

Ms Chiaka Barry MLA
Chair
Standing Committee on Legal Affairs (Legislative Scrutiny Role)
ACT Legislative Assembly
scrutiny@parliament.act.gov.au

Our ref: CMTEDD2026/254

Dear Ms Barry *Chiaka*

I am writing in response to comments of the Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the Committee) in Scrutiny Report 14 of January 2026. I thank the Committee for its engagement on the proposed government amendments to the *Territory Records (Executive Records) Amendment Bill* (the Bill).

In developing the government amendments and the Supplementary Explanatory Statement, careful consideration was given to whether there was any engagement with human rights, including the right to privacy and reputation as provided for under the *Human Rights Act 2004* (the HR Act).

The Supplementary Explanatory Statement for the proposed government amendments to the Bill has been reviewed and updated to provide clarification on the scope of the new section 31KA and its impact on the right to privacy. Notably, section 31KA would only operate to allow the Ombudsman to seek information they consider is reasonably necessary to make a decision when exercising their functions under the Bill. Furthermore, section 31KA does not compel the provision of information, though access to certain information may inform the Ombudsman's decision on whether to deal with an application.

The updated Supplementary Explanatory Statement to accompany the amendments is attached to this correspondence for the Committee's information.

Thank you for the Committee's consideration of the proposed government amendments.

Yours sincerely



Rachel Stephen-Smith MLA

2 February 2026

Enc. Territory Records (Executive Records) Amendment Bill 2025 – Government Amendments – Revised Supplementary Explanatory Statement