

omit

all words after "for"

insert

approval.

-
- (3) Section 73(2)
omit
If
insert
The Commissioner may, by *Gazette* notice, approve the draft code as a code of practice, if
- (4) Section 73(2)
omit
interest;
insert
interest.
- (5) Section 73(2)
omit
all words from "the Commissioner must" to "approval."
- (6) After section 73(2)
insert
- (3) A notice of approval is to specify the public sector organisation to whom the code of practice applies.

5 Sections 74 and 75 repealed

Sections 74 and 75

repeal

6 Section 76 amended

Section 76

omit

75

insert

73

7 Section 80 amended

(1) Section 80(2)

omit, insert

(2) The register must include a copy of each code of practice.

(2) Section 80(4)(a)

omit, insert

(a) publish the register on the Commissioner's website; and

8 Part 5, Division 4 heading amended

Part 5, Division 4, heading

omit

by Commissioner

9 Section 81 amended

(1) Section 81, heading, at the end

insert

generally

(2) Section 81(1)

omit

all words after "with"

insert

the IPPs.

10 Section 81A inserted

After section 81 in Part 5, Division 4

insert

81A Authorisation related to an emergency situation

- (1) A public sector organisation is authorised to collect, use or disclose personal information in a manner that would otherwise contravene or be inconsistent with the IPPs:
 - (a) during an emergency situation; and
 - (b) if the information is to be collected, used or disclosed for a permitted purpose in relation to the emergency situation.
- (2) On the application of a public sector organisation, the Commissioner may authorise in writing the organisation to collect, use or disclose personal information in a manner that would otherwise contravene or be inconsistent with the IPPs:
 - (a) for a period of time after the end of an emergency situation; and
 - (b) if the information is to be collected, used or disclosed for a permitted purpose in relation to the emergency situation.
- (3) In this section:

permitted purpose, in relation to an emergency situation, means a purpose that directly relates to the Territory's response to, management of or recovery from the situation and may include the purpose of:

- (a) coordinating operations for the response, management or recovery; and
- (b) identifying individuals who:
 - (i) are or may be injured, missing or dead as a result of the situation; or
 - (ii) are or may be otherwise involved in the situation; and
- (c) assisting individuals involved in the situation in obtaining services such as repatriation services, medical or other treatment, health services, financial and other humanitarian assistance; and
- (d) assisting with law enforcement in relation to the situation.

11 Part 12 inserted

After section 160

insert

**Part 12 Transitional matters for Information
Amendment Act 2014****161 Codes of practice**

- (1) Section 73 as in force after the commencement applies in relation to the consideration and approval of a code of practice by the Commissioner if, before the commencement:
 - (a) a public sector organisation had submitted a draft code of practice to the Commissioner; and
 - (b) the Commissioner had not yet decided whether or not to recommend that the draft code be submitted to the Administrator for approval.
- (2) Despite the repeal of sections 74 and 75, those sections as in force immediately before the commencement continue to apply in relation to the consideration and approval of a draft code of practice if, before the commencement:
 - (a) the Commissioner had recommended the draft code be submitted to the Administrator for approval; and
 - (b) the code of practice had not been approved by the Administrator.
- (3) A code of practice in force immediately before the commencement continues in force as if the code had been made by the Commissioner under section 73 of the Act.
- (4) In this section:

commencement means the day on which the *Information Amendment Act 2014* commences.

12 Expiry of Act

This Act expires on the day after it commences.