

Australian Capital Territory
Legislative Assembly

**Territory Records (Executive Records)
Amendment Bill 2025**

Amendments to be moved by the Minister for the Public Service

1
Proposed new clause 4A
Page 2, line 14—

insert

4A Section 31B, new definition of *release period*

insert

release period, for a request under section 31D—see section 31FA (1).

2
Clause 7
Proposed new section 31FA (2)
Page 3, line 16—

omit proposed new section 31FA (2), substitute

- (2) The release period for the request is extended by the following:
- (a) any period agreed between the principal officer and the person making the request;
 - (b) any period decided by the principal officer under section 31FAA;
 - (c) any period decided by the ombudsman under section 31FAB.

3
Clause 7
Proposed new section 31FA (4) to (7)
Page 4, line 1—

omit

4
Clause 7
Proposed new sections 31FAA and 31FAB
Page 4, line 17—

insert

31FAA Extension of time by principal officer

- (1) The principal officer may, before the end of the release period for a request, extend the release period for the request by not more than 30 working days if—
 - (a) the request involves dealing with a large volume of information;
or
 - (b) the request is complex; or
 - (c) the principal officer considers an extension is reasonable in the circumstances.
- (2) The principal officer may extend the release period only once under this section.

31FAB Extension of time by ombudsman

- (1) The principal officer may, before the end of the release period for a request, apply to the ombudsman to extend the release period for the request.
- (2) An application may be made to the ombudsman whether or not the principal officer has extended the release period under section 31FAA.

- (3) The ombudsman may extend the release period for the request if—
 - (a) the request involves dealing with a large volume of information;
or
 - (b) the request is complex; or
 - (c) the ombudsman considers an extension is reasonable in the circumstances.
- (4) The ombudsman may extend the release period more than once under this section.
- (5) An extension of a release period may be subject to conditions.
- (6) The principal officer may continue to deal with the request for access, including by making a release restraint determination, while the ombudsman considers the principal officer's application.

5

Clause 7

Proposed new section 31FB (2)

Page 4, line 26—

omit

6

Clause 8

Proposed new section 31HA (1) (a)

Page 5, line 6—

omit

section 31FA

substitute

section 31FAB

7

Clause 11

Proposed new section 31KA

Page 6, line 22—

insert

**31KA Ombudsman may require additional information from
applicant or principal officer**

- (1) Before deciding an application under section 31L, the ombudsman may require the applicant or principal officer to give the ombudsman, within a stated time, additional information that the ombudsman reasonably needs to decide the application.
- (2) If the applicant or principal officer fails to comply with the requirement within the stated time, the ombudsman may refuse to consider the application further.
- (3) The review period mentioned in section 31L (7) does not include any time given to the applicant or principal officer to comply with a requirement under this section.

8

Clause 11

Proposed new section 31L (1) to (3)

Page 7, line 2—

omit proposed new section 31L (1) to (3), substitute

- (1) The ombudsman must, within the review period for an application for review of a release restraint determination, decide the application by confirming, varying or revoking the determination.
- (2) The review period for an application is extended by the following:
 - (a) any period agreed between the ombudsman and the applicant;
 - (b) any period decided by the ombudsman under subsection (4A).

9

Clause 11

Proposed new section 31L (4A)

Page 7, line 17—

insert

- (4A) The ombudsman may, before the end of the review period for the application, extend the review period by not more than 30 working days if—
- (a) the request involves dealing with a large volume of information; or
 - (b) the request is complex; or
 - (c) the ombudsman considers an extension is reasonable in the circumstances.

10

Clause 11

Proposed new section 31L (6)

Page 7, line 22—

omit

subsection (3)

substitute

subsection (2)

11

Clause 11

Proposed new section 31L (7), new definition of *review period*

Page 7, line 25—

insert

review period, for an application for review of a release restraint determination, means the period ending 30 working days after the later of the following:

- (a) the day the ombudsman receives the application;

- (b) the day the ombudsman is given access to the relevant accessible executive record.

Note The ombudsman is entitled to access a relevant accessible executive record when exercising a function under this Act (see s 31HA (2)).

12
Proposed new clause 11A
Page 8, line 11—

insert

11A **New part 7**

insert

Part 7 **Transitional—Territory Records (Executive Records) Amendment Act 2025**

58 **Meaning of *commencement day*—pt 7**

In this part:

commencement day means the day the *Territory Records (Executive Records) Amendment Act 2025*, section 3 commences.

59 **Requests for access to accessible executive records made before commencement day**

- (1) This section applies to a request for access to an accessible executive record under section 31D made but not finally dealt with before the commencement day.
- (2) Part 3A, as in force immediately before the commencement day, continues to apply in relation to the request.
- (3) The principal officer must, before Canberra Day in 2027, deal with the request under sections 31E to 31G and section 31I, as in force immediately before the commencement day.

**Requests for access to accessible executive records
made on or after commencement day and before
1 July 2026**

- (1) This section applies to a request for access to an accessible executive record (the *record*) under section 31D made by a person on or after the commencement day and before 1 July 2026.
- (2) Part 3A, as in force immediately before the commencement day, continues to apply in relation to the request, subject to subsections (3) to (7).
- (3) If the principal officer is required under section 31E or section 31F, as in force immediately before the commencement day, to give the person a copy of the record, or part of the record, as soon as practicable after receiving the request, the principal officer must give the person the record, or the part of the record, within 30 working days after the day the officer receives the request (the *release period*).
- (4) The release period for the request is extended by the following:
 - (a) any period agreed between the principal officer and the person;
 - (b) any period decided by the principal officer under subsection (5).
- (5) The principal officer may, before the end of the release period for the request, extend the release period by not more than 30 working days if—
 - (a) the request involves dealing with a large volume of information;
or
 - (b) the request is complex; or
 - (c) the principal officer considers an extension is reasonable in the circumstances.
- (6) The principal officer may extend the release period for the request only once under subsection (5).
- (7) If the principal officer does not give the person the record, or the part of the record, within the release period (including any extension under subsection (4)), the principal officer is taken to have made, at the end of the release period, a release restraint determination that the requested record is not to be released at all.

61 Expiry—pt 7

This part expires on the day after Canberra Day in 2027.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

13
Proposed new clauses 13 to 15
Page 8, line 15—

insert

13 Dictionary, new definition of *executive record*

insert

executive record, for part 3A (Executive records—access and release)—see section 31B.

14 Dictionary, definition of *principal officer*

substitute

principal officer—

- (a) for this Act generally—see section 8; and
- (b) for part 3A (Executive records—access and release)—see section 31B.

15 Dictionary, new definition of *release period*

insert

release period, for a request under section 31D, for part 3A (Executive records—access and release)—see section 31FA (1).
