

**PUBLIC INFORMATION LEGISLATION AMENDMENT BILL 2018**  
**(Serial 77)**

**Mr GUNNER (Chief Minister):** Madam Speaker, I thank members for their contribution to the debate on the legislation. I believe it is important to put the debate into two contexts.

The first is our record of important reforms to improve openness and transparency over the last two decades and the consistent opposition that we have received from the CLP. The second is the history of this particular piece of legislation and the consistent attempts of the CLP to scuttle or ignore it. We believe in open and transparent government. It is in our DNA.

We promised amendments to FOI laws following the 2001 election victory. These were important reforms which the CLP fought against for decades. The Martin government introduced the estimates committee, so that for the first time Territorians had a fair dinkum opportunity to scrutinise the budget. Once again, this was an important transparency reform that was opposed, tooth and nail, by the CLP.

This is why this government promised and delivered a Northern Territory ICAC to help restore trust in government after the disgraceful behaviour of the Mills and Giles CLP governments. Once again this was a crucial reform to increase openness and transparency. It was opposed every step of the way by the CLP. This brings us to this particular piece of legislation.

The *Public Information Act 2010* was introduced by the Henderson government. To give credit where it is due, the Member for Nelson played an important and key role in pushing for the act. He had significant input into its contents. The purpose of the act is to ensure that public money is spent in the public interest and not the party political interest of the government of the day.

The members of this Chamber who were around at the time might recall that the original had a set of guidelines that set out many of the safeguards to protect public money being spent on political advertisements. I have noted some of the comments from those opposite regarding appropriate consultation with statutory officers before amending the act. I heard no such howls of outrage when the former Attorney-General, John Elferink, used an opportunity when there was no question before the Chair to summarily gut the act by revoking the guidelines.

Let us be clear, the CLP's approach to this act when in government was to gut it in an attempt to weaken its effectiveness. Despite the watering down of the act, they continued to blatantly breach it. Who could forget the infamous ice adds? I am sure Madam Speaker has not forgotten those. It was a disgraceful abuse of tax payer's money and it spread CLP lies about Labor's and independents positions on an important piece of legislation.

The CLP Chief Minister Adam Giles was also found to have breached the act four times in the space of eight weeks during the Casuarina by-election. It was in a desperate attempt to influence the outcome of that by-election. These are the values of the CLP when it comes to openness and accountability. They have blocked or stymied every piece of reform to create more open, transparent and accountable government in the Northern Territory.

They gutted this piece of legislation when in government, blatantly ignored and breached what was left and now pretend they are interested in its effectiveness. No one is buying it. When we came to government, one of the first pieces of legislation we brought before this Assembly was a strengthened public information act. We reintroduced the protections the CLP gutted when they scrapped the guidelines. Since that time there have been a number of rulings by the Auditor-General that have found that the act has been breached.

I am making it clear that this is a government that respects the Auditor-General and her rulings. The Auditor-General plays an important accountability role and we value the important work that the office does. We made our legislation—this bill, these amendments—in an effort to clarify the operation of the act in light of the rulings by the Auditor-General. This has been done based off of the Auditor-General's work and her findings.

I respect the Auditor-General and if any offence was caused, I sincerely apologise. It was not my intention at all. The bill seeks to provide clarity and transparency for the act. It retains all of the safeguards the public rightfully expect, that information released is in the public interest. That the information is not for party political purposes and that the information is accurate and not misleading.

We are seeking to avoid departmental staff having to make complicated and philosophical assessments of fact and situations whereby important events, significant signings—some examples include the city deal signed with the Prime Minister or the Anindilyakwa Land Council agreement that I signed with the chairman of the council, Tony Wurramarrba, where I was cropped out of the signing. Clearly, this is not the intention of how it is meant to work and this is what we are clearing up.

Importantly, it is not for paid advertisements. This is a distinction that has been lost by some of the contributors to this debate. It all must still be done and comply to (2A), that it cannot promote party political interests. You have to read the legislation as one. We are trying to avoid situations that do not make sense based of the Auditor-General's rulings.

We respect the Auditor-General and she has made rulings where she has interpreted the act. We get where she is coming from but that was not the intention and let us work together to fix this up. This bill clarifies and strengthens the act and maintains all protections the public expect. Protections, which the CLP have shown time and time again, will scrap or ignore if in government.

We will be accepting recommendations two, four and five from the scrutiny committee report. We will not be accepting recommendation three. The committee recommends that the bill be amended to clarify whether it is the role of the Auditor-General to assess whether the information is factually accurate, to assess the adequacy of a source or to note the source can be sighted for any claim of fact and lead any qualitative assessment to (inaudible) the public.

This amendment is not required due to the existing provisions of section 6 of the *Public Information Act*, which achieves the same objective. It is one of those times where we agree that it is the method of delivery and section 6 does this. Section 6 outlines the role of the Auditor-General with respect of the following, to review public information and determine whether the act is contravened in relation to particular public information. Pending passage of bill, the Auditor-General will be required under this section, to assess whether:

- (a) *the information promotes particular party political interests;*
- (b) *the information includes statements that are misleading;*
- (c) *the information is an advertisement that includes an image of a minister or a minister's message;*
- (d) *for public information that is not an advertisement, the information includes an image of a minister or minister's message other than: Chief Minister or the relevant minister;*
- (e) *the information includes facts (including comparisons), statistics or data that are not presented accurately;*
- (f) *the information fails to specify the source, or a means of identifying a source, of any facts (including comparisons), statistics or data.*

We felt that section very neatly covered what was being asked for. I take this opportunity to respond to some of the assertions and dissenting reports, many of which are wrong in fact. It can all be summed up neatly by looking at parts of the bill in isolation of other parts of the bill.

2A makes it very clear that information cannot promote party political interests. It is very clear, you cannot do that. It also makes it very clear that information must be factual. Stats or data must be presented accurately. It must be facts, it must be accurate and it cannot be in a party political interest. Very clear within the legislation.

It is one of those cases where things have been cherry-picked to present a certain view. I guess it is sometimes the role of the Opposition to present things in a certain way but the bill is very clear about how this must be used and provides all those protections within there.

With all that in mind, I commend this bill to the Assembly.

Motion agreed to, bill read a second time.