



Australian Capital Territory

Territory Records (Executive Records) Amendment Act 2026

A2026-3

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Australian Capital Territory

Territory Records (Executive Records) Amendment Act 2026

A2026-3

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 Name of Act

This Act is the *Territory Records (Executive Records) Amendment Act 2026*.

2 Commencement

This Act commences on 9 March 2026.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the [Territory Records Act 2002](#).

Note This Act also amends the [Ombudsman Act 1989](#) (see sch 1).

**4 Definitions—pt 3A
Section 31B, definitions of *internally reviewable determination* and *internal reviewer***

omit

5 Section 31B, new definition of *release period*

insert

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

**6 Giving access to accessible executive records—no release restraint determination
Section 31E (2)**

omit

after receiving the request

substitute

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

**7 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

8 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 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) 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) In this section:
Christmas shutdown day means a working day that falls on 27, 28, 29, 30 or 31 December in a year.

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.

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

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.

9 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 31FAB;

- (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.

10 Section 31I heading

substitute

**31I Ombudsman review notice—release restraint
determination**

11 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.

12 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, 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—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.

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.

31L Ombudsman review

- (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 (4).
- (3) Also, if the review period includes 1 or more Christmas shutdown days, the review period is extended by the number of Christmas shutdown days.
- (4) 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.
- (5) As soon as practicable after reviewing the determination, the ombudsman must give written notice of the decision on the review to the applicant.
- (6) If the ombudsman does not vary or revoke the determination within the review period (including any extension under subsection (2)), the ombudsman is taken to have confirmed the determination.
- (7) In this section:
Christmas shutdown day—see section 31FA (4).

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)).

31M Review of determinations by ACAT

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

31MA Participants in review by ACAT

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

13 New part 7

insert

**Part 7 Transitional—Territory Records
(Executive Records) Amendment
Act 2026**

58 Meaning of *commencement day*—pt 7

In this part:

commencement day means the day the *Territory Records (Executive Records) Amendment Act 2026*, 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.

**60 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).

14 Dictionary, note 2

insert

- ombudsman
- working day

15 Dictionary, new definition of *executive record*

insert

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

16 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.

17 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).

Schedule 1 Ombudsman Act 1989— Consequential amendments

(see s 3)

[1.1] New section 4C (da)

insert

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

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

insert

- (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 16 February 2026.

3 Republications of amended laws

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

I certify that the above is a true copy of the Territory Records (Executive Records) Amendment Bill 2026, which originated in the Legislative Assembly as the Territory Records (Executive Records) Amendment Bill 2025 and was passed by the Assembly on 5 February 2026.

Clerk of the Legislative Assembly

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