

Australian Capital Territory

TERRITORY RECORDS AMENDMENT BILL 2007

Explanatory Statement

Circulated by authority of the
Minister for Territory and Municipal Services
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This Explanatory Statement relates to the *Territory Records Amendment Bill 2007* (the Bill) as introduced into the Legislative Assembly.

OVERVIEW OF BILL

The *Territory Records Act 2002* established a regime for the effective management of records in all agencies of the ACT Government. Since self-government there had been no legislated basis for the creation, management and access to records of the ACT Government. The *Territory Records Act 2002* was developed to address this issue.

The main purposes of the Act are—

- (a) to encourage open and accountable government by ensuring that Territory records are made, managed and, if appropriate, preserved in accessible form; and
- (b) to preserve Territory records for the benefit of present and future generations; and
- (c) to ensure that public access to records is consistent with the principles of the *Freedom of Information Act 1989*.

The Act:

- States the obligations of agencies for the management of their records
- Provides the Records Management Program of an agency as the way in which an agency is accountable and monitored in relation to their recordkeeping practices
- Establishes the mechanism for the approval and adoption of standards and guidelines relating to any aspect of Territory recordkeeping
- Establishes the position and functions of the Director of Territory Records
- Establishes a Territory Records Advisory Council to advise the Director of Territory Records on any aspect of Territory recordkeeping
- Recognises that Territory records of enduring evidential, informational or historical value are to be preserved for future reference, and
- Confers an entitlement to public access to those Territory records that have reached a certain age and are open for public access

The commencement provisions of the Act allowed agencies one year to become compliant with the provisions of the Act and 5 years to prepare their records for public access. At that stage it was difficult for the Government to estimate the size and complexity of the task ahead as there had been no regime in place on which to make forecasts. While great progress has been made in implementing the provisions of the Act and preparing for the implementation of the uncommenced provisions, the tasks required for the access regime have taken longer than expected. It is estimated that the Territory holds upwards of 20 kilometres of records. Many of these records will hold information of a personal and private nature and agencies need to ensure that this material does not inadvertently become open for public access. Territory agencies will use the additional time provided by this amendment to continue to examine the records that they hold in preparation for their access by members of the public.

FINANCIAL IMPLICATIONS

Nil

SUMMARY OF CLAUSES

Section 2 provides for a new Commencement date of 1 July 2008 for the commencement of the Access provisions of the Act.

Section 58 provides for a new Review date of 1 July 2009 for the review of the operation of the Act.

OUTLINE OF PROVISIONS

Clause 1 – Name of Act names the Bill as the *Territory Records Amendment Act 2007*.

Clause 2 – Commencement explains that the Bill, once enacted, will commence on the day after its notification.

Clause 3 – Legislation amended is the *Territory Records Act 2002*.

Clause 4 – Section 2 provides for a new Commencement date of 1 July 2008 for the commencement of the Access provisions of the Act.

Clause 5 – Section 58 provides for a new Review date of 1 July 2009 for the review of the operation of the Act.