

Public Information Referrals

Public Information Act 2010

Auditor-General's Report
to the Legislative Assembly
No 2: 2025-26



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At the Northern Territory Auditor-General's Office we
acknowledge the Aboriginal and Torres Strait Islander people
as the traditional Owners, Custodians of Country throughout
Australia and their connection to land, seas and community.

We pay our respects to their cultures,
and to their Elders past and present.





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The Speaker
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Auditor-General's Report to the Legislative Assembly No. 2 of 2025-26

In accordance with section 7(3)(a) of the *Public Information Act 2010* and section 24 of the *Audit Act 1995*, I submit my report on reviews of matters referred to me under the Public Information Act.

Jara K Dean
Auditor-General

28 July 2025



Auditor-General's Report to the
Legislative Assembly

No 2: 2025-26

Public Information
Referrals

Preface

In this Report, I present outcomes of reviews of the 19 social media posts made by some opposition members and a crossbencher referred to me under the *Public Information Act 2010* by a member of the Legislative Assembly.

In a parliamentary system, effective opposition is essential to ensuring good government. It is the role of the opposition and the crossbench to hold government accountable and to scrutinise its decisions, which may involve a criticism of government's policies and administration.

It has been a long-standing view of successive Auditors-General that highlighting perceived achievements of the government, contrasting views of the government with those of the opposition (or vice versa) or including images that might be construed as introducing a party political element is a contravention of the Public Information Act.

Section 6(2)(a) of the Public Information Act, which prohibits public information that promotes particular party political interests, is one of the most referred sections for review. Members have gone to extraordinary efforts not to name their own party or the party opposite the aisle in their messaging so that they do not breach the Public Information Act.

I do not believe that it was the intent of the Public Information Act to block free debate around the policies of the government and the opposition. For this reason, I found most of the social media posts that were political in nature under section 6(2)(a) to be in the public interest because they were shared with the purpose of reporting on the actions or inactions of the government.

Some forms of taxpayer-funded communication are excluded from the Public Information Act, such as media releases or information given by members to their constituents. In this Report, I explain how these exclusions apply to social media.

There is currently a bill before the Legislative Assembly which would transfer the responsibility for the review of public information to the Ombudsman. Transferring the obligation of the Auditor-General to review public information referrals will remove the risk of the role of the Auditor-General being politicised, which was a recommendation in the last strategic review of my Office.

These changes to the Public Information Act should not be seen as an indication that the Auditor-General will never look at government advertising again. Quite the opposite, the proposed changes will allow me to focus on, for example, whether departments have systems in place to ensure that government advertising campaigns are apolitical, effective and represent value for taxpayers' money.

I would like to express gratitude to all who have provided information and assistance to complete these reviews.

Jara K Dean
Auditor-General

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SOCIAL MEDIA POSTS BY TERRITORY LABOR PARTY MEMBERS

Summary of the Review

Introduction

The *Public Information Act 2010* requires the Auditor-General, upon receipt of a written request of a member of the Legislative Assembly to review particular public information to determine whether the Public Information Act is contravened in relation to the information. The Auditor-General does not have discretion whether to undertake the review requested by a member and the review function must be exercised.

If a review of the public information suggests a contravention, a preliminary decision is issued to the public authority that gave the public information. When preparing the report about the review, any comments provided by the public authority following the preliminary decision are taken into consideration. The final report must be provided to the Speaker and to the member who requested the review. The Speaker is required to table a copy of the report in the Legislative Assembly within six sittings days after receiving it. The Auditor-General must also table the report.

Background

A member of the Legislative Assembly alleged that social media posts made by three members of the Legislative Assembly, who are all members of the Territory Labor Party (Labor) were political and designed to promote the interests of their own party and that some, not all the posts contained misleading statements and incorrect information.

The referred posts were made on two commonly used social media platforms between 17 October 2024 and 7 March 2025.

Conclusion

I was satisfied that the content of the social media posts promoted particular party political interests.

Therefore, in accordance with section 6(2) of the Public Information Act, I have determined that the Public Information Act was contravened in relation to the social media posts.

Whilst a breach of one section means that the Public Information Act was contravened, I found that the content was factually accurate and not misleading and the social media posts were in the public interest.

Reasons for my conclusion are detailed in the *Review of Social Media Posts by Labor Members* section of this chapter.

Recommendations and observations

Section 8(3) of the Public Information Act allows the Auditor-General to make recommendations. However, any recommendations are limited to:

- the withdrawal of the public information; or
- that specified changes be made to the content of the public information.

I make the following recommendation to:

- Mr Manuel Brown MLA;
- Ms Selena Uiho MLA;
- Mr Dheran Young MLA; and
- any other member of the Legislative Assembly who shared the social media posts in question:

I recommend the social media posts, including the graphics, that were the subject of this review be deleted from all social media accounts.

Comments and submissions

In accordance with section 8(2) of the Public Information Act, a draft report was provided to Mr Manuel Brown MLA, Ms Selena Uiho MLA and Mr Dheran Young MLA as the public authorities who gave the referred public information to the public. The members were requested to provide comments by 26 June 2025, being 2 days more than 10 working days required under section 8(2)(b). The additional time was given in consideration of budget estimates taking place over the comments period.

Response from the Leader of the Opposition

Section 24(4)(b) of the *Audit Act 1995* requires the Auditor-General to include in reports to the Legislative Assembly and supplementary reports any submissions or comments received.

The response received from the Leader of the Opposition on behalf of herself and the two members is included in the *Comments received* section of this chapter.

Review of the Social Media Posts by Labor Members

Why and how we conducted this review

A member of the Legislative Assembly wrote to the Auditor-General on several occasions between 13 March 2025 and 20 March 2025, alleging that social media posts made by the following members of the Legislative Assembly, who are all members of the Territory Labor Party (Labor), contravened various sections of the Public Information Act:

- Mr Manuel Brown MLA, two (2) posts;
- Ms Selena Uiho MLA, Leader of the Opposition, five (5) posts; and
- Mr Dheran Young MLA, Deputy Leader of the Opposition, one (1) post.

We notified each member of the request to review their social media posts on 21 March 2025. During the review, we were informed that the staff in the Office of the Leader of the Opposition were involved in preparing the referred social media posts made by not only the Leader of the Opposition, but also Mr Dheran Young MLA and Mr Manuel Brown MLA.

Based on the information provided, we concluded that the social media posts made by all three members were public information as defined by the Public Information Act and therefore the Auditor-General was required to conduct a review for the purpose of determining if the Public Information Act was contravened.

Content of the social media posts

There were eight referrals to the Auditor-General relating to social media posts made by three Labor members of the Legislative Assembly:

Posts shared by Mr Manuel Brown MLA

The following two social media posts made by Mr Manuel Brown MLA were referred for review:

Date	Topic	Alleged breaches of PIA
16 January 2025	Delayed domestic violence funding	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) Inaccurate facts or data s. 6(2)(e)
7 March 2025	Reduced funding for private security guards	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) Inaccurate facts or data s. 6(2)(e)

In both posts, Mr Manuel Brown MLA reposted and commented on articles published by media outlets which concerned the delay in providing additional funding for

domestic violence services promised during the 2024 Territory election and not continuing the funding for security guards in the town of Maningrida.

Posts shared by Ms Selena Uiho MLA, Leader of the Opposition

The following five social media posts made by Ms Selena Uiho MLA were referred for review:

Date	Topic	Alleged breaches of PIA
17 October 2024	Opposition commitment	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b)
17 October 2024	New bail laws	Promoting party interests s. 6(2)(a)
28 October 2024	Katherine High School STEAM centre	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b)
14 November 2024	Territory Coordinator	Promoting party interests s. 6(2)(a)
17 February 2025	Police retention bonus	Promoting party interests s. 6(2)(a)

The posts concerning new bail laws and Territory Coordinator included images of the Chief Minister on a torn paper background with a stylised text in red capital letters: “Breaking: CLP Bail Fail. New laws delayed until 2025” and “CLP Forced to Release Secret Plan!” respectively. In the caption to the post concerning new bail laws, Ms Selena Uiho MLA made references to the CLP’s election promise that those laws would “...come into effect immediately” and “cancelling proper procedure to hide these laws from Territorians and rush them through [P]arliament.”

In the caption to the post concerning the Territory Coordinator, Ms Selena Uiho MLA made references to the consultation paper on the Territory Coordinator legislation, which she claimed the government kept secret until it was “exposed” by Labor.

The post concerning Katherine High School STEAM centre included an aerial image of Katherine High School from the Department of Logistics and Infrastructure’s website. Superimposed over the image was stylised text in white capital letters on red background that read “Labor’s fifth STEAM centre” and an arrow pointing towards area of the new centre. In the caption to the post, Ms Selena Uiho MLA commented on the importance of “quality education” as the reason why “... Labor invested heavily into science, technology, engineering, the arts and mathematics [STEAM] centres right across the Territory – including the \$16.7 million STEAM centre being built at Katherine High School right now.”

The remaining two posts featured the images of the Leader for the Opposition with references to government’s policies in their captions. The post made on 17 February also included a speech balloon next to the image of the Leader of the Opposition, inside which were the following words: “With Territorians’ support, the CLP Government was forced to keep its broken election promise.”

Post shared by Mr Dheran Young MLA, Deputy Leader of the Opposition

The following social media post made by Mr Dheran Young MLA was referred for review:

Date	Topic	Alleged breaches of PIA
10 February 2025	Government's lack of transparency	Promoting party interests s.6(2)(a)

Mr Dheran Young MLA shared a post made by Ms Selena Uibo MLA on the same day. It featured an image of Mr Dheran Young MLA with the Leader of the Opposition in front of the Parliament House and the caption listed the following three, what it claimed to be election commitments or promises by the government with red crosses against them:

- doubling the solar feed-in tariff at peak times
- not making any changes to NT abortion laws
- providing \$180 million over five years to address domestic violence.

Were the social media posts political in nature?

The referrals alleged that all eight posts promoted particular party political interests because they mentioned either the Country Liberal Party (CLP), Labor, made references to "Labor members", contained "political opinions" or were "highly political statements".

It was further alleged that the posts made by Ms Selena Uibo MLA promoted Labor interests because they included the red colour, which the referrals claimed was "Labor party colour". Parties use colours to easily identify someone or something as being associated with their party and we agree that one can promote a political party by using colours associated with it. However, it would be absurd to suggest that an image or text promotes a political party simply by using a colour or colours associated with it. The use of colours in a message must be viewed in the context in which those colours are applied. We did not view the use of the red text or the red background as promoting Labor interests but rather to capture readers' attention.

Under section 6(4) of the Public Information Act, the content of public information promotes particular party political interest if the information includes an image or message that may reasonably be regarded as promoting (whether expressly or implicitly) a particular political party or any of its members.

In reviewing the social media posts shared by all three members, we concluded that the posts aimed to contrast the opposition's views with those of the government and elicit a negative impression of the government and in turn foster a positive image of the opposition. On that basis, we concluded that all eight posts breached the Public Information Act because they promoted interests of the members' own party.

Were the social media posts misleading or inaccurate?

The referrals alleged that four out of the eight social media posts referred for review were misleading and/or included facts, statistics or data that were not presented correctly.

Most of the posts appeared to be comments on topical issues at the time rather than statements of facts. The requirement to distinguish a statement of facts from a statement of comments was removed from the legislation when the Public Information Act was amended in 2019. Since then, the Public Information Act requires statements not to be misleading and to present accurately facts, statistics or data.

The then Social Policy Scrutiny Committee noted in its *Inquiry into the Public Information Legislation Amendment Bill 2018* report that the term “fact” can be something that has happened but also something said to be true or supposed to have happened. By not defining the meaning of the term “fact”, the Committee noted the need for the Auditor-General to exercise judgement when it comes to the quality of sources required when “contestable statements of truth are made”.

Posts by Mr Manuel Brown MLA

The referrals alleged that the two social media posts made by Mr Manuel Brown MLA breached section 6(2)(b) because they contained “misleading statements and incorrect information”. The referrals did not specify which parts of the posts were misleading.

In the post made on 16 January 2025, which was concerned with the government not providing additional funding for domestic violence services promised during the 2024 Territory election, Mr Manuel Brown MLA commented that the Government “... sit[s] on hundreds of millions while women die”. The comment reflected the content of the reposted news article, which referred to an election commitment to provide \$180 million in funding for specialist services in the areas of domestic, family and sexual violence, over five years.

The comment that the government did not provide the previously promised funding was accurate at the time the post was made. The promised funding was not announced until the 2025-26 Budget in May 2025.

The part of the comment which referred to women dying because of domestic violence was also accurate. We confirmed that during the period after the 2024 Territory election and the time the post was made (i.e. September 2024 to January 2025), there were six deaths as a result of domestic and/or sexual assaults, five of which were female (including one who identified as a 'sister girl').

The post made on 7 March 2025 was concerned with the Government not continuing the funding for security guards in the town of Maningrida. We confirmed that the funding ceased in March 2025 at the end of the contract.

To this effect, we concluded that the two social media posts made by Mr Manuel Brown MLA were not misleading and the facts, statistics and data were presented accurately.

Posts by Ms Selena Uiibo MLA, Leader of the Opposition

The referral alleged that two social media posts made by the Leader of the Opposition on 17 October 2024 and 28 October 2024 were misleading.

In the caption which accompanied the post made on 17 October 2024, the Leader of the Opposition stated that she will be fighting:

1. against Lia Finocchiaro's punitive plan to lock up 10- and 11-year-olds;
2. to force the CLP to uphold Labor's agreement which fully funds Territory schools; and
3. to ensure the CLP are transparent with Territorians.

In relation to the first statement, the *Criminal Code Amendment Bill 2024*, which lowered the age of criminal responsibility from 12 years to 10 years was passed on 17 October 2024. Whether incarceration was the intent is not relevant, because as a result of the changes, a child 10 years of age or older can be criminally responsible for an offence punishable by imprisonment. The Leader of the Opposition voted against the Bill.

In relation to the second statement, the referral alleged that the post suggested that Territory schools are "fully funded by the Labor party, thereby making ...the post ... factually incorrect." The agreement to increase the funding for all government schools in the Northern Territory to 100 per cent of the Schooling Resource Standard by 2029, with the Commonwealth increasing its contribution to 40% and the Northern Territory increasing its funding share to 60% was signed on 31 July 2024 by the then Minister for Education, the Honourable Mark Monaghan MLA. We do not share the view that readers would interpret the comment as if it were the political party who funded schools.

While the third statement could not be proved until time has passed, we did not consider it misleading in the context of the post. It is the role of the opposition to hold government to account.

The referral alleged that the post made on 28 October 2024 concerning Katherine High School STEAM centre was misleading because it suggested that the centre was funded by the Labor party because the post did not mention government or former government as the "financial backer". We do not share the view that readers would interpret the comment as if it were the political party who funded schools.

Funding for the centre was first included in the 2023-24 Budget and the awarding of the tender was announced on 8 February 2024 during the former Labor government. This was to be a fifth STEAM centre to be delivered since 2016. We confirmed with the relevant government department that the project was nearing completion and the cost, at the time we made the enquiry, was \$15.9 million against the program budget of \$16.7 million. We did not audit the budget or costing of the project and no opinion is expressed herein on the accuracy of the amounts.

To this effect, we concluded that the two social media posts made by Ms Selena Uiibo MLA were not misleading.

Were the posts in the public interest?

The Public Information Act also requires public information to serve the public interest. Information is in the public interest if its purpose is to, among other things, report on performance in relation to government undertakings or communicate functions of government.

It is therefore important to consider the purpose for which the information was given. In a parliamentary system, effective opposition is essential to ensuring good government. It is the role of opposition to hold government accountable and to scrutinise its decisions, which may involve a criticism of government's policies and administration.

Despite concluding that the posts made by the three members were political in nature, we concluded that the posts made by Mr Manuel Brown MLA, Mr Dheran Young MLA and some of the posts made by Ms Selena Uibo MLA were in the public interest because they were shared with the purpose of reporting on performance of government undertakings.

Comments received



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Dear Mr Dean

Thank you for providing your preliminary decision on your review of a series of social media posts appearing on pages of members of the Opposition. Thank you also for the opportunity to comment on your findings. I provide this response as the Leader of the Opposition on behalf of myself and members of my Opposition team.

As previously stated, we believe the materials contained in each of the referrals constitute legitimate comment on the policies and administration of the Government of the day.

I note your review supports this assertion, as outlined on page 7:

In a parliamentary system effective opposition is essential to ensuring good government. It is the role of the opposition to hold government accountable and to scrutinise its decisions, which may involve a criticism of government's policies and administration.

It is a fundamental pillar of the Westminster system that members of the Opposition and, in fact, all Members of Parliament, can exercise this clear responsibility without fear of reprisal or censorship.

The *Public Information Act 2010* (NT) (PIA) is an important part of the Territory's schedule of legislation, helping to ensure that taxpayer resources are not improperly used for political campaigning that promotes Government announcements and policies. However, in the context of these referrals, there appears to be a deliberate attempt by the Government to weaponise the legislation to stifle fair and legitimate criticism of its policies and decisions. This approach is not consistent with the spirit or intent of the legislation.

For example, the PIA created a specific exemption for media releases because it was considered "*free debate about the policies of government ... should be able to continue*": Northern Territory, *Parliamentary Debates*, Legislative Assembly, 16 February 2010, 4671

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(Chief Minister). At that time, media releases were the primary way Members communicated with the public.

Understandably, the Assembly could not have anticipated the rapid technological advancements that have since occurred, including the rising prominence of social media platforms as communication and engagement tools.

Today, social media is an essential mechanism by which politicians of all persuasions engage with their constituencies. In the context of our Opposition role, it is an important channel for conveying our stance on the policies and directions of the Government, which invariably involves a degree of commentary and criticism in the same way as a media release would. Reviewing the Chief Minister's social media content during her time as Opposition Leader shows that she and her team took a similar view.

As you noted in your Media Statement of 19 March 2025, the PIA is now out of step with current communication and engagement methods. It is arguable that the legislation should be contemporised so that social media posts are treated the same way as media releases, that is, exempted from the PIA. As you pointed out, this would help avoid the politicisation of the role of Auditor-General.

I understand your office was sent at least 19 referrals, likely by a Member of the Government, in relation to social media posts. This undoubtedly presented a significant workload for your office.

While it is important to have good oversight mechanisms to ensure taxpayer resources are not being improperly used for overt political campaigning, frivolous, repetitive and unnecessary referrals run the risk of diverting your office and available resources from its essential function of providing advice to the Legislative Assembly on the financial management of public sector entities, to ensure transparency and accountability on behalf of Territorians.

We reiterate our strongly held view that our essential role in Opposition is to hold the government of the day to account on behalf of and in the best interests of Territorians. We intend to fulfil that responsibility without fear of reprisal or censorship.

As such, my team and I respectfully stand by each of the materials that are the subject of referrals to your office.

I acknowledge that the Chief Minister has put forward changes to the PIA, including transferring responsibility to the Ombudsman and introducing a level of discretion in terms of what referrals are investigated. On the face of it, the Labor Opposition supports the proposal to allow a level of discretion in relation to referrals, to minimise taxpayer resources allocated to those that are frivolous and vexatious.

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Given this is your last PIA review, I would like to thank you for your diligence and considered comments in relation to the application and enhancement of this legislation in a contemporary context.

Again, thank you for your work on behalf of Territorians and the opportunity to provide comments in relation to this review.

Yours sincerely



SELENA UIBO

24 JUNE 2025

SOCIAL MEDIA POSTS BY THE NT GREENS PARTY MEMBER

Summary of the Review

Introduction

The *Public Information Act 2010* requires the Auditor-General, upon receipt of a written request of a member of the Legislative Assembly to review particular public information to determine whether the Public Information Act is contravened in relation to the information. The Auditor-General does not have discretion whether to undertake the review requested by a member and the review function must be exercised.

If a review of the public information suggests a contravention, a preliminary decision is issued to the public authority that gave the public information. When preparing the report about the review, any comments provided by the public authority following the preliminary decision are taken into consideration. The final report must be provided to the Speaker and to the member who requested the review. The Speaker is required to table a copy of the report in the Legislative Assembly within six sittings days after receiving it. The Auditor-General must also table the report.

Background

A member of the Legislative Assembly alleged that social media posts made by Kat McNamara MLA, who is a member of the Northern Territory Greens Party (The Greens) were political and designed to promote the interests of The Greens and that all but one post contained misleading statements and incorrect information.

The referred posts were made on two commonly used social media platforms between 12 September 2024 and 7 March 2025.

Conclusion

I concluded that all 11 social media posts referred for review were not public information as defined in section 4 of the Public Information Act.

Reasons for my conclusion are detailed in the *Review of Social Media Posts by the Greens Member* section of this Report.

Recommendations and observations

Section 8(3) of the Public Information Act allows the Auditor-General to make recommendations. However, any recommendations are limited to:

- the withdrawal of the public information; or
- that specified changes be made to the content of the public information.

Given the conclusion, no recommendations were made.

Comments and submissions

Section 8 of the Public Information Act requires the Auditor-General to seek comments from the public authority who gave the public information that contravened the Public Information Act. No comments were sought from Kat McNamara MLA under section 8 because the referred social media posts were outside of the Public Information Act.

A draft report, however, was given to Kat McNamara MLA to ensure procedural fairness under section 24 of the *Audit Act 1995*.

Kat McNamara MLA did not provide a response.

Review of Social Media Posts by The Greens Member

Why we conducted this review

A member of the Legislative Assembly wrote to the Auditor-General on several occasions between 13 March 2025 and 19 March 2025, alleging that the following 11 social media posts made by Kat McNamara MLA contravened various sections of the Public Information Act:

Date	Topic	Alleged breaches of PIA
12 September 2024	New CLP Cabinet (climate change)	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
18 October 2024	Bill to lower the age of criminal responsibility	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
31 October 2024	Territory Coordinator Bill	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
6 November 2024	Bill to lower the age of criminal responsibility	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
27 November 2024	Motion to remove compatibility statement	Promoting party interests s. 6(2)(a)
18 December 2024	Public consultation on the Territory Coordinator Bill	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
20 December 2024	Deletion of Parliament reels	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)

Date	Topic	Alleged breaches of PIA
15 January 2025	Contaminated water - Beetaloo Basin	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
14 February 2025	Parliament recap - Part 1 - What I did	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
17 February 2025	Parliament recap - Part 2 - What the CLP did	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)
7 March 2025	The “most Green credentialed” member	Promoting party interests s. 6(2)(a) Misleading statements s. 6(2)(b) No source of facts or data s. 6(2)(f)

We notified Kat McNamara MLA of the request to review the above social media posts on 21 March 2025.

Were the posts public information?

For an information to be considered public information under the Public Information Act, it must satisfy these four essential elements:

- information must be given; and
- the information must be given by a public authority; and
- the information must be given to the public; and
- money or other property of the Territory must be used in giving the information.

Kat McNamara MLA informed us initially that the referred social media posts were made using a mobile phone device on a data plan paid from the electoral allowance. Based on the information provided at that time, we concluded that the social media posts were public information as defined by the Public Information Act and therefore the Auditor-General was required to conduct a review for the purpose of determining if the Public Information Act was contravened.

Kat McNamara MLA corrected the previous statement on 4 June 2025 and informed us that the mobile phone plan was not paid for or reimbursed from the electoral allowance. Because the referred posts were made using a personal mobile device, the referred posts were not public information and outside of the Public Information Act and the review was stopped.

When is information funded by electoral allowance excluded?

Each member of the Legislative Assembly receives an electorate allowance to cover the expenses they incur in servicing their electorate. The use of the electorate allowance is at members' sole discretion.

To maintain members' discretion on how they use the electorate allowance for communicating with their electorate, information given to constituents of the member's electorate is excluded from the Public Information Act under section 4(1)(a).

However, this exemption only applies to information given to constituents of the electorate of the particular member. Because posts shared on social media platforms are available to the public at large rather than restricted to users who are constituents of the member's electorate, the exemption under section 4(1)(a) cannot be applied.

When is information a media release?

Media releases by members of the Legislative Assembly are excluded under section 4(1)(b) of the Public Information Act. The reason for excluding media releases was to allow members to "...continue free debate around the policies of the Government and the Opposition...". The term "media release" is not defined in the Public Information Act. For information to be considered a media release and therefore exempt from the Public Information Act, it would need to be some form of an official statement made or approved by the relevant member of the Legislative Assembly and given to media organisations for the purpose of publication. Social media posts would not meet these criteria.

Findings

We found that the 11 social media posts made by Kat McNamara were outside of the Public Information Act because no money or property of the Territory was used in making the social media posts.

UPDATE ON PREVIOUS REVIEWS AND RECOMMENDATIONS

Territory Coordinator Radio Advertisement Review

Auditor-General's Report to the Legislative Assembly No. 2 of 2024-25 | 10 February 2025

The review found that the content of the Territory Coordinator radio advertisement which played on commercial radio stations during November 2024 promoted particular party political interest, included statements that were misleading, included facts that were not presented accurately and failed to specify the source or a means for identifying a source or those facts.

The Auditor-General made an observation that in the absence of sufficiently detailed guidelines, it would be prudent for agencies to self-assess each piece of information and advertising campaign planned to be given to the public against the principles contained in the Public Information Act and the related *Public Information Regulations 2017* before their launch. Such an assessment should be endorsed by the Chief Executive Officer or their delegate.

In its response, the Department of the Chief Minister and Cabinet supported the development of specific guidelines to establish a clear framework for government information and advertising campaigns by the Northern Territory Government. No such guidelines were implemented at the time of this report. A draft Practical Guide to Compliance is currently out for comment.

Digital Health System (Acacia) Replacement Cost

Auditor-General's Report to the Legislative Assembly No. 3 of 2024-25 | 17 March 2025

The review found that social media posts made by four ministers concerning the cost of the Acacia project and the involvement of the Leader of the Opposition in her capacity as the former Minister for Health and Minister for Corporate and Digital Development promoted particular party political interests, included statements that were misleading and failed to specify the source or a means for identifying a source of the presented facts.

The Auditor-General recommended that the social media posts, including the graphics, be deleted from the social media accounts of the four ministers and any other member of the Legislative Assembly who shared the social media posts in question.

The Hon Marie-Clare Boothby MLA and the Hon Robyn Cahill MLA removed the posts from their social media accounts.

The Hon Steve Edgington MLA removed the black and white image of the Leader of the Opposition from his post but retained the two images of himself as the Minister for Health in front of the Royal Darwin Hospital Emergency Department entrance and the commentary which reproduced, although not in its entirety, the media release issued by him on 7 January 2025.

The Hon Jo-Anne Hersey MLA did not delete the social media post, despite agreeing to remove it in her written response dated 4 March 2025.

The one member of the Legislative Assembly, who we were aware shared one of the social media posts, did not delete the post from their social media account.

APPENDIX A

Public Information Act overview

The *Public Information Act 2010* (the Public Information Act), as in force on 10 April 2019, and the associated Regulations, provide for the review of public information provided by public authorities.

Public Authority

A public authority is defined in section 5 as:

- an Assembly member;
- the holder or occupier of any of the offices of a Minister, the Speaker, the Leader of the Opposition or any other office of the Legislative Assembly;
- the holder or occupier of an office established by or under a law of the Territory;
- a person appointed or engaged to perform work for a public authority;
- an Agency;
- a body (whether incorporated or not) established by or under a law of the Territory;
- a body corporate to which one or both of the following apply:
 - the capital of the body corporate is owned by one or more public authorities;
 - one or more public authorities have a total of more than one-half of the voting power in the management of the body corporate;
- a body corporate that is a subsidiary of a public authority (whether or not through any interposed entity).

Exclusions

Excluded from the definition are:

- holders or occupiers of:
 - judicial office;
 - an office as a member of a tribunal established under a law of the Territory;
- the office of the Auditor-General;
- a local government council;
- Jacana Energy;
- the Power and Water Corporation;
- Territory Generation; and
- a person or body prescribed by regulation.

Public Information

Section 4(1) defines public information as “information given by a public authority to the public by using money or other property of the Territory”. Exemptions from this definition are:

- information given to members of the electorate of an Assembly member if the preparation and giving of the information is funded by an allowance payable to the Member for the electorate under a law of the Territory; and
- a media release of a Member of the Legislative Assembly (whether or not in his or her capacity as an Assembly member); and
- information prescribed by regulation.

The Public Information Act does place a limit on the scope of what might be considered to be public information in that section 4(2) provides that a “public authority gives information to the public when it makes the information available to the public generally (rather than any particular members of the public) through any medium”.

Contraventions

Section 6(1) provides that the Auditor-General must, upon the receipt of a written request of a Member of the Legislative Assembly, or may, on the initiative of the Auditor-General, conduct a review of that information to determine whether the provisions of the Act have been contravened, with regard to the Public Information Regulations.

The Auditor-General may determine that the Public Information Act is contravened in relation to particular public information if the Auditor-General is satisfied one or more of the following applies to the information:

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

The Auditor-General may also determine the Public Information Act is contravened in relation to particular public information if the Auditor-General is satisfied the content of the information is not for the purpose of the public interest.

APPENDIX B

Public Information Act referrals

Year	Matter	LA Report
2024-2025	Digital Health System Replacement Cost	No 3: 2024-25
	Invitation to Lunar New Year Celebrations	No 3: 2024-25
	Poster in the Ministerial Wing of Parliament House	No 2: 2024-25
	Territory Coordinator Radio Advertisement	November 2024
	New Homes Grants – Facebook Posts	November 2024
	Curfew Laws	November 2024
2022-2023	Bail Amendment Bill 2023	November 2023
2021-2022	Achieving Equality in the Northern Territory	March 2022
2020-2021	COVID-19 Financial Report July 2020	December 2020
2019-2020	Building a Better Barkly Advertisement	March 2020
	Executive Contract Officer Pay Freeze	August 2019
	<i>Waterfowl Population</i> Media Release	November 2019
2018-2019	ANZAC Precinct Flyer	March 2019
	<i>Another Job Creating Project</i> Signage	November 2018
	Email relating to GST Funding	August 2018
	<i>New Tools to Assist Police</i> Email	August 2018
	<i>Uber Arrives in the Territory</i> Email	August 2018
	<i>More Jobs and Safer Communities</i> Email	August 2018
2017-2018	Federal budget Graphics	August 2017
	Federal budget Facebook	August 2017
	Advertisement Men's Health Expo	August 2017
2016-2017	Progress Report Year 3	November 2016
	Office of Aboriginal Affairs NT (OAA)	November 2016
2015-2016	On Track	February 2016
	ICE Advertisement	February 2016
	Glenti Advertising	February 2016



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