

Comparative Table for NT - Exemption Provisions in Australia and NZ

This comparative table has been developed to assist research into the application of particular exemption provisions. The fact that a provision has been listed as comparable to a provision in another jurisdiction does not mean that the NT provision will be interpreted in the same way. Comparable provisions can vary considerably. In cases where there are few comparable provisions, references to provisions which may be very different in their application have been included to give at least some point of reference. Some of those are marked with asterisks (*) in the table.

Exemption	NT s.	Cth s.	Qld s.	WA Sch 1	NSW Sch 1	SA Sch 1	Tas s.	Vic s.	NZ s.
Cabinet / Executive Council	45(1)(a)	34, 35	36, 37	1(1)	1, 2	1, 2	23, 24	28	9(2)(f)
Territory Economy – prejudice ability to manage or damage	45(1)(b)	44(1)(a)	47(1)(a)	9(1)(a)	14(a)(i)	14(a)(i)	35(2)	36(1)(a)	9(2)(d), 6(e)
Territory Economy - unfair benefit/detriment to a person	45(1)(c)	44(1)(b)	47(1)(b)	9(1)(b)	14(a)(ii)	14(a)(ii)	35(1)	-	-
Security/Defence	46(1)(a)	33	11(1)(j)	5(3)	-	-	-	29A	6(a)
Breach of law – prejudice investigation	46(2)(a)	37(1)(a)	42(1)(a)	5(1)(b)*	4(1)(a)	4(1)(a)	28(1)(a)(i)	31(1)(a)	6(c)
Confidential source of information – disclose identity	46(2)(b)	37(1)(b)	42(1)(b)	5(1)(c)	4(1)(b)	4(1)(b)	28(1)(b)	31(1)(c)	-
Breach or evasion of law – prejudice effectiveness of methods for dealing with	46(2)(c)	37(1)(c)	42(1)(e)	5(1)(a)	4(1)(e)	4(1)(e)	28(1)(c)	31(1)(d)	-
Escape from custody – facilitate	46(2)(d)	-	42(1)(i)	5(1)(h)	4(1)(i)	4(1)(i)	-	-	-
Life or physical safety – endanger	46(2)(e)	37(1)(c)	42(1)(c)	5(1)(e)	4(1)(c)	4(1)(c)	28(1)(d)	31(1)(e)	6(d)
Corresponding law in other jurisdiction	47	-	-	-	21(1)	3	26(1A)	-	-
Secrecy provisions in other legislation	48	38	48(1)	14	12(1)	12(1)	36	38	-
Prosecution of offence – prejudice	49(a)	-	-	-	-	-	-	-	-
Fair trial/impartial adjudication – prejudice	49(b)	37(2)(a)	42(1)(d)	5(1)(d)	4(1)(d)	4(1)(d)	28(1)(a) (iii),(iv)	31(1)(b)	6(c)
Information about a proceeding – disclose	49(c)	-	-	-	11*	11*	-	-	-
Legal professional privilege	49(d)	42	43	7(1)	10(1)	10(1)	29(1)	32	9(2)(h)
Parliamentary privilege	49(e)	46(c)	50(c)	12(c)	17(c)	17(c)	-	-	-
Contempt of court, tribunal, royal commission	49(f)	46(a),(b)	50(a),(b)	12(a),(b)	17(a),(b)	17(a),(b)	-	-	-

Inter-governmental relations - prejudice	51	33(1)(a)(iii) 33A(1)(a)	38(a)	2(1)(a)	5(a)(i)	5(1)(a)(i)	26(1)(a)	29(a)	6(a)
Deliberative processes	52	36(1)	41(1)	6(1)	9(1)	9(1)	27	30(1)	9(2)(g)
Test, exam, audit –prejudice effectiveness of method for conduct of	53(a)	40(1)(a)	40(a)	11(1)(a)	16(a)(i)	16(1)(a)(i)	-	-	-
Test, exam, audit –prejudice attainment of objects	53(b)	40(1)(b)	40(b)	11(1)(b)	16(a)(ii)	16(1)(a)(ii)	-	-	-
Personnel management – substantial adverse effect	53(c)	40(1)(c)	40(c)	11(1)(c)	16(a)(iii)	16(1)(a)(ii)	-	-	-
Industrial relations – substantial adverse effect	53(d)	40(1)(e)	40(d)	11(1)(d)	16(a)(v)	16(1)(a)(v)	-	-	9(2)(j)
Life or health – pose serious threat (see NT s.46(2)(e))	54(a)	-	-	-	-	-	-	-	-
Health or safety of public - prejudice measures for protection	54(b)	37(2)(c)	42(1)(f)	5(1)(g)	4(1)(f)	4(1)(f)	-	-	9(2)(c)
Flora or fauna – prejudice measures to protect/manage	54(c)	-	42(1)(j)	-	23, 24	-	35A(a), (b)	-	-
Prison or detention centre – prejudice administration, management or security	54(d)	-	-	-	-	-	-	-	-
Confidentiality – legal remedy	55(1)	45(1)	46(1)(a)	8(1)	13(a)	13(a)	-	-	9(2)(ba)
Confidentiality - communicated in confidence	55(3)	-	46(1)(b)	8(2)	13(b)	13(b)	33(1)	35(1)	9(2)(ba)
Privacy/personal affairs	56(1)(a)	41(1)	44(1)	3(1)	6(1)	6(1)	30(1)	33(1)	9(2)(a)
Aboriginal cultural information	56(1)(b)	-	42(1)(j)*	-	23, 25*	-	35A(c)*	-	-
Business – undertaking – trade secret	57(1)(a)	43(1)(a)	45(1)(a)	4(1)	7(1)(a)	7(1)(a)	31(1)(a)	34(1)(a)	9(2)(b)(i)
Business – undertaking – unreasonable disadvantage	57(1)(b)	43(1)(c)	45(1)(c)	4(3)	7(1)(c)	7(1)(c)	31(1)(b)	34(1)(b)	9(2)(b)(ii)
Business– pso – trade secret	57(3)(a)	43(1)(a)	45(1)(a)	10(2)	7(1)(a)	7(1)(a)	32(a)(i)	34(4)(a)(i)	-
Business– pso – unreasonable disadvantage	57(3)(b)	43(1)(c)	45(1)(c)	10(4)	7(1)(c)	7(1)(c), 16(2)	32(a)(ii)	34(4)(a)(ii)	9(2)(i)
Research	57(3)(c)	43A	45(3)	10(5)	8(1)	8(1)	32(b)	34(4)(b)	-
Examination papers and reports	57(3)(d)	-	-	-	-	-	32(c)	-	-
Financial and property interests of Territory or pso	58	39(1)	49	10(1)	15	15(a)	-	-	-