

**2012-13**

# Annual Report

**Commissioner for Information  
and Public Interest Disclosures**

Public Interest  
Disclosures



## History

In 2003, following the earlier passing of the *Information Act*, the independent office of the NT Information Commissioner opened its doors and began accepting complaints from individuals who wanted information from public sector organisations or who felt their privacy had been breached by one of those organisations. In 2009, the passing of the *Public Interest Disclosure Act* established the independent Office of the Commissioner for Public Interest Disclosures at the same premises. Brenda Monaghan is the current Commissioner for both offices. This is the fourth Annual Report of the combined Office and the end of a decade of FOI and privacy law in the NT.

## Legislation

**The *Information Act*** provides for reasonable public access to government information, the responsible collection, correction and handling of personal information and the requirement for appropriate records and archives management. The Act is intended to strike a balance between competing interests of openness & transparency and the legitimate protection of some government information, including personal information about individuals.

The Commissioner's powers include:

- Dealing with Freedom of Information and privacy complaints, including the making of binding orders and compensation payments of up to \$60,000;
- Commenting on the privacy implications of new legislation and new government initiatives;
- Conducting audits of records held by public sector organisations;
- Granting an Authorisation on request by public sector organisations to collect, use or disclose personal information in a manner that would otherwise contravene an Information Privacy Principle;
- Assisting with the development of Codes of Practice and making recommendations to the Minister regarding the approval of a Code of Practice; and
- Educating the public and public officers about FOI and privacy.

**The *Public Interest Disclosure Act*** provides for the disclosure and investigation of serious improper conduct by NT public officers and NT public bodies and the protection of disclosers from reprisal action being taken against them.

The Commissioner's powers include:

- Investigating complaints of serious improper conduct in NT public bodies;
- Supporting and protecting disclosers by prosecuting those committing acts of reprisal;
- Strong coercive powers to inspect certain premises, require the production of documents and the attendance of a person for examination before the Commissioner;
- Reporting findings of investigations to the responsible authority, and making recommendations for action to be taken as a result of those findings;
- Discretion to make a public report if recommendations are not complied with.



30 September 2013

The Hon John Elferink MLA  
Attorney-General and Minister for Justice  
Parliament House  
DARWIN NT 0800

Dear Minister

Pursuant to section 98 of the *Information Act* and section 48 of the *Public Interest Disclosure Act*, please find attached the Annual Report on the operations of the Office of the Information Commissioner and the Commissioner for Public Interest Disclosures for the period 1 July 2012 to 30 June 2013.

Yours sincerely

Brenda Monaghan  
Commissioner, Information and Public Interest Disclosures

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## Message from the Commissioner

I am pleased to present the 2012/13 Annual Report of the Office of the Commissioner, Information & Public Interest Disclosures. The report details the performance highlights and the significant results obtained by the Office on behalf of the Northern Territory.

The Office has received a similar number of public interest disclosure complaints to previous years. A small number are about matters of significant concern, either involving deliberate dishonesty for personal gain, systemic issues within a public body, or disclosers and witnesses who may be vulnerable to reprisal action. The investigations are typically complex, and significant time and resources are devoted to them.



It is important that I reiterate the comment I have made in previous annual reports - that by far the vast majority of public officers are honest, loyal and responsible. There are a few however who believe that they are above the law and who engage in improper conduct to benefit themselves and those close to them. There are also systemic, management or 'workplace culture' issues in some public bodies that ultimately lead to findings of substantial maladministration or misuse of public monies. The investigations conducted by this Office and the protection and support we provide to disclosers is a vital part of the armoury that is effective in tackling these problems with the support of the community and government.

Outcomes of our investigations in this reporting period include:

- The prosecution of three individuals on various charges including theft and official corruption, after matters investigated by this Office were referred to Police;
- Many recommendations made to target systemic issues and 'weak spots' within public bodies that enabled improper conduct to occur; and
- Reports of positive changes within public bodies as a result of compliance by Chief Executives with the recommendations of this Office.

I commend those Chief Executives who have led the way, assisting us with our investigations and working with us on reforms that will make valuable improvements to corporate governance and organisational culture.

In freedom of information and privacy, the Office focused on resolving complaints. As a result, we enter 2013/14 in a good position to assist with the many government initiatives, incorporating Privacy by Design principles in the planning stages. FOI and privacy are underpinned by good records management, and the Office is regularly consulted in relation to the continual evolution of information management systems. We deliver a range of training programs, including highly regarded training to Information Officers across government to ensure they deal with requests for information confidently and accurately.



The most important message for me to convey in this report is my thanks to my staff for their high level of dedication, versatility and expertise throughout 2012/13. Particular mention goes to Zoe Marcham who retired on 30 June after 6 years with this Office and 30 years in the public sector. Zoe held the positions of Acting Information Commissioner and Deputy Commissioner, Information and Public Interest Disclosures for lengthy periods. Anyone who has met Zoe will know that she is a person of the utmost integrity, loyalty and professionalism and I thank her for her contribution to this Office.

A handwritten signature in black ink, appearing to be 'B. Monaghan', written on a light-colored background.

Brenda Monaghan





## **Team highlights during 2012-13**

The joint Office of the Commissioner, Information and Public Interest Disclosures has worked hard to achieve the best possible results within resources. Highlights for the year include:

### **100% success in implementation of recommendations.**

The Office has continued to work with Chief Executives wherever possible to make meaningful recommendations to address improper conduct and to drive cultural change. As a result of this collaborative approach, we have seen 100% compliance with all recommendations made by this Office during the reporting period.

### **Practical guidance on FOI, privacy and preventing improper conduct.**

The practical guidance provided by this Office to public officers via regular training sessions and forums has been well received. Topical issues covered have included information management challenges, Privacy by Design, initiatives to minimise data breaches and ways to detect and avoid improper conduct occurring.

Public awareness of the work of this Office has been raised through community events in Darwin, Katherine and Alice Springs and the daily concerns of individuals are well catered for through online and telephone support.

### **Easily Accessible Resources**

We have continued to provide public officers and the NT community with well written, accessible resources on [FOI](#), [privacy](#) and [public interest disclosures](#).

Most of our services can be accessed on-line or requested by phone or email. Examples include comprehensive websites and online training packages tailored to the differing needs of the public and public officers, Commissioner's Guidelines explaining the public interest disclosure process, FOI/Privacy guidelines and links to records standards and archives standards.

# Public Interest Disclosures – Case Studies

## Introduction

The Office investigates complaints of ‘Improper conduct’ under the *Public Interest Disclosure Act*. This definition includes conduct which would constitute a criminal offence or provide reasonable grounds for terminating the employment of the public officer because they are:

- seeking or accepting a bribe or other improper inducement
- involved in any other form of dishonesty
- showing inappropriate bias
- guilty of a breach of public trust
- misusing public information

‘Improper conduct’ also includes:

- substantial misuse or mismanagement of public resources
- substantial risk to public health or safety
- substantial risk to the environment
- substantial maladministration that specifically, substantially and adversely affects someone’s interests

whether or not the conduct constitutes a criminal offence or would provide reasonable grounds for terminating the services of the public officer. A ‘substantial’ risk or misuse means it must be ‘significant or considerable’.

‘Improper conduct’ also includes an act of reprisal (e.g. sacking a whistleblower because of their disclosure) or a conspiracy or attempt to engage in improper conduct that constitutes a criminal offence.

A variety of allegations of improper conduct by public officers and public bodies are made to this Office from a variety of sources. Some disclosers wish to remain anonymous while others who are concerned for their jobs or their relationships within or with an organisation gain considerable support from the professional advice and assistance provided by our staff.

If an allegation involves less serious conduct or matters outside our jurisdiction such as workplace grievances, we refer the complainant to the appropriate agency. Where matters involve serious improper conduct that would be best dealt with by another referral body, then we work towards having the matter referred with the discloser’s support. The remaining disclosures are dealt with in-house. If it becomes evident during an investigation that criminal activity has occurred, then the matter will be referred to police. Some matters involve breaches by a public officer of the NT Public Sector Code of Conduct and require disciplinary action to be considered. Regularly, the investigation highlights deficiencies in internal management of the public body involved that can be addressed through recommendations made by the Commissioner. If these recommendations are satisfactorily complied with, then there will be no public report tabled through the Legislative Assembly.<sup>1</sup>

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<sup>1</sup> A more detailed description of the investigation and reporting processes of this Office is available at [www.blowthewhistle.nt.gov.au](http://www.blowthewhistle.nt.gov.au)

## Case studies

Below are several de-identified examples which show some of the matters this Office has investigated.

### Matter 1 – A matter for police

This Office investigated an allegation that a public officer sold an asset (or assets) owned by him to the public body that employed him at an inflated price. The public officer used external grant monies provided to the public body to fund the purchase. Considerable information was gathered through a detailed assessment process and a brief was prepared referring the matter to the Police Commissioner for investigation.

### Matter 2 – Obtaining benefit by deception

This Office investigated an allegation that a public officer within a public body misused his position when managing and awarding contracts for various civil works. The allegation was that the officer arranged for the works to be completed by friends or acquaintances and later falsified invoices from an approved supplier, having the public body directly deposit the payments into a bank account owned by a relative.

A referral brief containing all of the relevant information was provided to the Commissioner of Police for further investigation. Those involved have since been charged with several offences regarding the deception.

### Matter 3 – “Not on my watch!”

Here is a good example of a Chief Executive working with this Office to significantly improve corruption control in his organisation.

**'In 2013, a criminal prosecution commenced against S for disclosing official secrets.'**

In 2012, this Office investigated various allegations including a claim that S, a public officer, had released confidential information regarding tender pricing and specifications to a potential tenderer prior to advertising. Following the investigation, a report was provided to the responsible authorities that contained several recommendations, including a referral of the complaint involving S to Police for criminal investigation. In 2013, a criminal prosecution commenced against S for disclosing official secrets.

The Commissioner also made a number of other recommendations to address ‘weak spots’ within the public body that had become evident during the investigation. The Commissioner asked the public body’s Audit and Risk Management Committee (ARMC) to consider her report and provide guidance to the public body on implementation. Recommendations from the Commissioner were supplemented by those from the ARMC and included the following:

- several ongoing internal risk management strategies;
- the development of a new conflict of interest policy;
- fraud prevention & fraud reporting policies;
- a revised gift policy;

- several improvements in training;
- specific initiatives to address cultural issues with the workplace; and
- regular reporting on progress in implementation.

The Commissioner has been provided with two reports from the Chief Executive – one after three months and one after 12 months. Although some issues such as cultural change can only happen over time, the Chief Executive's implementation of all recommendations has been commendable.

## **'the Chief Executive's implementation of all recommendations has been commendable.'**

### **Matter 4-Investigating gift requests**

This Office investigated an allegation that a public officer asked for and received gifts from contractors he was managing. After considerable investigation by both this Office and later the Police Commissioner, following a referral from this Office, the allegations were not substantiated but various Code of Conduct issues around conflict of interest are being referred back to the public body.

### **Matter 5 – It pays to tell the truth**

This Office investigated an allegation that Y, an officer employed by a public body, falsified an internal report alleging that an independent investigator had breached the rules of entry into a facility managed by the public body. The independent investigator challenged the veracity of Y's report. An investigation by this Office concluded that Y's statement in the internal report and a subsequent statutory declaration made by him were false and misleading and that the independent investigators had in fact sought and been granted the necessary approvals before entering the facility.

A section 31 report was provided to the responsible Chief Executive advising of the results of the investigation. The report included recommendations for ongoing staff training on the importance of honesty and accuracy in making reports and statutory declarations and the ramifications for an individual who makes false statements. An IT solution was proposed to warn staff making online reports of their obligations to be honest. A recommendation was made that the report containing erroneous information be removed from the system. A final recommendation was made that the Chief Executive consider disciplinary action against Y. The Chief Executive has provided a written update advising that Y is no longer employed by the public body so further disciplinary action is not possible. He confirmed that the training needs of all staff members are being implemented and that the induction program for new staff is also being revised. The database contains a clear warning to staff about honesty in report writing and the offending report has been removed from the system.

### **Matter 6 – Recruitment issues**

A number of complaints were made by a discloser about Z, a public officer who was in charge of recruitment in a public body. The complaints included allegations that Z was leaning on vulnerable, junior female employees whom he had recruited on temporary contracts to engage in inappropriate behaviour with him and others. The allegation was also made that Z was not

following proper recruitment processes and was displaying favouritism and bias in recruitment towards vulnerable employees. The investigation failed to substantiate the principal allegation that Z, who had since resigned from his position, had placed inappropriate demands on junior female employees. It was clear however, that Z had failed to follow normal recruitment processes required by the public body and appears to have shown a bias towards certain applicants. He clearly made decisions with little or no supervision and many relevant recruitment files needed for this investigation were missing.

Senior management in the public body assisted this Office in the investigation and accepted the conclusions reached in the section 31 report. Satisfactory changes were made internally to ensure that recruitment processes were better supervised and managed in future in accordance with existing policies and procedures.

## **Matter 7 – A matter of perception**

This Office investigated an allegation that an elected member of a public body had used his position to have substantial fines incurred by a family member revoked, and in turn provided a gift to the public officers involved. The fines related to the apprehension and incarceration of a dog found wandering at large. Apart from an acknowledgement that a carton of beer had been provided to the public officers as a thank you, the allegation was denied. With the assistance of the Chief Executive, records were obtained and the staff members involved were interviewed. It was ascertained that the animal had escaped its yard during a storm, and was therefore classified as a 'storm' dog. Council policies regarding 'storm and fireworks' dogs at the time were vague but did provide some discretion for the withdrawal of fines and pound fees on occasions where the animal is registered and the premises are normally secure. This was such an occasion.

To avoid future allegations of undue influence, the Chief Executive instigated an education campaign for elected members on following Council procedures and members were advised that they are not to provide gifts to staff for completion of their normal operational functions. The 'Dogs at Large Procedures' and the 'Impound Procedures' were reviewed and updated in relation to 'storm dogs' and 'fireworks dogs' and operational staff were trained in these new procedures.

**'elected members were advised that they are not to provide gifts to staff for completion of their normal operational functions'**

The Council Code of Conduct was reviewed and updated and a new 'Gifts and Benefits' policy was implemented. Staff received further training in these new and updated policies.

The Chief Executive is commended for his proactive approach and his assistance in responding to concerns raised through his office.

## **Matter 8 – Managing a conflict of interest**

This Office investigated an allegation that X, a public officer within a public body, had failed to declare and manage a conflict of interest situation. It is further alleged that when the supervisor was informed of the problem, he did nothing to manage it.

The discloser had obtained financial assistance from the public body but she was unable to repay it due to illness. With the assistance of a community service organisation, the discloser applied to have the terms of the agreement varied. X, who dealt with the variation, had a familial

relationship with the discloser and the latter was most uncomfortable that her application would be assessed by X. When these issues were brought to the attention of X's supervisor, he did not remove X from the case, instead stating that there was no-one else available and that he trusted X to 'do the right thing'.

When approached by the Office, the Chief Executive removed X from consideration of the hardship application and acknowledged that the matter had been poorly handled. The application was subsequently handled by another staff member.

## **Matter 9 – It pays to ask ...**

This Office investigated an allegation that public officers had used a departmental 4WD vehicle after hours and without approval, in breach of the NTPS Principles and Code of Conduct – Use of Official Facilities and Equipment.

With the assistance of the Chief Executive, documentation was obtained confirming that several staff members had taken the vehicle and driven it a considerable distance to effect the rescue of a bogged private vehicle. Documentation was later obtained which showed that retrospective approval had been given by the relevant Executive Director on the grounds of pressing necessity (the vehicle was stuck on a beach with a rising tide creating a hazard for young children on board).

Staff were subsequently provided with clear guidelines regarding the use of departmental vehicles and the public officer involved was asked to replace the fuel used.

## **Matter 10 – No improper conduct found**

This Office investigated an allegation that during construction and refurbishment of houses as part of the Strategic Indigenous Housing Infrastructure Program in a remote community, a house containing asbestos was demolished by a private contractor in an unsafe manner causing public health and safety issues. It was alleged that NT WorkSafe, a public body under the *Public Interest Disclosure Act*, knew about this matter and failed to investigate. An examination of files held by NT WorkSafe revealed that the department had nothing to do with this matter other than to issue an approved disposal order to the contractor for the asbestos material. They had received no notification of a possible dangerous situation involving the manner of removal and disposal of the asbestos. With the consent of the discloser, the information was passed to the federal department managing the implementation of the remote housing program.

## **Matter 11 – Referral to the Ombudsman**

This Office investigated an allegation that delays within a public body led to the next of kin remaining unaware of the death of their relation for some months. It was determined that this was a matter more properly dealt with by the NT Ombudsman, and, with the permission of the discloser, the complaint was referred to that body.

## **Matter 12 – Referral to the Ombudsman**

This Office investigated an allegation that public officers in a public body were failing to comply with their own policies and procedures by routinely asking individuals to sign incomplete paperwork leaving those individuals with little idea as to their legal and financial commitments. A further allegation was made that the issue did not seem to be being addressed by the public body. This was a matter determined to be more properly dealt with by the NT Ombudsman and with the permission of the discloser, was referred for action.

# Public Interest Disclosures -Performance measures

## Introduction

All public interest disclosures received by this Office are subjected to a rigorous initial assessment. At the completion of this process, a decision is made about the proposed course of action to be adopted: investigation, referral or rejection.

For the purpose of performance reporting, all allegations containing ‘public interest information’ that require assessment are classified as ‘public interest disclosures’ – including those that are ultimately assessed as not falling within that category. This does not include complaints that can be quickly and easily completed. Public interest information is defined in the Act as *information that, if true, would tend to show a public officer or public body has engaged, is engaging, or intends to engage, in improper conduct.*

Budget Paper No 3 set performance measures for the Office for 2012-13 relating to quantity, quality and timeliness. The summary below details the performance of this Office over the reporting period.

## Quantity – Public Interest Disclosures received

### Quantity remains high

Since the establishment of the Office in mid-2009, the number of disclosures has exceeded expectations. This year continued that trend, with a total of 66 disclosures handled during the current reporting period.

Performance Measure	Previous Year	Current Year		Targets
	2011-12 Actual	2012-13 Estimate	2012-13 Actual	2013-14 Estimate
Public interest disclosures	70	60	66	60

The 66 disclosures handled during the reporting period included 37 new complaints with the remaining 29 partly investigated disclosures carried over from the previous year.

Quantity	September 2012 1 <sup>st</sup> Quarter	December 2012 2 <sup>nd</sup> Quarter	March 2013 3 <sup>rd</sup> Quarter	June 2013 4 <sup>th</sup> Quarter	Total as at 30/06/13
Public interest disclosures	34*	13	10	9	66

\*This figure is comprised of 29 partly investigated disclosures carried over from 2011-12 and 5 new disclosures received in the quarter ending September 2012.

Additional resources provided by the Department of Attorney General and Justice in May 2013 for 12 months are assisting this office to reduce the backlog of matters awaiting investigation.



## Timeliness – public interest disclosures resolved or reported

63% of the disclosures resolved during this reporting period were dealt with within a six-month timeframe compared with 68% during 2011-12. In reality, the timeliness target of 70% is a conservative one. The additional resources provided by Department of Attorney General and Justice in May 2013 for 12 months will assist this Office in improving the performance in this area.

Performance Measures		12-13 Estimate	12-13 Actual	13-14 Estimate
Timeliness	Disclosures resolved or investigation reports presented to the responsible authority within six months	70%	63%	70%

## Quantity and quality – awareness and training

An important objective for this Office is the education of disclosers, public officers and public bodies regarding their rights and obligations under the Act.

The Office continued to provide public awareness sessions and education and training tailored to the specific concerns of various public bodies. Face to face training sessions took place in Darwin, Katherine, and Alice Springs, with a total of 104 participants from a variety of public bodies including government departments, municipal and shire councils. The training was well received.

The Office also continues to provide an informative website including user friendly training modules for public officers and disclosers at [www.blowthewhistle.nt.gov.au](http://www.blowthewhistle.nt.gov.au). These interactive training modules enable individuals to increase their knowledge of the Act and the functions of this Office. A total 85 separate training modules were successfully completed on the website over the reporting period. In the past there has been far greater use of this on-line training package. The reduction in 2012-13 may be for a number of reasons including the fact that many public officers have now done the online training. A change of government also meant that many government departments were focussed on internal reorganisation rather than training needs.

Performance Measures		2012-2013 Estimate	2012-2013 Actual	2013-2014 Estimate
Quantity	Awareness and training			
	Face-to-face presentations	10	9	10
	Number of participants – including online training modules	400	189	400
Quality	Participant satisfaction *	90%	92.6%	90%

\* for face to face training

Although conducting investigations in a timely manner must remain a first priority, the more that people know and understand about the functions and methods of the Office and the requirements of the Act, the better. As much as current resources allow, the Office will continue

to respond to these training and awareness needs and intends to further raise awareness through the development of a Corruption Prevention Training program.

The Office also provides email and telephone advice via freecall 1800 250 918.

## **Reporting requirements under section 48 of the Act**

Section 48 of the Act requires the Commissioner to include in the Annual Report details of performance with respect to a number of functions. The Commissioner's response is set out below.

## **The number and kinds of public interest disclosures made**

During 2012-13, this Office handled 66 disclosure complaints. Of these, 37 were new disclosures. Eight of those matters were referred to the Commissioner by responsible Chief Executives (who are required to refer any public interest disclosure made to them within 14 days.)

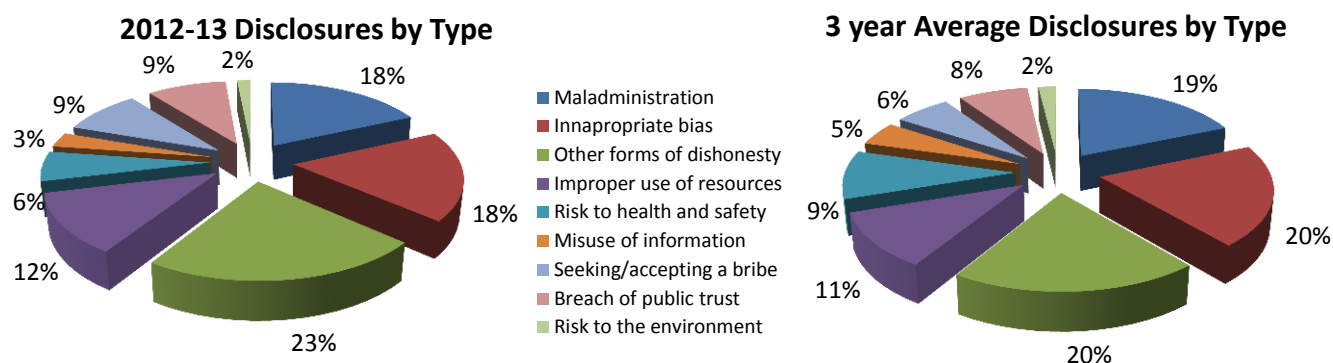
The disclosures received related to a wide variety of allegations of improper conduct. Most involved one specific act of improper conduct but a few complained of several different acts by several public officers.

Over 80% of the disclosures related to alleged incidents either ongoing or occurring within 12 months prior to the disclosure being made.

## What the numbers tell us

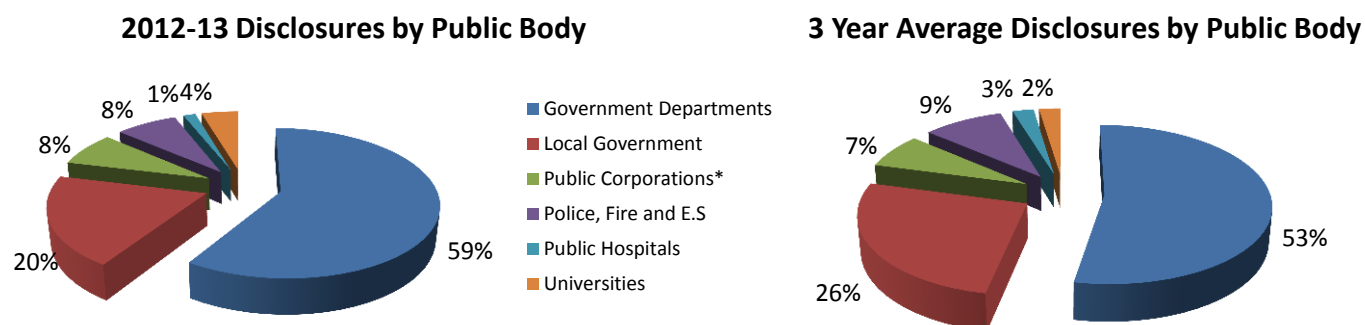
### Disclosures – by type

Of the disclosures received during the reporting period, the principal allegations of improper conduct are set out in the first of the two diagrams below. The second diagram below displays the average percentage of the same type of disclosures received over the past three years (2010-11, 2011-12 and 2012-13). It is interesting to note that there is a general consistency in matters received when comparing the two graphs:



### Disclosures – by public body

The set of diagrams below provides a breakdown of the public bodies about which public interest disclosures were made in the reporting period. Most disclosures relate to NT Government Departments, a result that would be expected as they are the biggest employer.



\* e.g. TIO, PowerWater.

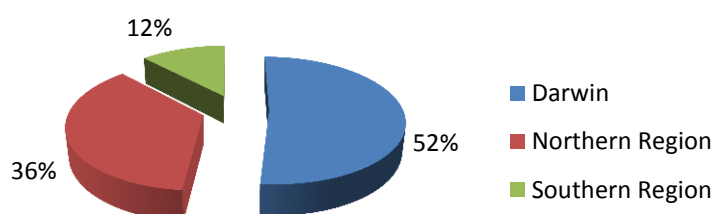
### Where are the allegations coming from?

Allegations of improper conduct were received from both public officers and the general public.

Public servants	General Public	Anonymous
36	27	3
54.5%	41%	4.5%

As expected, more allegations were received about public bodies/officers in the Darwin region. The Office attributes this to the higher number of public bodies and government departments located in Darwin and a greater knowledge of the existence of this Office. With regard to the rural areas, more complaints were directed towards public bodies/officers in the Northern, rather than the Southern Region. These figures are generally consistent with previous years.

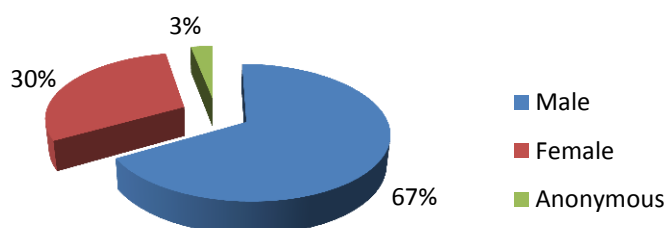
**2012-13 Disclosures by Region**



## Disclosure – by gender

Of the total number of disclosures handled during the reporting period, 67% were made by men, 30% by women, and 3% were anonymous complaints. This is consistent with the trend in previous years. Although initial enquiries are often made anonymously, most disclosers identify themselves once they feel it is safe to do so.

**2012-13 Disclosures by Gender**



## Public interest disclosures referred by the Speaker

In circumstances where improper conduct relates to a politician who is a member of the Northern Territory Legislative Assembly (an MLA), then the disclosure must be made to the Speaker of the Legislative Assembly who may refer the matter to the Commissioner for investigation under section 12(1) of the Act. In the 2012-2013 reporting period, the Commissioner received no public interest disclosures from the Speaker of the Legislative Assembly.

## Number of public interest disclosures resolved

66 disclosures were handled during the reporting period and at 30 June 2013, they had been progressed as follows:

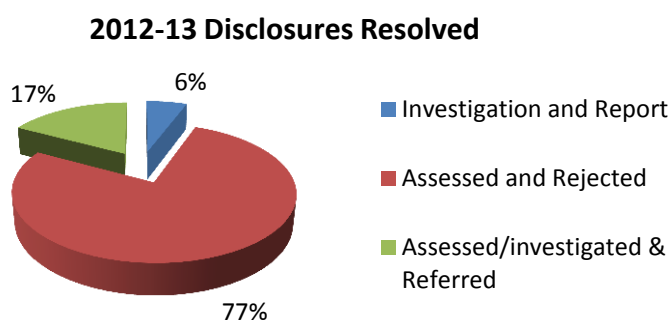
35 disclosure files were resolved:

- 27 were assessed and ultimately rejected by the Commissioner on the grounds that they were not matters attracting the protections of the Act;

- 2 were accepted as public interest disclosures attracting the protections of the Act and were investigated and completed; and
- 6 were the subject of preliminary investigations but were ultimately referred to another body for further investigation.

31 disclosures were still being assessed or investigated;

- 17 were still in the assessment stage; and
- 14 were under investigation (with six investigations near completion)



The diagram above is generally consistent with results in previous years.

## Referral of investigations to other bodies

Section 22 of the Act allows the Commissioner, when it is deemed appropriate to do so, to refer public interest disclosures to the Ombudsman, the Auditor-General, the Commissioner for Public Employment, the Commissioner of Police, the Children's Commissioner or NT WorkSafe. The referral process is only undertaken after the discloser has been advised of the referral and has had his or her comments considered by the Commissioner. Once referred, the referral body exercises its own powers of investigation and the Act no longer applies to the referred investigation. The discloser however, retains his or her protections under the Act.

Throughout the reporting period, the Commissioner formally referred the following:

- 3 matters to the Commissioner of Police;
- 2 matters to the Ombudsman; and
- 1 matter to the Commissioner for Public Employment.

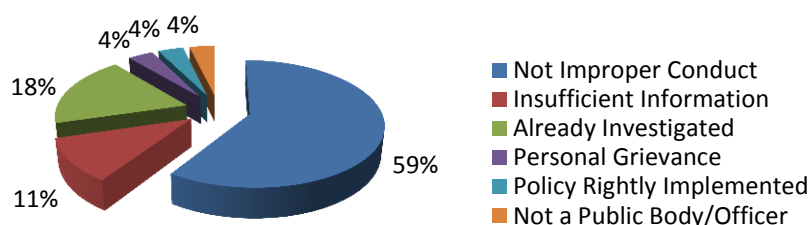
Allegations received at the preliminary stage that were not determined to be public interest disclosures but were still considered important enough to require investigation, were referred to the Chief Executive of the public body in question or another appropriate body for investigation. This step is only taken with the discloser's consent. In such circumstances, this office liaises with the discloser and the Chief Executive, or the appropriate investigating authority, to facilitate the referral of the complaint.

## Public interest disclosures not investigated

The assessment stage of any complaint is an important one. Some disclosure complaints can be quickly dealt with if, for example, they clearly fall outside the jurisdiction of the Office. Many others however take considerable work before a decision can be made as to whether or not they should be investigated. Of the 27 disclosures ultimately rejected by the Commissioner:

- 60% were assessed as not involving improper conduct as defined by the Act;
- 12% were unable to be assessed due to insufficient information being provided or obtainable;
- 19% had already been adequately investigated;
- 3% were assessed as personal or employment related grievances;
- 3% were assessed as allegations about policy decisions of a public body or public officer that they were entitled to make; and
- 3% were outside the jurisdiction of this Office as the alleged improper conduct did not concern a public officer or public body.

**2012-13 Reasons for Rejection**



These figures are generally consistent with the trend in previous years.

## Reports under section 31(1)(a) of the Act

After completing an investigation, the Commissioner must report the findings to each responsible authority for the public body or public officer to whom the investigation relates. The Commissioner may (except in the case of a referred MLA investigation) make recommendations for action to be taken as a result of the findings. Two such reports containing recommendations were made in the reporting period and it is pleasing to note that all recommendations were complied with in the agreed time period.

## Reports under section 32(2) of the Act

The Commissioner may report on the investigation, the recommendations and the response to the recommendations to the Minister if, after considering any information provided by a responsible authority, it appears to the Commissioner that insufficient steps have been taken within a reasonable time, to give effect to the recommendations for action made by the Commissioner. The Minister must table a copy of the report in the Legislative Assembly within six sitting days after receiving it.

There have been no public reports made to the Minister during the reporting period.

## Status of current disclosures

As at 30 June 2013, there were 31 public interest disclosure complaints that were still in the process of being assessed, investigated or finalised. This number included several major investigations into allegations of improper conduct such as:

- Conflicts of interest and inappropriate bias in tendering processes and in recruitment;
- Breaches of public trust and substantial risk to public health and safety by public officers;
- Theft of public assets;
- Breaches of public trust by a local government council; and
- Substantial maladministration and substantial misuse of public resources.

The status of these complaints can be summarised as follows:

- 17 are undergoing detailed assessment before a decision is made regarding their status; and
- 14 have been accepted as public interest disclosures and are still undergoing investigation with six of those matters near completion.



These matters cannot be reported on until they are completed during 2013/14.

The Office has established Categories of Investigation (including reporting) as follows:

- **Level 3** Investigation – estimated to occupy an investigator full-time for a period exceeding 160 hours
- **Level 2** Investigation – estimated to occupy an investigator full-time for a period of 80 to 160 hours
- **Level 1** Investigation – estimated to occupy an investigator full-time for a period not exceeding 80 hours

The 14 current investigations have been classified under these criteria as follows:

Level 3 Investigations	Level 2 Investigations	Level 1 Investigations
5	4	5

Of the Level 3 Investigations, three are serious and complex and will require several months and significant resources to investigate. In reality, an investigator must juggle many investigations at one time and must prioritise the most urgent matters. This means that there are unavoidable delays in some matters being assessed or investigated. Of the 17 matters awaiting assessment, most appear to fall within Level 1 and Level 2. This remains a significant workload for a small team and the additional resources provided for 2013/14 are appreciated.



# **FREEDOM OF INFORMATION AND PRIVACY**

## Freedom of Information

The Commissioner can accept complaints from people who are unhappy with the response of a public sector organisation to their freedom of information request. The person must have sought internal review with the organisation before complaining to the Commissioner. Complaints can also come from third parties who object to release of information under freedom of information. The guideline [Our Complaints Process<sup>2</sup>](#) explains what happens when someone makes a complaint.

This year, the Office received nine new complaints, handling a total of 21 complaints in 2012-13.

### Number of FOI complaints and their outcome

FOI Complaints to the Information Commissioner 2012-13									
PSO	Lodged	Not accepted	Resolved informally	Prima Facie	Mediation	Hearing	Decisions**	Withdrawn	Open at year end
DCM	1 (0)								1
DECS	3 (2)	1	1	1					3
DOH	1 (0)								1
AGD	0 (2)						2	2	
DLP	0 (1)							1	
PFES	3 (5)	1		1		1***	3	2	2
TIO	0 (1)								1
ADC	1 (1)			1			1	1	
<b>Total</b>	<b>9 (12)*</b>	<b>2</b>	<b>1</b>	<b>3</b>		<b>1***</b>	<b>6</b>	<b>6</b>	<b>8</b>

\* figures (in brackets) are complaints carried over from the previous year

\*\* includes hearing decisions, decisions on preliminary matters and a decision whether to prosecute

\*\*\* this consisted of four related matters that were dealt with in one hearing (one was a privacy matter)



<sup>2</sup> Available at [www.infocomm.nt.gov.au](http://www.infocomm.nt.gov.au)

## Case studies

### Matter 1 – The case of Z, with FOI, privacy, and correction of information elements

In the case of Z, a public sector organisation received information that Z had been involved in criminal activity in a foreign country. The truth of this information was unclear, and Z asserted it was untrue. What followed was a complicated series of events where the relationship between Z and the public sector organisation deteriorated. As a result, Z made a number of complaints to the Information Commissioner under the *Information Act*.

- Z alleged that keeping the information about the allegations about Z was a breach of the Information Privacy Principles, which requires an organisation's information to be accurate, complete, and up to date.
- The organisation had earlier agreed to amend its records by adding Z's statement to the information that the information was inaccurate. Z alleged that this did not happen for approximately 12 months after agreement was reached.
- The organisation's annotation at the time of receiving the information was that it was of 'unknown' reliability. Z alleged that this annotation was now inaccurate and out of date and should be changed.
- Z made an FOI request to discover the identity of the person or persons who made the allegations to the organisation.
- Z made an FOI request to discover the identity of all persons who accessed the information about her that was held by the organisation, but this was subsequently refined to a request for the reasons that a particular employee accessed her file.

The Commissioner found that the organisation had reasonably associated Z's statement with the information by the time of hearing and found that the *Information Act* does not grant any relief to the complainant for the delay. The record of the original information was an accurate and up to date record of information as it was known at a point in time.

The Commissioner noted that Z's evidence was that she suffered hurt and humiliation because the allegation had been made, not because it was recorded in the organisation's records. Therefore, the organisation did not *cause* the hurt and humiliation suffered.

The organisation did not provide the identity of the person or persons who made the allegations because the names of the person or persons were not recorded and so effectively did not exist for FOI purposes. The Commissioner found the organisation held no record of the reasons why a particular employee accessed Z's file.

### Matter 2 – X and the Third Parties

In the matter of *X and The Third Parties*, X sought statistics about the number of products sold by certain companies in the Northern Territory. X argued that there were community implications for the use of these products, and so there was a public interest in knowing the quantity of these products being used in the NT. The Third Parties argued that the data ought to be exempt because it revealed commercially valuable information about their marketing strategy. X elected not to proceed with the application but indicated she may re-apply once the five-year time limit expires and the commercial-in-confidence exemption no longer applies.

### **Matter 3 – Text Messages: are they government records?**

Many Government employees have mobile telephones which are used for a mix of business and personal tasks. A number of FOI applications have been made for text messages. A text message may or may not be a government record, depending on whether it is 'required to be kept as evidence of the activities or operations of the organisation'. Most text messages are intended as ephemeral communication, and will not be required to be kept, and hence are not government records and cannot be obtained under FOI. However, it is possible that important decision making could take place via text message and hence would be required to be kept, at least until other records of the decision-making process were created.

### **Matter 4 – Contact addresses for serving documents**

A number of requests were made for the contact details of persons for the purpose of serving notices to commence litigation. The Office provided advice that the organisations should consider the reason why the information was collected and held. In one case, contact details were provided by a person who agreed to be a statutory officer for an association. These details are required by the Registrar for business regulation and legal reasons, and the person was volunteering to be the public contact point for the association. There were strong arguments that releasing the contact details would be a reasonable interference with the statutory officer's privacy.

In another case, the information was held because the person had been charged with a criminal offence. In that case, the information was not collected with the individual's consent, and was held for the purpose of criminal prosecution. This meant there were strong arguments that releasing the information would be an unreasonable interference with the person's privacy. The courts have other mechanisms such as substituted service which a person wishing to commence litigation can access.

### **Matter 5 – Exempt Commonwealth Bodies**

Section 47 provides that where an organisation is exempt under the FOI laws of another jurisdiction then information received by the NT Government from that organisation is also exempt. In one matter, an organisation received information from an Aboriginal land council. Land councils are exempt bodies under Commonwealth FOI legislation. Therefore, any information provided to the NT Government by an Aboriginal land council is exempt and cannot be released in response to a freedom of information application in the Territory.

## Freedom of Information applications and internal review

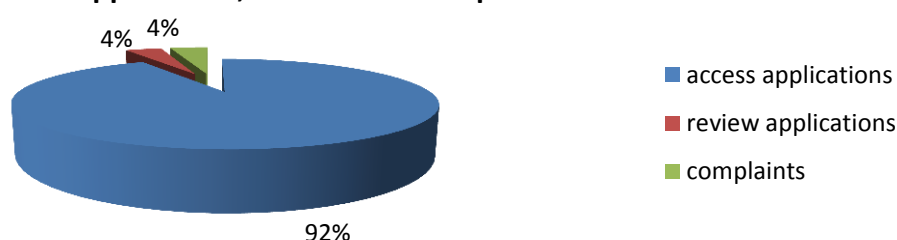
Section 98 of the *Information Act* requires the Commissioner to report annually to the Minister on the operations of the Office. To meet these legislative requirements, the Office collects data about FOI access applications, correction applications and internal review applications from all NT public sector organisations. During the initial years of the *Information Act*, information was collected with a higher level of granularity than the legislation required. This was an onerous requirement on public sector organisations, but one which was justifiable to assess the operation of new legislation. This year, the Office reviewed the continued usefulness of collecting data over and above legislative requirements, and decided to request this data only where it had ongoing value for policy development. Sufficient data is still being collected to identify important trends. The change has been well received. The raw data is available in seven tables at Appendix 2. The information below gives a general overview of that data.

### FOI applications received and handled by public sector organisations

Half of the public sector organisations who were asked to provide annual statistics for this report had received and processed FOI applications. As usual, most applications were directed to a small number of public sector organisations: eight public sector organisations received 90% of new FOI applications lodged during the year.

The number of FOI access applications handled throughout the NT increased from 433 to 477 during the past year with the number of new applications increasing from 391 to 456. The graph below shows the proportion of applications reaching the internal review and complaint stages.

**Access applications, reviews and complaints handled 2012-13**



Eighteen internal reviews were requested in relation to freedom of information requests. Of the 14 matters decided during the reporting period, six led to a different outcome and eight confirmed the original decision. (See Tables 3 and 4 in Appendix 2).

**4%** of applicants sought  
**internal review**

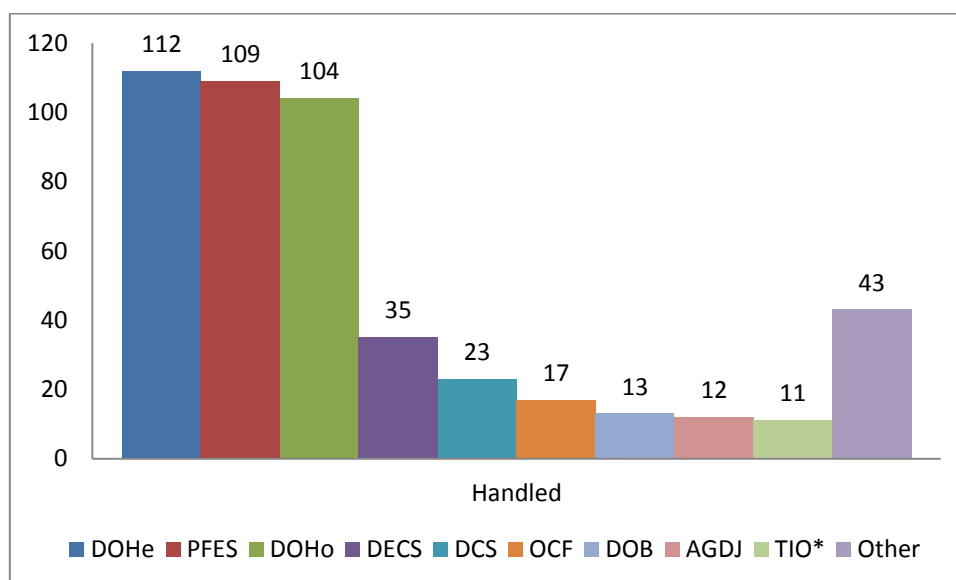
Freedom of information requests in the Territory are overwhelmingly for personal information. A total of 99.2% of applications involved a request for the applicant's personal information, although only 62% of applications were purely for personal information, the remainder being a mix of personal and government information. Only 0.8% of requests were for purely non-personal, or government-only, information.

**99.2%** of applications  
were wholly or partly for  
personal information

Only 2% of applications were to correct information. Table 2 in Appendix 2 shows that one of the nine applications for correction received the outcome as requested by the applicant. Only one of these applicants submitted an internal review of the initial decision. The review decision confirmed the original decision, and the matter was not taken further (see Table 5 in Appendix 2).

The graph below shows that there were only nine public sector organisations that handled ten or more FOI applications, accounting for 91% of all the applications handled, leaving only 9% with the remaining 14 public sector organisations.

**PSOs that handled 10 or more FOI applications 2012-13**



## Application and processing fees

The *Information Act* provides for application and processing fees. Similar to other jurisdictions, the maximum fees chargeable are set in legislation, and are set at a level well below that required for governments to recover the costs of administering a freedom of information scheme. Rather, the fees are a safeguard against frivolous and vexatious applications, as they require an applicant to demonstrate their interest in obtaining the information by assisting with those administration costs. Application fees are not charged for requests for purely personal information, and processing fees

are also typically not charged if the request is small and straight forward. The resources required to collect fees in a large number of small cases would require the government to spend more on administration than they could recoup in fees. Logically, it is in both the applicant's and the government's interests to waive fees in these cases.

The figures on fees are consistent with fees being charged or waived for these reasons, with considerable waivers and reductions for processing requests for personal information. Most applicants in the Territory are individuals seeking their personal information, and even the relatively low charges set in the *Information Act* can quickly become prohibitive to an individual, so it is encouraging to see that the Territory government is promoting transparency through appropriate waiver of fees.

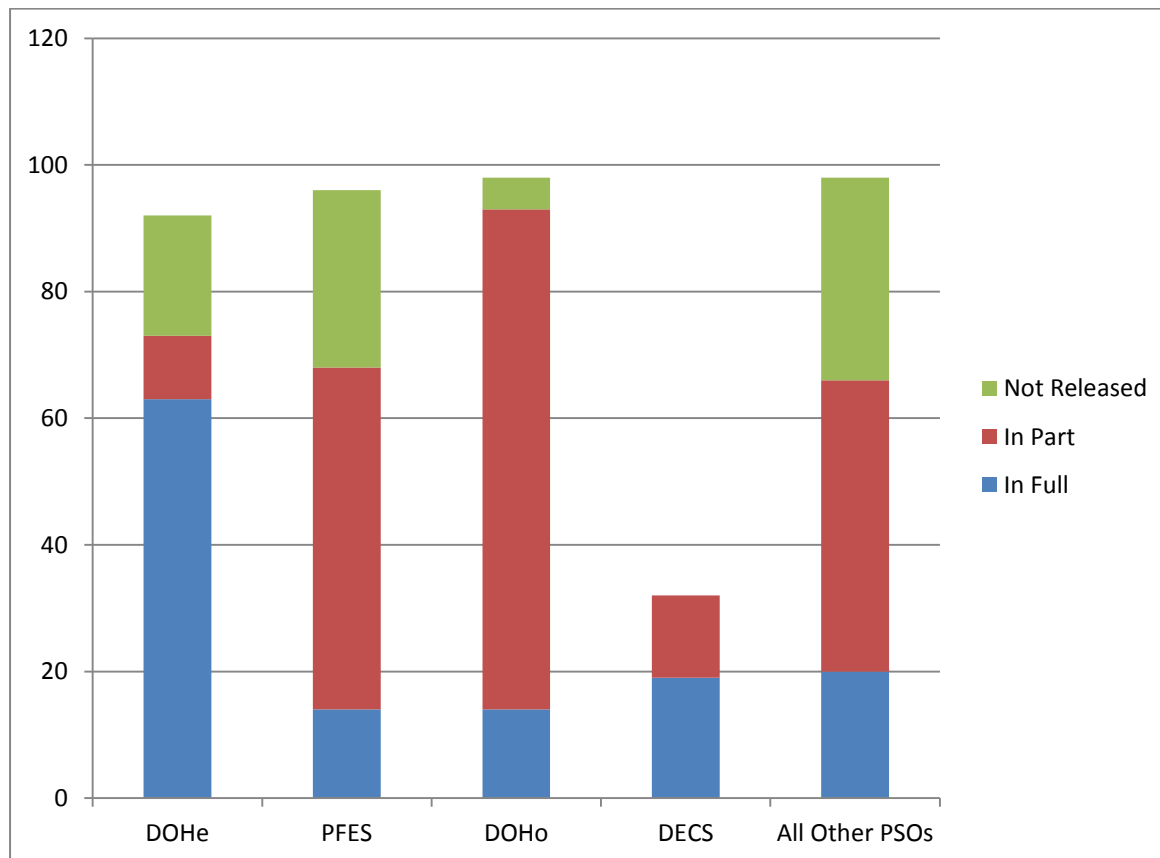
\$3,200 was received in application fees, and a further \$6,406 was received in processing fees. \$12,855 total processing fees were waived across 109 applications.

### How much information did public sector organisations release?

Almost three quarters of freedom of information requests were handled by three Departments: Department of Health (DOHe), Police Fire and Emergency Service (PFES), and Department of Housing (DOHo). The Department of Education and Children's Services (DECS) dealt with the next largest number of applications.

The following graph shows the number of freedom of information applications handled by these four public sector organisations, and the proportion where access to the information requested was granted in full, granted in part, or not at all.

**Proportion of information released in full and in part by PSO**





The high proportion of information being released in full by Department of Health may reflect the kind of records being requested, largely personal medical information which does not need to be edited for privacy reasons. By contrast, Police records are typically about disputes and involve personal information of third parties and confidential intelligence. A large number of requests made to the Department of Education and Children's Services are from persons involved in family law proceedings, seeking information that may assist them in those proceedings.

## On what grounds was information not released?

The *Information Act* provides a number of exemptions that may be used to withhold information from release. Table 6 in Appendix 2 provides details of the type of exemptions used. The most used exemptions are those aimed at protecting:

- **privacy of third parties** (section 56) – relied on by fifteen organisations;
- **free debate in deliberations and drafts** (section 52) – relied on by nine organisations;
- **legal professional privilege and preserving the system of justice** (section 49) – relied on by eight organisations; and
- **confidentiality of third parties** (section 55) – relied on by seven organisations.

It is encouraging to see that information continues to be released in part or in full in the majority of applications. The figures on exemption use indicate that a large proportion of the 'partial release' figures are a result of protecting the details of third parties rather than an attempt to keep government decision making secret.

## Privacy

Privacy complaints can be made to this Office if a person believes a public sector organisation has breached the Information Privacy Principles set out in the *Information Act*, provided the organisation has been given reasonable opportunity to address their concerns. The Office also continues its work responding to requests from government organisations for advice on the privacy implications of various projects and legislation. One of our key roles is to provide expertise at an early stage so that projects are designed in a way that treats personal information with care. Over 247 hours of policy advice were provided.

This reporting period raised interesting questions about how privacy laws apply after death, the legality of CCTV in public spaces, information sharing after a natural disaster or similar state of emergency, and whether the mere release of a person's name can be a breach of privacy.

### Number of privacy complaints and their outcome

Privacy Complaints to the Information Commissioner – 2012-13								
PSO	Lodged	Not accepted	Resolved Informally	Prima Facie	Mediation	Hearing**	Discontinued	Open at year end
AGD/DCS	(1)						1	
NTPFES	3 (1)		1			1		2
TIO	2			1				1
Total	7		1	1		1**	1	3

\* figures (in brackets) are complaints carried over from the previous year

\*\* this consisted of four related matters that were dealt with in one hearing (three were FOI matters)

In addition to providing in-depth policy advice requested by public sector organisations, the Office receives general enquiries via telephone and email from individuals. During 2012-13, there were 285 enquiries, ranging from simple questions about applying for access to information from public sector organisations, making a complaint to the Commissioner or questions about suspected privacy breaches. The feedback to the Office about the enquiry service is generally very positive and people are routinely referred to relevant websites for future reference.

A small number of privacy complaints reach the Commissioner each year. Complaints only reach the Commissioner if the public sector organisation fails to rectify a privacy breach within a reasonable time. Five new complaints reached the Commissioner during this reporting period. One of these matters proceeded to hearing but the complainant was unsuccessful.

The number of privacy complaints handled this year is the same as that for the 2011-12 reporting period.



**YOUR  
PRIVACY IS  
IMPORTANT  
TO US. IS IT  
TO YOU?**

## Case studies

### Matter 1 – Privacy rights after death

A person was researching their family history and sought access to the Will of a family member now several decades deceased. Under the *Information Act* a person's privacy rights extend 5 years after death. Beyond that time, there is no privacy protection of the deceased's personal information, but third parties mentioned in the Will may still have privacy rights. It may be that the purpose of a Will may encompass expressing the deceased person's views and wishes to their descendants, and so providing the Will to a descendant for the purpose of a private family history would be a closely related secondary purpose.

### Matter 2 – Optional Protocol to the Convention against Torture

The Information Commissioner was asked to comment on the privacy implications of a bill to implement the international Convention against Torture, which proposed releasing sensitive information to an international Subcommittee tasked with investigating whether torture was being used in prisons and detention centres. The Commissioner was pleased to note that the legislation confined the circumstances in which the information could be released quite tightly to circumstances necessary to further the beneficial aims of the legislation.

### Matter 3 – Is the mere release of a person's name a breach of privacy?

The answer is: it depends. If a person is acting in a public capacity, for example as an officer making government decisions, then releasing their name in the minutes of a government meeting document is unlikely to create significant privacy concerns. The fact that the government holds a person's name on the Register of Births Deaths and Marriages means little. It is the context in which the information is held that gives the information a private quality. It would be a significant breach of privacy to release the name of a person on a register for HIV treatment, for example.

## Privacy Awareness Week

An important privacy activity for the Office is the annual Privacy Awareness Week celebration which we share with the members of the Australia Pacific Privacy Authorities (APPA). APPA includes the jurisdictions of NSW, Victoria and Queensland, as well as Hong Kong, Korea, Canada and Macau to name a few. The Office of the Australian Information Commissioner maintains the Privacy Awareness Week website on behalf of all APPA jurisdictions <http://www.privacyawarenessweek.org/> and the details of 2013 as well as earlier years are published on this site.

Through APPA, the Office assisted in producing and disseminating media and communications materials to raise privacy awareness and encourage good privacy practices.



## **APPENDICES**

# Appendix 1 – Financial Report

## Statement of Financial Performance For the year ended 30th June 2013

		\$ \$'000
<b>INCOME</b>		
Appropriation - Output		809
Goods and Services Received Free of Charge		43
		<hr/>
		<b>852</b>
<b>TOTAL INCOME</b>		
<b>EXPENSES</b>		
Employee Expenses		770
<i>Administrative Expenses</i>		
Repairs and Maintenance		1
Purchase of Goods and Service*		140
Property Maintenance	4	
Accommodation	1	
Advertising	3	
Communications	13	
Consultants Fees	1	
Information Technology Charges	23	
IT Hardware and Software Expenses	1	
Legal Expenses	30	
Library Services	2	
Membership Subscription	1	
Motor Vehicle Expenses	21	
Office Requisites and Stationery	2	
Official Duty Fares	4	
Other Equipment Expenses	20	
Training and Study Expenses	13	
Travelling Allowances	1	
Depreciation		11
DBE Services Free of Charge		43
		<hr/>
		<b>965</b>
<b>TOTAL EXPENSES</b>		
<b>NET SURPLUS / (DEFICIT)</b>		<hr/>
		<b>( 113)</b>

## Appendix 2 – Statistics by Public Sector Organisations

Tables 1 to 7 set out the details of the Freedom of Information access and correction applications made to public sector organisations, and the outcome of those applications. Also included are the details of review applications, the most used exemption for refusing to release information and the details of application and processing fees received and fees reduced or waived:

Table 1	Information access applications
Table 2	Correction applications
Table 3	Review applications
Table 4	Review outcomes for FOI access applications
Table 5	Review outcomes for Correction applications
Table 6	Exemptions relied on
Table 7	Application and processing fees received and reduced or waived.

### Abbreviations for the public sector organisations used in the tables:

AGD	Attorney-General and Justice (Dept of)
DAM	Arts and Museums (Dept of)
DCM	Chief Minister (Dept of)
DCS	Correctional Services (Dept of)
DECS	Education and Children's Services (Dept of)
DLPE	Lands, Planning and the Environment (Dept of)
DLRM	Land Resource Management (Dept of)
DME	Mines and Energy (Dept of)
DOB	Business (Dept of)
DOHe	Health (Dept of)
DOHo	Housing (Dept of)
DOI	Infrastructure (Dept of)
DOT	Transport (Dept of)
DPIF	Primary Industry and Fisheries (Dept of)
DTF	Treasury and Finance (Dept of)
OCF	Office of Children and Families
OCPE	Office of the Commissioner for Public Employment
PFES	Police, Fire and Emergency Services
DCC	Darwin City Council
KTC	Katherine Town Council
PCC	Palmerston City Council
PWC	Power Water Corporation
TIO*	Territory Insurance Office
TRB	Teacher Registration Board
CDU	Charles Darwin University

The information recorded in the tables of Appendix 2 was submitted by NT public sector organisations through a statistical return completed at the end of the reporting period. The Office appreciates the co-operation and assistance of FOI and privacy administrators within all public sector organisations for responding accurately and in a timely fashion to the annual requests for this information. The simplified return was appreciated by public sector organisations and the Office alike, as it greatly reduced the time it takes to complete this process.

# OVERVIEW OF FOI ACCESS APPLICATIONS, CORRECTION APPLICATIONS AND REVIEW APPLICATIONS

**TABLE 1 – Information access applications and their outcome**

PSO	Lodged 12-13	Pending 11-12	Handled 12-13	Information released			Withdrawn 12-13	Transfers 12-13	Finalised 12-13	Pending 12-13	Total Handled	Exemptions used	Other reason	Personal info	Mixed info
				All	Part	None									
AGD	9	4	13	2	4	5	0	1	12	1	13	6	4	8	5
DAM	1	0	1	0	0	0	0	0	0	1	1	0	0	1	
DCM	8	0	8	6	2	0	0	0	8	0	8	2	0	1	7
DCS	23	0	23	4	8	11	0	0	23		23	8	11	23	
DECS	32	3	35	19	13	0	0	0	32	3	35	13	0	29	6
DLPE	1	1	2		1			1	2		2	1			2
DLRM	3		3	1		1			2	1	3				3
DME	2		2			2			2		2	1	1	0	2
DOB	10		10	1	4	1	1		7	3	10	4	1		10
DOHe	109	3	112	63	10	19	11	0	103	9	112	8	17	23	86
DOHo	104	0	104	14	79	5	4	0	102	2	104	80		92	12
DOI	2	0	2	1	0	1	0	0	2	0	2		1	1	1
DOT	2		2				1		1	1	2				2
DPIF	1		1							1	1				1
DTF	4		4		2		1		3	1	4	2		1	3
OCF	17		17	1	11	1	1		14	3	17	11		14	3
OCPE	1		1		1				1		1	1		1	
PFES	101	8	109	14	54	28	4	1	101	8	109	66	2	78	31
DCC	5		5		2	3			5		5	3	2		5
KTC	1		1			1			1		1	1		1	
PCC	3		3			3			3		3	3		3	
PWC	1		1				1		1		1				
TIO*	10	1	11	4	1	3	1	0	9	2	11		4	11	
TRB	1	1	2	1	1				2		2		1	1	1
CDU	5		5	1	2	1			4	1	5	3	1	4	1
<b>TOTAL</b>	<b>456</b>	<b>21</b>	<b>477</b>	<b>132</b>	<b>195</b>	<b>85</b>	<b>25</b>	<b>3</b>	<b>440</b>	<b>37</b>	<b>477</b>	<b>213</b>	<b>45</b>	<b>292</b>	<b>181</b>



**TABLE 2 – Information correction applications and their outcome**

PSO	Lodged 12-13	Pending 11-12	Handled 12-13	Corrected as requested	Other form offered	No correction made	Finalised 12-13	Pending 12-13	Handled 12-13
DCS	1	0	1			1	1		1
DOHe	6	0	6	1		4	5	1	6
PFES	4	0	4			3	3	1	4
<b>TOTALS</b>	<b>11</b>	<b>0</b>	<b>11</b>	<b>1</b>		<b>8</b>	<b>9</b>	<b>2</b>	<b>11</b>

**TABLE 3 – Internal Review applications and their outcome**

PSO	Handled during 12-13			Finalised during 12-13					Total	Pending
	Pending 11-12	Lodged 12-13	Handled 12-13	Decision confirmed	Decision varied/revoked	More info located	More info released	Withdrawn 12-13	Finalised 12-13	End 2012-13
AGD	0	1	1							1
DECS	0	5	5	3	1	1	1		4	1
DME		1	1	1					1	
DOB		1	1		1	1			1	
DOHe		3	3	1	2		1		3	
DOHo		1	1					1	1	
PFES	1	5	6	3	2	1	1		5	1
PCC		1	1	1					1	
TRB		1	1	1					1	
<b>TOTALS</b>	<b>1</b>	<b>19</b>	<b>20</b>	<b>10</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>17</b>	<b>3</b>

## EXEMPTIONS RELIED ON

**TABLE 6 – Number of occasions where the following sections of the *Information Act* have been relied upon to refuse access to the requested information:**

PSO	s45(a)	46	47	48	49	49A, B or C	51	52	53	55	56	57	other	unreasonable interference	search issues
AGD						Y		Y			Y			2A*	2A*
DCM			Y				Y								2A
DCS											Y				2A
DECS					Y			Y			Y				2A
DLPE											Y				
DLRM															1A
DME								Y				Y			1A
DOB		Y			Y			Y		Y	Y	Y			
DOHe		Y			Y						Y				5A
DOHo					Y			Y	Y	Y	Y	Y			4A
DTF	Y						Y				Y	Y			1A
OCF		Y		Y	Y			Y	Y	Y	Y				1A
OCPE					Y										
PFES		Y			Y	Y		Y	Y	Y	Y	Y			3A
DCC										Y	Y				2A
KTC										Y	Y				
PCC											Y				
TIO													Y**		1A
TRB					Y			Y	Y		Y				
CDU								Y		Y	Y				1A
<b>Total</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>15</b>	<b>5</b>	<b>1*</b>	<b>2</b>	<b>28</b>

\* “A” indicates that the reasons for refusing information were due to unreasonable interference with the operation of the organisation or because the information could not be found or did not exist occurred at the application stage, not the review stage.

\*\* TIO exempted information in the category “other” because it considered an Information Privacy Principle [IPP6] more appropriate than section 56(1)(a) to refuse access to the requested information. TIO is the only organisation that is declared by the Regulations [Reg 4] as a public sector organisation for personal information only, pursuant to section 5(4A) of the Act.

**TABLE 7 – APPLICATION & PROCESSING FEES**

**Application Fees received and reduced or waived**

PSO	Number received	Amount received	Number waived	Amount waived
AGD	5	150.00	0	0.00
DAM				
DCM	2	30.00	5	150.00
DCS				
DECS	6	180.00	0	0.00
DLPE	1	30.00	1	87.28
DLRM	3	90.00		
DME	1	30.00	0	0.00
DOB	8	240.00	2	60.00
DOHe	44	1280.20	33	980.20
DOHo	6	180.00	6	180.00
DOI				
DOT	2	60.00		
DPIF	1	30.00		
DTF	3	90.00		
OCF	2	60.00	1	30.00
OCPE				
PFES	20	600.00	3	90.00
DCC	4	120.00	1	30.00
KTC	1	30.00		
PCC				
PWC				
TIO				
TRB				
CDU				
<b>TOTAL</b>	<b>109</b>	<b>\$3,200.20</b>	<b>52</b>	<b>\$1,607.48</b>

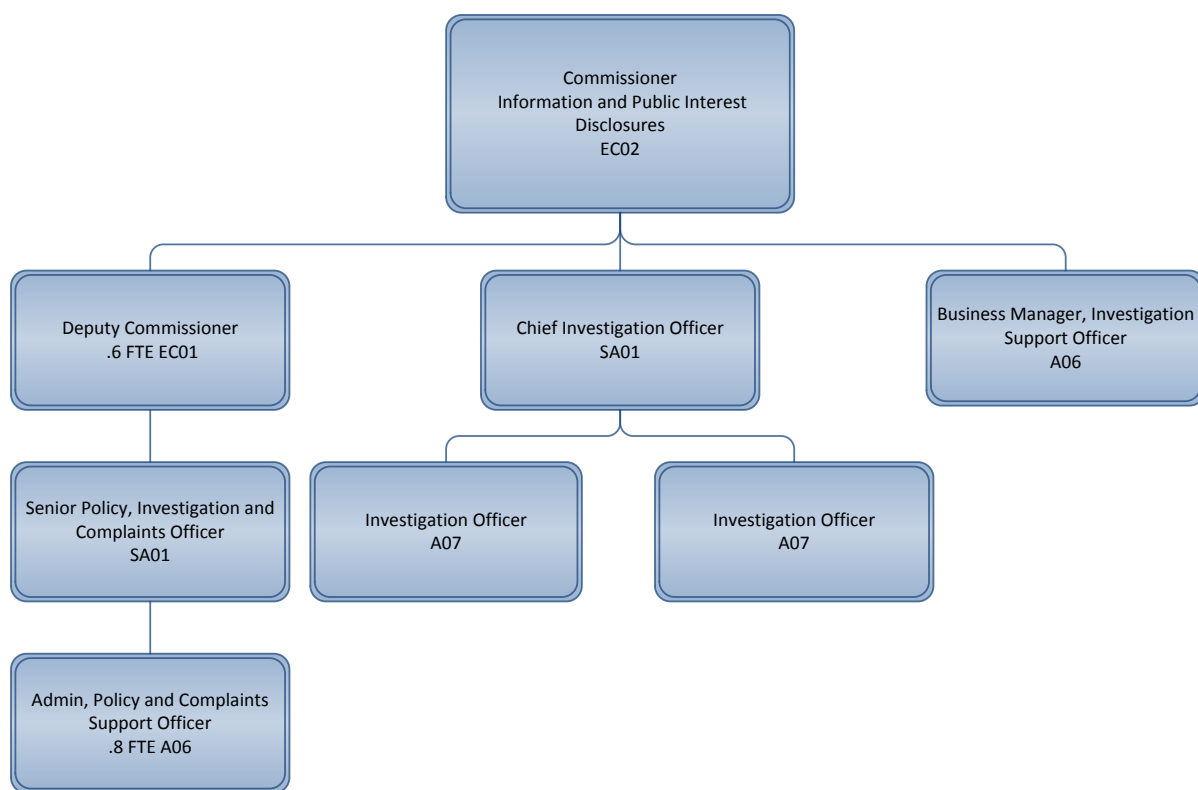
**Processing Fees received and reduced or waived**

PSO	Number received	Amount received	Number waived	Amount waived
AGD	1	397.80	0	0.00
DAM				
DCM	0		0	
DCS				
DECS	0			
DLPE				
DLRM				
DME	1	142.23	1	42.24
DOB	0		0	
DOHe	29	2702.30	40	3316.65
DOHo	1	24.00	98	5544.00
DOI				
DOT	1	229.05		
DPIF				
DTF	1	1593.92		325.00
OCF			17	2027.60
OCPE	0			
PFES	8	1317.10	16	1600.00
DCC	0			
KTC	0			
PCC	0			
PWC				
TIO	0			
TRB	0			
CDU	0			
<b>TOTAL</b>	<b>42</b>	<b>\$6,406.40</b>	<b>172</b>	<b>\$12,855.49</b>

**Total fees received and total fees waived or reduced**

Total fees received	Total fees waived
547.80	
30.00	150.00
180.00	
30.00	87.28
90.00	
172.23	
240.00	60.00
3982.50	4296.85
204.00	5724.00
289.05	
30.00	
1683.92	325.00
60.00	2057.60
1917.10	1690.00
120.00	30.00
30.00	
<b>\$9,606.60</b>	<b>\$14,420.73</b>

## Appendix 3 – Organisational Chart as at 30 June 2013



## Appendix 4 – Changed NT Public Sector Organisations

On 4 September 2012, the newly elected Government announced changes to government agency arrangements. Further changes were made in October 2012 and March 2013. FOI areas within some public sector organisations changed accordingly and, at the time of reporting their FOI figures, most agencies counted in their reports the number of completed applications and reviews up until the time of the changes, with unfinished matters going to the new organisation where they were included at the end of the financial year reports.

These are the main changes with respect to the public sector organisations listed in Appendix 2 of this year's annual report:

AGD	Attorney-General and Justice (Dept of) – previously Department of Justice (DOJ)
DAM	Arts and Museums (Dept of) – previously part of Natural Resources, Environment, the Arts and Sport (NRETAS)
DCIS	Corporate and Information Services (Dept of) – previously part of DBE
DCS	Correctional Services (Dept of) – previously part of DOJ
DECS	Education and Children's Services (Dept of) – previously Department of Education and Training (DET)
DLG	Local Government (Dept of) – previously part of DHLGRS
DLPE	Lands Planning and the Environment (Dept of) – previously Department of Lands and Planning (DLP)
DLRM	Land Resource Management (Dept of) – previously part of NRETAS
DME	Mines and Energy (Dept of) – previously part of Department of Resources (DOR)
DOB	Business (Dept of) – previously Department of Business and Employment
DOHo	Housing (Dept of) previously part of Department of Housing, Local Government and Regional Services (DHLGRS)
DOI	Infrastructure (Dept of) – previously Department of Construction and Industry
DOT	Department of Transport – previously part of DLP
DPIF	Primary Industry and Fisheries (Dept of) – previously part of DOR
DRDWP	Regional Development and Women's Policy (Dept of) – previously part of DHLGRS and DCM
DSR	Sport and Recreation (Dept of) – previously part of NRETAS
DTF	Treasury and Finance (Dept of) – Finance was previously part of DBE
OCF	Children and Families (Office of) – Office now part of DECS

## **Our Values**

**Integrity** – Act ethically, openly, honestly, fairly and with accountability.

**Courage** – Provide robust reporting and advice and comment without fear or favour.

**Professional Excellence** – Work together to positively represent the Office.

**Commitment** – Strive to achieve the outcomes required by the *Information Act* and the *Public Interest Disclosure Act*.

**Respect** – Treat each other and all those who come into contact with this Office with respect.



**Office of the Commissioner for  
Public Interest Disclosures**

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