

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Andrew Braddock)

Territory Records (Executive Records) Amendment Bill 2025

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Territory Records (Executive Records) Amendment Bill 2025

A Bill for

An Act to amend the *Territory Records Act 2002*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	1	Name of Act
2		This Act is the <i>Territory Records (Executive Records) Amendment</i>
3		<i>Act 2025</i> .
4	2	Commencement
5		This Act commences on 9 March 2026.
6	<i>Note</i>	The naming and commencement provisions automatically commence on
7		the notification day (see Legislation Act , s 75 (1)).
8	3	Legislation amended
9		This Act amends the Territory Records Act 2002 .
10	<i>Note</i>	This Act also amends the Ombudsman Act 1989 (see sch 1).
11	4	Definitions—pt 3A
12		Section 31B, definitions of <i>internally reviewable</i>
13		<i>determination</i> and <i>internal reviewer</i>
14		<i>omit</i>
15	5	Giving access to accessible executive records—no
16		release restraint determination
17		Section 31E (2)
18		<i>omit</i>
19		after receiving the request
20		<i>substitute</i>
21		, but not later than 30 working days, after the day the officer receives
22		the request

6 Giving access to accessible executive records—release restraint determination
Section 31F

omit

after receiving the request

substitute

, but not later than 30 working days, after the day the officer receives the request

7 New sections 31FA and 31FB

insert

31FA Extension of time for giving access

- (1) This section applies if, under section 31E or section 31F, the principal officer must give a person a copy of an accessible executive record, or part of a record, not later than a stated period after the day the officer receives the request (the *release period*).
- (2) The release period is extended by—
 - (a) any period agreed with the person requesting access; or
 - (b) any period decided by the ombudsman under subsection (4).
- (3) Also, if the release period includes 1 or more Christmas shutdown days, the release period is extended by the number of Christmas shutdown days.

- (4) The ombudsman may, on request of the principal officer before the release period ends, extend the release period if the ombudsman considers an extension is reasonable in the circumstances.

Examples

- 1 giving access to the accessible executive record within the release period would require an unreasonable and substantial diversion of resources
- 2 a person requests access to several accessible executive records at the same time

- (5) The ombudsman may extend the release period under subsection (4) more than once.

- (6) An extension under subsection (4) may be subject to conditions.

- (7) The principal officer may continue to deal with the request for access, including by making a release restraint determination, while the ombudsman considers a request under subsection (4).

- (8) In this section:

Christmas shutdown day means a working day that falls on 27, 28, 29, 30 or 31 December in a year.

31FB Access not given in time taken to be refusal to give access

- (1) If the principal officer does not give a person requesting access to an accessible executive record a copy of the record, or part of the record, within the release period (including any extension under section 31FA), the principal officer is taken to have made, at the end of the release period, a release restraint determination that the record is not to be released at all.

- (2) In this section:

release period—see section 31FA (1).

8 New section 31HA*insert***31HA Functions of ombudsman**

- (1) The ombudsman has the following functions for this Act:
- (a) to extend the release period for an accessible executive record in accordance with section 31FA;
 - (b) to review release restraint determinations under this part.
- (2) The ombudsman, in exercising a function under this Act, is entitled to full and free access at reasonable times to the relevant accessible executive record.

9 Section 31I heading*substitute***31I Ombudsman review notice—release restraint determination****10 Section 31I (2)***substitute*

- (2) In particular, the reviewable decision notice must tell the person that they have—
- (a) the right to apply to the ombudsman for review of the determination and how the application must be made; and
 - (b) the right to apply to the ACAT for review of the ombudsman's decision if the person is dissatisfied with that decision.

11 Sections 31J to 31M and note

substitute

31J Ombudsman review of certain determinations

A person whose interests are affected by a release restraint determination, including a determination taken to have been made under section 31FB (1), may apply in writing to the ombudsman for review of the determination.

31K Applications for ombudsman review

(1) An application to the ombudsman for review of a release restraint determination must be made within—

(a) 28 days after—

(i) the day the applicant is told about the determination by the principal officer; or

(ii) for a determination taken to have been made under section 31FB (1)—the day the determination was taken to have been made; or

(b) any longer period allowed by the ombudsman, whether before or after the end of the 28-day period.

(2) The application must set out the grounds on which review of the determination is sought.

(3) The making of the application for review does not affect the operation of the determination.

1 **31L Ombudsman review**

- 2 (1) The ombudsman must decide an application for review of a release
3 restraint determination within 15 working days after the day the
4 ombudsman receives the application (the *review period*).
- 5 (2) The ombudsman must decide the application by confirming, varying
6 or revoking the release restraint determination.
- 7 (3) The review period is extended by—
- 8 (a) any period agreed with the person requesting access; or
- 9 (b) any period, of not longer than 15 working days, that the
10 ombudsman considers is reasonable if—
- 11 (i) the review involves dealing with a large volume of
12 information; or
- 13 (ii) the review is complex; or
- 14 (iii) there are other exceptional circumstances.
- 15 (4) Also, if the review period includes 1 or more Christmas shutdown
16 days, the review period is extended by the number of Christmas
17 shutdown days.
- 18 (5) As soon as practicable after reviewing the determination, the
19 ombudsman must give written notice of the decision on the review to
20 the applicant.
- 21 (6) If the ombudsman does not vary or revoke the determination within
22 the review period (including any extension under subsection (3)), the
23 ombudsman is taken to have confirmed the determination.
- 24 (7) In this section:
- 25 ***Christmas shutdown day***—see section 31FA (8).

1 **31M Review of determinations by ACAT**

2 A person whose interests are affected by a release restraint
3 determination may apply to the ACAT for review of a decision made
4 by the ombudsman under section 31L, including a decision taken to
5 have been made under section 31L (6).

6 **31MA Participants in review by ACAT**

- 7 (1) The applicant for ACAT review and the principal officer are
8 participants in the ACAT review.
- 9 (2) Any other person may apply to the ACAT to participate in the review.
- 10 (3) The ACAT may allow the person to participate in the review in the
11 way the ACAT directs.

12 **12 Dictionary, note 2**

13 *insert*

- 14 • ombudsman
- 15 • working day

1 **Schedule 1 Ombudsman Act 1989—**
2 **Consequential amendments**

3 (see s 3)

4 **[1.1] New section 4C (da)**

5 *insert*

6 (da) to exercise other functions given to the ombudsman under the
7 *Territory Records Act 2002*; and

8 **[1.2] New section 5 (3) (a) (iii)**

9 *insert*

10 (iii) the *Territory Records Act 2002*; or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 26 June 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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