



Inquiry into Appropriation Bill 2026–2027 and Appropriation (Office of the Legislative Assembly) Bill 2026–2027

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Attorney-General

Reference: Changes to Notifiable Instruments

Hearing: 22/07/2026

In relation to: Correspondence with Solicitor-General and JCSD Officials

Question received: 24/07/2026

Answer Due: 06/08/2026

(1) Attorney-General, what written correspondence did you have with the Solicitor-General on any proposed changes to the judicial appointment process, and can you provide the written correspondence?

(2) Attorney-General, what was the advice received by the Solicitor-General and other officials in the Justice and Community Safety Directorate on the then proposed changes to the Notifiable Instruments concerning judicial appointments, and particularly the establishment of the process outlined under Division 1.2?

(3) Attorney-General, on what date did you first seek advice by the Solicitor-General and by officials in the Justice and Community Safety Directorate on changing the relevant Notifiable Instruments and the judicial appointment processes outlined therein?

(4) Attorney-General, on what date did you receive a response from the Solicitor-General and by officials in the Justice and Community Safety Directorate on proposed changes to the relevant Notifiable Instruments and the judicial appointment processes?

(5) Attorney-General, on what date were the drafting instructions submitted to officials regarding the changes to the Notifiable Instruments concerning the judicial appointment processes?

(6) Attorney-General, on what date did you receive the drafted changes to the relevant Notifiable Instruments concerning judicial appointments from officials?

(7) Attorney-General, on what date did the current Notifiable Instruments concerning judicial appointment processes go to Cabinet and receive approval from Cabinet?

Ms Tara Cheyne MLA: The answer to the Member's question is as follows:

1. Written advice was received from the Solicitor-General on 27 February 2026 and 12 March 2026 in relation to proposed amendments to the appointment processes for a Resident Judge of the ACT Supreme Court and the Chief Magistrate of the ACT Magistrates Court. The advice is subject to legal professional privilege and will not be provided.
2. The advice provided by the Solicitor-General is subject to legal professional privilege and will not be disclosed.

Advice was also provided by the Justice and Community Safety Directorate to the Attorney-General on the proposed notifiable instruments. The briefing outlined the relevant legal, policy and operational considerations associated with the proposed approach to amending the relevant instruments.

3. Advice was first sought from the Solicitor-General on 17 February 2026. Preliminary discussions commenced with JACS in January. Advice was sought from JACS on 5 March 2026.
4. Written advice was received from the Solicitor-General on 27 February 2026 and 12 March 2026. Written advice was received from JACS on 12 March 2026.
5. On 5 March 2026, the Attorney-General's Office instructed JACS to progress the drafting of the notifiable instruments.
6. JACS provided the Attorney-General with the drafted notifiable instruments on 12 March 2026.
7. As the making of the determinations required Executive agreement and did not require Cabinet consideration, the determinations were not provided to Cabinet for approval. However, Cabinet was briefed on these determinations at its meeting of 1 April 2026 where it considered and endorsed the appointments of the Chief Magistrate and a Resident Judge.

Approved for circulation to the Select Committee on Estimates 2026–2027

Signature:



By the Attorney-General, Tara Cheyne MLA

Date:

12/3/26