



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Mr Andrew Braddock MLA

Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2020-2021 **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by ANDREW BRADDOCK MLA on 22 FEBRUARY 2022: The Special Minister of State took on notice the following question(s):

[Ref: Hansard Transcript 22 February 2022 [PAGE 46]]

In relation to: the *Territory Records Act 2002* and the associated release of Cabinet papers-

MR BRADDOCK: Just a question about the Territory Records Act, in terms of the release of cabinet papers. In most other jurisdictions this happens automatically. But here in the ACT you actually have to apply to get those papers released.

I am just wondering what is the justification for that? And, as an open jurisdiction, should we be more freely making those papers by default made available to the public?

Mr Steel: Well in terms of the reporting period in which we are discussing, I am not sure that there has been any work undertaken on that in the reporting period. But—or are you just putting a statement of opinion, Mr Braddock.

MR BRADDOCK: I am asking is there a reason why those papers are only made available on request and not by default made available to the public?

Mr Steel: I am not sure whether JACS officials want to comment on the original intention of the act when it was passed. I certainly was not around then.

Mr Ng: Thanks, Minister. It is Daniel Ng, acting executive group manager, Legislation Policy and Programs, from JACS.

I will have to take that on notice, Mr Braddock. That is a piece of legislation which is administered by the Chief Minister Treasury and the Economic Development Directorate. And unfortunately, they have no officials here from the Territory Records Office to assist in that respect. So I am very happy to take that on notice. And I will liaise with colleagues in CMTEDD to provide you an answer.

SPECIAL MINISTER OF STATE, MR CHRIS STEEL MLA: The answer to the Member's question is as follows:—

The process of publishing an annual list of accessible Executive Documents originally existed as part of a separate instrument, the *Executive Documents Release Act 2000* which was introduced as an Executive Members Bill by Mr Michael Moore MLA.

The Government position on the Executive Documents Release Bill 2000, submitted to the Standing Committee of Justice and Community Safety, stated “the wholesale public release would require the allocation of significant resources by the Government. In contrast, given state experience of the interest in accessing such information under FOI legislation, it is unlikely that there would be sufficient level of demand for access to the records to justify such expenditure.” The Bill was amended accordingly prior to enactment.

In 2010, the *Executive Documents Release Act 2000* was repealed, and the *Territory Records Act 2002* was amended to include all provisions for Executive Document release at Part 3A.

Approved for circulation to the Standing Committee on Education and Community Inclusion

Signature:



Date:

1/3/21

By the Special Minister of State, Chris Steel MLA