

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Eleventh ASSEMBLY

**Standing Committee on Legal Affairs – Report 6 - Inquiry into Annual and Financial Reports
2024-25 – Government Response**

**Presented by
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Introduction

On Tuesday, 3 December 2024, the Legislative Assembly passed (with amendments) a motion to establish standing committees and stated calendar and financial year annual and financial reports stand referred to the relevant standing committee for inquiry and report by 12 May of the year after the presentation of the report to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

The 2024-2025 Annual and Financial Reports were reviewed by the relevant Standing Committees, and each Committee held hearings and reported separately. The below Government Response addresses the recommendations within the report from the Standing Committee on Legal Affairs.

During its inquiry the Standing Committee on Legal Affairs was required to examine all or part of the following Annual and Financial reports for 2024–25:

- ACT Inspector of Custodial Services (formerly the Inspector of Correctional Services);
- ACT Policing;
- Director of Public Prosecutions;
- ACT Human Rights Commission;
- Justice and Community Safety Directorate;
- Official Visitor Scheme;
- Legal Aid Commission;
- Public Trustee and Guardian;
- Sentence Administration Board (as part of the Justice and Community Safety Directorate report; and,
- ACT Government Solicitor (as part of the Justice and Community Safety Directorate report).

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
Recommendation 1 The Committee recommends that the ACT Government consider the workload of ACT Legal Aid with a view to providing additional and longer-term funding to improve access to justice for the most economically disadvantaged.	Agreed The ACT Government recognises the interdependence of the ACT justice system and that the effectiveness of each part relies on the adequate resourcing of the others. Legal Aid ACT will receive \$2.15 million in the 2026-27 Budget to boost capacity and assist in responding to rising demand. The ACT Government will also undertake a review of Legal Aid ACT's funding and operations to directly inform future budget decisions.
Recommendation 2 The Committee recommends that the ACT Government consider ways, including increased funding, to effectively manage the increased workload of the ACT Solicitor General following the transfer of regulatory prosecutions from the Director of Public Prosecutions.	Agreed The ACT Government regularly engages with the ACT Government Solicitor to consider the agency's workload and funding needs across a range of its areas of practice, including through annual budget processes.
Recommendation 3 The Committee recommends that the ACT Government increase funding to the Inspector of Custodial Services to enable the employment of an identified Aboriginal and Torres Strait Islander staff member.	Noted This recommendation reflects Recommendation 10.3 of the Jumbunna Review and should be considered as part of the Government's response to that Review. The ACT Government regularly engages with the Inspector of Custodial Services to consider the agency's funding needs, including through annual budget processes.

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
Recommendation 4 The Committee recommends that the ACT Government review the use of extended lock-ins at Bimberi Youth Justice Centre such as those leading to cancelled medical appointments and education sessions.	Agreed This recommendation will be considered as part of an internal review into the model of care and of a review of current practices to limit restrictive arrangements that impact on young people in Bimberi.
Recommendation 5 The Committee recommends that the ACT Government introduce legislative changes to require government responses to Healthy Prison and Healthy Centre reports by the Inspector of Custodial Services to be provided within 4 months of presentation.	Not Agreed The Government notes there is no legislative requirement to provide a tabled government response to the Inspector of Custodial Services' reports and reviews. This ensures the Government has discretion to respond to reports where it considers it is appropriate to do so. The Government chooses to respond publicly to support transparency. In general, the Government responds as quickly as possible to the Inspector's reports after thoroughly assessing the issues and identifying and developing possible responses that consider fiscal and other resourcing constraints as well as operational and legislative requirements. A review of the timeline of previous government responses to Inspector reports indicates approximately five months is utilised to develop and finalise responses, though more or less time can sometimes be required.

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
Recommendation 6 The Committee recommends that the ACT Government consider whether changes are required to implement a process that will enable the Inspector of Custodial Services to provide reports or preliminary assessments to the coroner without parliamentary privilege restrictions.	Agreed The Justice and Community Safety Directorate is working with stakeholders, including the Custodial Inspector and ACT Corrective Services, to scope legislative amendments to enable the Custodial Inspector to provide reports or preliminary assessments to the coroner without parliamentary privilege restrictions.

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
Recommendation 7 The Committee recommends that the ACT Government, in its review of the Bail Act 1992, consider the presumption against bail and the potential for incompatibility with human rights.	Not Agreed The Bail Amendment Bill 2026 was introduced on 7 May 2026. The Bill focuses on the matters that courts and authorised officers must consider when making bail decisions, including bail decisions in relation to vulnerable accused persons. This is the focus of the Government’s proposed amendments to Bail Act at this time. In the 2024 Standing Committee on Justice and Community Safety Inquiry into the Administration of Bail in the ACT, the Standing Committee recommended that the ACT Government clarify the legal standing of the declaration of incompatibility and presumptions against bail as a result of the ACT Supreme Court decision <i>Isa Islam</i> [2010] ACTSC 147. In the ACT Government response to this Inquiry, the Government noted this recommendation and acknowledged that there may be confusion regarding the effect of the declaration of incompatibility on the validity of the presumptions under the Bail Act. Section 32 of the <i>Human Rights Act 2004</i> confirms that the declaration of incompatibility does not affect the legal validity of the statutory presumptions against bail, or the rights or obligations of anyone pursuant to those provisions. Declarations of incompatibility are an essential element of the ‘dialogue model’ of human rights protection which underpins the Human Rights Act and preserves the sovereignty of the Legislative Assembly with respect to law-making. Bail presumptions are an important feature of the Bail Act and the consideration of bail applications. The presumption in favour of bail reflects the presumption of innocence and right to liberty of person. Where there is no presumption or a presumption against bail, the decision maker is still required to consider a number of matters, including the likelihood that the person will appear in court in relation to the offence, the likelihood that the person will commit an offence if released on bail, and the interests of the person, before making a decision.

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
Recommendation 8 The Committee recommends that the ACT Government: • Improve and increase the offerings of vocational education and behavioural rehabilitation programs at the Alexander Maconochie Centre; • Review barriers to detainees' attendance at such courses and programs; and • Review the resourcing of educational and training programs at the Alexander Maconochie Centre, including staffing, infrastructure and equipment, with a view to increasing detainees' participation.	Existing Government Policy The review of existing and possible new vocational education and behavioural rehabilitation programs offered to detained persons is an ongoing activity by ACTCS, as is the consideration of barriers to attendance. Where additional resourcing for staffing, infrastructure and equipment is identified through these activities, implementation will be subject to future budget decisions. ACTCS is proactively working with CIT and other tertiary providers to enhance educational opportunities for individuals detained within the AMC