Section	Proposed change	Reasons
`PART 1, s. 4 - Definitions	Add a further description after paragraph (d) of the definition of "**law enforcement agency**", as follows: and includes law enforcement activities performed by a public sector organisation whose sole or primary function is not law enforcement.	The definition should be amended for clarity to include the law-enforcement functions and powers exercised by an organisation that is not, as its primary function, a law enforcement agency.
PART 1, s. 4 - Definitions	It is suggested that the definition of "**tribunal**" be: "tribunal" means a body (other than a court) established by or under an Act that has judicial or quasi-judicial functions in which the rules of evidence are applied.	The definition should be amended for clarity and certainty as to what type of organisation or function is intended to be described as having quasi-judicial functions. See, for example, *Baker v Campbell* (1983) 153 CLR 52.
PART 1, s. 4 - Definitions	It is suggested that the definition of "**person**" be amended by deleting "the first 5 years" and replacing with "30 years" or a greater period.	Protection of records for only 5 years after death of a person is inadequate and contrasts with all other jurisdictions (NSW 30 years under the PPIPA, but longer periods for Archives if needed; Qld unlimited). There is some argument for longer periods which could be considered for particularly sensitive records such as mental health and child abuse. Premature release of such records would serve not only to embarrass the living relatives of the deceased, but also to deter current patients from fully disclosing their circumstances for fear of release after death.
PART 1, s. 4 - Definitions	Replace the current definition of "**personal information**" with a provision similar to that in the Irish *Freedom of Information Act,* section 2	The definition should be amended for clarity and certainty, especially to address the situation where an applicant's name only

Section	Proposed change	Reasons
	Definitions.	appears on a record containing government information or another person's personal information, and where a public sector employee's name only appears on a record in their official capacity. Accountability requires that public officials be transparent and their names should not be regarded as personal information unless there are special factors such as risks to their safety (which is protected by other exemptions).
PART 1, s. 4 - Definitions	Add to the definition of "**record**" as follows: "record" means recorded information in any form (including data in a computer system but not information in computer backup tapes)…"	The definition should be amended for clarity and to address the situation where an applicant seeks information in computer backup tapes requiring retrieval processes that would substantially interfere with the operations of an organisation. See the Queensland Office of the Information Commissioner decision in '*LUC' and the Royal Brisbane Hospital and District Health Service* (S 204/99, 28 June 2000, Deputy Information Commissioner Sorensen) See the provisions of the Queensland FOI Act: sections 7 (definitions), 25, 28A.
PART 2, s.13 – When Act applies to government information	It is suggested that section 13 be amended to the following: (1) Part 3 (Access and correction rights) applies in relation to government information (other than personal information) that a public sector organisation holds at any time after 1 July 2003 if the information was created or	Understanding of s. 13 subsections 1, 2 and 3 can be improved by updating them. It is also desirable to simplify by breaking down subsection 2.

Section	Proposed change	Reasons
	received by the organisation no earlier than 1 July 1993. (2) Part 3 (Access and correction rights) applies in relation to government information (other than personal information) that a public sector organisation holds at any time after 1 July 2005 if – (a) the information was created or received by the organisation before 1 July 1993; and (b) the information is in a class of information that the Commissioner determines, on application, to be a class of information in respect of which the competing interests of – (i) giving members of the Territory a right of access to the information; and (ii) preventing a prejudicial effect on essential public interests or on the private and business interests of persons in respect of whom information is held by the organisation are likely to be balanced in favour of giving the right of access.	

Section	Proposed change	Reasons
PART 2, s.14 – When Act applies to personal information	It is suggested that s.14 be amended to the following: (1) Part 3 (Access and correction rights) applies in relation to personal information that a public sector organisation holds at any time after 1 July 2003, regardless of when the organisation created or received the information. (2) Part 5 (Protection of privacy) applies in relation to personal information that a public sector organisation collects at any time after 1 July 2003. (3) Part 5 (Protection of privacy) applies in relation to personal information that a public sector organisation handles at any time after 1 July 2003, regardless of when the organisation collected the information.	Similarly, section 14 should be updated for ease of comprehension and readability.
PART 3, s.16 – Right to access or correct personal information	It is suggested that an additional provision be inserted as follows: (2) an officer, employee or agent of an organisation must first seek	Members of the NTPS have rights of access and correction additional to members of the public, and providing administrative access to their personal information encourages accountability of organisations,

Section	Proposed change	Reasons
	access to or correction of personal information in accordance with Employment Instruction Number 10 (Employee Records) before exercising their rights under this Act.	communication between employees and management, and is more efficient than the processes under the Act. A similar provision is in the Commonwealth FOI Act Section 15A, which requires employees to seek access using the PS Act provisions before using the FOI Act (which they can then use if they have no response in the time limit or are not satisfied with the response).
PART 3, s.19 – Response to application	It is suggested that ss.19(1) and 19(3) be amended as follows: (1) Within 30 days of accepting an application made in accordance with section 18, a public sector organisation must - etc. (3) If an applicant is not notified in accordance with this section within 30 days after a public sector organisation has accepted an application, the public sector organisation is taken to have refused access to the information.	An access application may be lodged but not be accompanied by an applicable application fee, or identification may not be provided, or the application is accompanied by an application for waiver of fees. Currently s.19 does not allow for time taken in dealing with these issues, as a decision must be made about the application within 30 days of receiving it, whether the application is valid or has been accepted or not.
PART 3, Section 26	Clarify whether a single extension of 30 days is permitted, or multiple extensions especially if more than one of the criteria in 2(a) –(d) are satisfied. Recommend also making it a fixed extension of time eg: original 30 days + additional 30 days.	Most other jurisdictions set out a fixed additional period for eg: third party consultation (Queensland additional 15 days (section 27(5) , Commonwealth additional 30 days (section 15(6)).

Section	Proposed change	Reasons
PART 3, s. 30 – Information from third parties	Include in ss. 30 (1) an additional item (e) as follows: (e) disclose information received from or about a supplier of confidential information.	This amendment is proposed to ensure that a person who supplies information on a confidential basis is consulted before a decision is made to disclose information to an applicant.
PART 3, s. 30 – Information from third parties	Add a provision to s.30(5) to enable access to information to be provided once a third party has advised they do not object to the information being disclosed.	Currently, even if a third party has no objection to disclosure, access can only be provided 30 days after the third party receives notice of a decision to provide access. This amendment would enable an applicant to access information once a consenting third party is advised of a decision, without having to wait 30 days.
PART 4, s.54 – Health, safety, environment and place of significance	Amend the provision "Information may be exempt under section 50 if disclosure of the information **would** –" by changing it to "Information may be exempt under section 50 if disclosure of the information **is reasonably likely to** –"	The burden of proving that disclosure *would* have a negative effect is too great and makes effective use of this exemption very difficult. The current wording is inconsistent with other jurisdictions
PART 4, s.54 – Health, safety, environment and place of significance	Insert an additional provision as (e) as follows: (e) result in a person being subjected to a serious act of harassment or intimidation	This amendment would incorporate a provision similar to s.42(1)(ca) of the Queensland *Freedom of Information Act,* and is a necessary exemption to protect individuals, particularly staff members of the agency. This is a lower threshold than the current requirement which is very difficult to satisfy.
PART 4, s.54 – Health, safety, environment and place of significance	Insert an additional provision to enable information that an organisation reasonably believes may cause distress to an applicant to be released in the presence or with the support of a psychiatrist, professional counsellor, medical practitioner, subject specialist or support person.	This amendment is a necessary procedural provision when an organisation is releasing sensitive information such as adoptions, mental health, death of an infant etc. It would enable the provision of an additional service to applicants to protect their emotional or

Section	Proposed change	Reasons
		mental health and explain the information. Similar provisions are found in the Commonwealth FOI Act section 41, Queensland FOI Section 44, and Ireland's FOI Act section 28.
PART 4, s.55 – Confidentiality obligations, confidential sources	It is suggested that period for protection of confidential information in ss.55(5) is extended beyond 5 years. Either delete the subsection, or consider extending it to 10 years after which the Information Commission can extend the protection for a further period.	There is no similar provision in any other jurisdiction, and 5 years is too brief a period for protection and could serve to discourage the provision of confidential information to the NT government.
PART 5, s.81 – Grant of authorisation	Amend the provision in ss.81(2)(a) by deleting "and' and replacing with "or".	The requirement that the Commissioner must be satisfied about both the public interest and the benefit to persons is onerous and makes the grant of an authorisation difficult. The amendment would align the Act with similar provisions in other jurisdictions.
PART 7, Division 1 – Complaints procedure	Delete sections 110, 111, 112, and 113 and replace with provisions similar to that in s.83 – Conduct of reviews – and s.80 – Mediation - of the Queensland *Freedom of Information Act.* Sections114 and 115 should be amended consequently by deleting "After conducting a hearing…" and replacing with "After determining a complaint…"	The current provisions appear to be drawn from the NT *Anti-Discrimination Act* with a change from "conciliation" to "mediation". The procedures are too prescriptive, and do not allow flexibility or other alternative dispute resolution methods. Compulsory mediation after issue of a preliminary view and prima facie decision achieves little and delays resolution of disputes.
PART 11, s.159 - Application	S.159 should be deleted in entirety.	The entire section is now obsolete.
Schedule 1 – Secrecy provisions	It is suggested that both sections 97 and 97A of the *Community Welfare Act* be included to protect the identity of notifiers of child abuse.	Such provisions are in other FOI legislation in Australia. Exclusion of s 97 could undermine confidence in protection of notifiers of child abuse if not all jurisdictions offer strong protection.
Schedule 2, IPP1 - Collection	It is suggested that IPP1.5 be amended in line with	For the same reason as is given in relation to

Section	Proposed change	Reasons
	the suggested change to s.54 to replace the word "**would**" with "**is reasonably likely to**"	s.54.
Additional provision required to address family violence	It is strongly suggested that a provision be inserted similar to that contained in s.37 of the Tasmanian *Family Violence Act,* with necessary changes. Suggested wording is as follows: An information privacy principle does not apply to a public sector organisation that shares personal information with another public sector organisation for the purpose of furthering the objects of the *Domestic Violence Act,* the *Community Welfare Act/Protection and Care of Children Act*, or other legislation addressing family violence.	Despite IPP2(g), it has been very difficult to establish information sharing arrangements between DHCS and the NT PF&ES that will assist in reporting and prosecuting perpetrators of domestic violence or child abuse. Especially given the "Little Children are Sacred" report and the Commonwealth intervention in the NT, this additional provision would provide clarity and certainty for agencies while furthering the objects of the domestic violence and child protection legislation.
Regulation 8	Change "The 30-day period referred to in section 32" to "The 30-day period referred to in section 19"	This appears to be a typographical error and should refer to the time limits for processing access applications as there are no charges for amendment applications.