

2025

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

ELEVENTH ASSEMBLY

STANDING COMMITTEE ON LEGAL AFFAIRS

—

REPORT 1 - INQUIRY INTO ANNUAL AND FINANCIAL REPORTS 2023-24

GOVERNMENT RESPONSE

**Presented by
Andrew Barr MLA
Chief Minister
September 2025**

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 2023-2024 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 2023–24:

- 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).

Standing Committee on Legal Affairs – Report 1 - Inquiry into Annual and Financial Reports 2023-24

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>Recommendation 1</p> <p>The Committee recommends that the ACT Government consider expanding opportunities for restorative justice processes.</p>	<p>Existing Government Policy</p> <p>The ACT Government has committed to support an expansion of restorative justice accessibility criteria and seek to support the establishment of community-based restorative practice in the ACT. The ACT Government will consider any expansion in the context of responding to and implementing recommendations of the recently completed Independent Review of the Restorative Justice Scheme, including necessary budgetary considerations and the need for the Restorative Justice Scheme to be able to deliver its core business before it takes on any additional scope.</p>
<p>Recommendation 2</p> <p>The Committee recommends the ACT Government work with ACT Policing and the Director of Public Prosecutions to address the low number of referrals from these agencies to the Restorative Justice Scheme.</p>	<p>Agreed</p> <p>The ACT Government agrees that there are significant opportunities to increase referrals to restorative justice, particularly given that there is currently no waitlist for restorative justice conferencing. The Restorative Justice Unit has already begun engagement with ACT Policing and the DPP to explore opportunities for increasing numbers of referrals and increase awareness of restorative justice as an option for referrals to be made.</p>
<p>Recommendation 3</p> <p>The Committee recommends that the ACT Government expedite the implementation of electronic monitoring of offenders granted bail.</p>	<p>Existing Government Policy</p> <p>The ACT Government is currently evaluating the available options for the use of electronic monitoring (EM) to ensure it targets the right cohort/s of offenders, including those on bail, in a way that is most effective in promoting community safety and increasing positive outcomes for people in the justice system.</p> <p>The introduction of EM must be carefully considered and will proceed once necessary policy work, including consultation, is complete, noting that a final implementation plan will be subject to the passage of legislation, budget funding and procurement.</p>
<p>Recommendation 4</p>	<p>Agreed in-principle</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government repeal section 435 of the <i>Crimes Act 1900</i> as soon as practicable.</p>	<p>The ACT Government is giving active consideration to this issue and notes the views expressed by key justice stakeholders including the Bar Association. Section 435 is currently the only public liability protection enshrined in legislation for ACT Policing. Any repeal of Section 435 would need to be made in conjunction with legislative amendments to ensure that public liability protections are in place to support the performance of ACT Policing powers.</p>
<p>Recommendation 5</p> <p>The Committee recommends that the ACT Government require the ACT Civil and Administrative Tribunal to compile annual reviews in a more timely manner following the conclusion of each financial year.</p>	<p>Agreed in-principle</p> <p>The ACT Government will work with the ACT Civil and Administrative Tribunal to improve the provision of ACAT annual reviews in a timely manner.</p>
<p>Recommendation 6</p> <p>The Committee recommends that the ACT Government take appropriate action to reduce the incarceration rate of Aboriginal and Torres Strait Islander people in the ACT.</p>	<p>Existing Government Policy</p> <p>In 2024, the ACT Government commissioned the Jumbunna Institute of Indigenous Education and Research, at the University of Technology Sydney, to undertake an independent review into the overrepresentation of First Nations people in the ACT criminal justice system. Jumbunna has worked closely with a broad range of stakeholders throughout the ACT to ensure a comprehensive and impartial review process. This has included meaningful engagement with Aboriginal and Torres Strait Islander communities, particularly those with lived experience of the justice system, alongside collaboration with both government and non-government stakeholders.</p> <p>Stage 1 of the review assessed the ACT’s progress in implementing the Australian Law Reform Commission’s Pathways to Justice recommendations and identified key findings and areas for further exploration. The First Report is publicly available on the ACT Government’s website. Stage 2 consultations were conducted between October 2024 and March 2025, engaging 175 individual participants and 71 community organisations, legal services, and government agencies. The Final Report to the ACT Government will include recommendations for practical measures that will have an appreciable impact on overrepresentation rates.</p> <p>The ACT Government will consider these recommendations and how they can be implemented.</p>
<p>Recommendation 7</p>	<p>Agreed</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government examine expanding the operation of the Alexander Maconochie Centre bakery and other opportunities for employment in industry, and how these could be used to facilitate post release employment options, as well as the potential expansion of the horticulture offering at the Alexander Maconochie Centre.</p>	<p>The ACT Government is currently examining the expansion of education and employment opportunities at the Alexander Maconochie Centre (AMC).</p> <p>In early 2025, ACT Corrective Services (ACTCS) established the Detainee Education, Industry and Rehabilitation (DEIR) Program Board to provide strategic guidance on projects in these areas. As part of this work, ACTCS is undertaking an internal audit of employment and education programs at the AMC to identify opportunities for program uplift and to inform the development of a long-term strategy aimed at enhancing the breadth and effectiveness of offerings available to detainees. This includes the potential expansion of industry-based employment opportunities. Through the work of the DEIR Program, ACTCS seeks to strengthen pathways to post-release employment and support successful reintegration into the community. The matters raised in the recommendation will be examined as part of this work.</p>
<p>Recommendation 8</p> <p>The Committee recommends that the ACT Government appropriately resource ACT Policing to more effectively combat knife-crime.</p>	<p>Noted</p> <p>In June 2023, the ACT Government committed to enhance community safety by investing more than \$107 million in recruiting additional 126 ACT Policing personnel over a five-year period (to 2028). This was the largest single staffing and funding boost ever received by ACT Policing. All areas of ACT Policing saw an increase in numbers. As part of ACT Labor’s election commitments this number was increased to recruiting a total additional 150 police officers by 2029.</p> <p>Additionally, the ACT Government is currently reviewing the legislative framework in relation to knife crime to address Mr Cain’s motion in the Assembly in March. The ACT Government will report back on this review to the Assembly by the end of 2025.</p>
<p>Recommendation 9</p> <p>The Committee recommends that the ACT Government clarify exactly how unspent funds allocated to the Law Reform and Sentencing Advisory Council will be redirected.</p>	<p>Agreed</p> <p>Funding for the Law Reform and Sentencing Advisory Council (LRSAC) was allocated from the Confiscated Assets Trust (CAT) Fund in 2023-24 and 2024-25 (Confiscation of Criminal Assets (Distribution of Surplus Funds) Approval 2023 (No 3) NI2023-320 and Confiscation of Criminal Assets (Distribution of Surplus Funds) Approval 2024 (No 1) NI2024-342). The CAT Fund is established by the Confiscation of Criminal Assets Act 2003 (CoCA Act).</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
	<p>The remaining unspent funding allocated to the LRSAC was returned to the CAT Fund and then redistributed in June 2025 to deliver pilot priority projects at the Alexander Maconochie Centre.</p>
<p>Recommendation 10</p> <p>The Committee recommends that the Attorney-General provide the Committee with regular updates of the outcomes from meetings of the Standing Committee of Attorneys-General, in addition to the general communiques available on that committee’s website.</p>	<p>Not Agreed</p> <p>The Standing Council of Attorneys-General issues communiques following each meeting to inform the public about matters discussed at each meeting including commitments to jointly progress work on key priorities. Communiques form an important function, providing transparency about discussions in this forum while also preserving necessary confidentiality to facilitate open inter-jurisdictional engagement on justice matters. The Attorney-General will continue to provide updates on their engagement with SCAG through general Legislative Assembly activities which will not be replaced by a regular update to the Standing Committee on Legal Affairs.</p>
<p>Recommendation 11</p> <p>The Committee recommends that the ACT Government review the span of hours in which people can order alcohol via online alcohol sales.</p>	<p>Existing Government Policy</p> <p>On 28 June 2024 the ACT Government released its listening report following consultation about enhancing the protections of online ordering of alcohol and same day delivery of alcohol in the ACT. The ACT Government is considering the input received to inform an appropriate legislative response.</p>
<p>Recommendation 12</p> <p>The Committee recommends that the ACT Government review policy options for a safety pause for delivery of alcohol purchased online.</p>	<p>Existing Government Policy</p> <p>The ACT Government is continuing work to establish a policy response about regulating same-date delivery of alcohol. This will consider a range of issues including the Committee’s proposal for a ‘safety pause’.</p>
<p>Recommendation 13</p> <p>The Committee recommends that the ACT Government reconsider legislating a pathway for human rights complaints against public authorities to the ACT Civil and Administrative Tribunal.</p>	<p>Existing Government Policy</p> <p>The ACT Government has made a commitment to legislate a pathway for human rights complaints to proceed from the ACT Human Rights Commission to the Tribunal. Work is underway within ACT Government towards introducing legislation to implement this commitment during this term.</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>Recommendation 14</p> <p>The Committee recommends that the ACT Government:</p> <ul style="list-style-type: none"> • Provide details of the activities, programs, education and therapeutic programs available for people on remand; and • Explore options for programs that people on remand could commence while in custody and continue in the community if granted bail. 	<p>Agreed</p> <p>The ACT Government notes that all activities, education, therapeutic programs and noncriminogenic programs are available to people on remand, although where places are limited, preference may be given to individuals who have been sentenced and therefore able to finish the program while in custody at the Alexander Maconochie Centre (AMC). The ACTCS Programs Compendium is publicly available on the ACTCS website and provides information regarding some of the programs and interventions offered.</p> <p>ACT Corrective Services continues to expand its suite of education and therapeutic programs available to people on remand at the AMC with a focus on rehabilitation, skill development and reintegration. The ACT Government will continue to update the Assembly on education, programs and activities available to detainees through the Justice and Community Safety Directorate annual report.</p>
<p>Recommendation 15</p> <p>The Committee recommends that the ACT Government take a stocktake of the activities, programs and education options currently available to detainees, and report back to the Legislative Assembly by the last sitting day in September 2025 on that as well as the ways that it intends to make available a greater range of options.</p>	<p>Agreed</p> <p>The ACT Government maintains a keen focus on expanding opportunities for programs, education and employment at the Alexander Maconochie Centre (AMC).</p> <p>In early 2025, ACT Corrective Services (ACTCS) established the Detainee Education, Industry and Rehabilitation (DEIR) Program Board to provide strategic guidance on projects in these areas. As part of this work, ACTCS is undertaking an internal audit of employment and education programs at the AMC to identify opportunities for program uplift and to inform the development of a long-term strategy aimed at enhancing the breadth and effectiveness of offerings available to detainees. Detailed mapping of current services is included as part of the internal audit's scope and will guide future planning, including the potential expansion of education and employment opportunities.</p> <p>The ACT Government will report a summary of activities, programs and education options currently available to the Legislative Assembly by the last sitting day in September 2025.</p>
<p>Recommendation 16</p>	<p>Agreed in-principle</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government assess how detainee-led activities could be encouraged and embedded into the Alexander Maconochie Centre (AMC) as well as how Corrections Officers can contribute their own skills to activities.</p>	<p>The ACT Corrective Services (ACTCS) Detainee Education, Industry and Rehabilitation (DEIR) Program Board, established in early 2025, is currently reviewing detainee-led activities. Specifically, ACTCS is examining opportunities to strengthen peer mentoring models, particularly in the education space, to enhance motivation and engagement among detainees. Current consultation is also focused upon how detainee-led initiatives could support learning and rehabilitation outcomes, and how staff expertise could be better leveraged to enrich program delivery.</p>
<p>Recommendation 17</p> <p>The Committee recommends that the ACT Government improve how it ensures detainees have appropriate medication and also strengthen how detainees have their healthcare needs met while transitioning back into the community.</p>	<p>Noted</p> <p>Canberra Health Services will continue to work with JACS in the provision of health care for detainees. Justice Health Services (JHS), in collaboration with ACT Corrective Services (ACTCS), have undertaken a comprehensive review of medication administration processes to ensure alignment with best practice guidelines for health service delivery within the custodial environment.</p> <p>As a result, a later medication round will be trialled for a three-month period commencing in June 2025. The aim is to enhance operational efficiency and improve health outcomes for clients.</p> <p>Additionally, JHS are currently reviewing all clinician-administered medications. The goal is to transition suitable medications to daily or weekly takeaway packs, where clinically appropriate and safe. This initiative is contingent on risk assessments conducted in partnership with ACTCS to determine client suitability, ongoing evaluation of the trial period outcomes, continued collaboration with ACTCS and industrial stakeholders and implementation of risk assessment protocols to support the transition to takeaway medication packs. The ACT Human Rights Commission (HRC) recommended that Canberra Health Services (CHS) initiate an independent on-site review of detainees at the Alexander Maconochie Centre and their experience with JHS. JHS is currently liaising with an interstate health service to organise the review.</p> <p>Comprehensive release planning is completed prior to a detainee’s release from custody (when known) and is undertaken by JHS. JHS staff ensure that health requirements are considered and effectively planned for prior to release. This process also supports continuity of care by facilitating the detainee’s healthcare providers access to relevant health information in the community.</p> <p>When a detainee is released from custody (when known) the following is completed ready for their release:</p>

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	<ul style="list-style-type: none"> • a discharge summary is prepared and provided to the detainee’s community healthcare provider. • future appointments are included in the discharge summary or advised in writing by the Medical Escorts team. • a Medical Officer appointment is booked prior to release (if required) • if a detainee is released prior to finishing their vaccination course, they are encouraged to complete it in the community and are provided with information for accessing their immunisation data via the Australian Immunisation Register (AIR). • detainees are supplied with up to one week worth of medication. • diabetic clients are given their remaining labeled insulin pens on the day of release, ensure they have the correct devices, cables and supplies and are provided a tube of glucogel for emergency hypoglycemic management. <p>Detainees on the Opioid Maintenance Treatment (OMT) program are supplied with instructions regarding their dosing location in the community, dosing history and a current script valid for one month. They are also prescribed and provided Naloxone spray with education on how to administer it if required in the community.</p>
<p>Recommendation 18</p> <p>The Committee recommends that the ACT Government report back to the Legislative Assembly by the last sitting day in September 2025 on the measures it has undertaken since the Operation Falcon report was published as well as the effectiveness of those measures.</p>	<p>Agreed</p> <p>The ACT Government will report to the Legislative Assembly on measures to address the issues identified in the Operation Falcon report.</p>
<p>Recommendation 19</p> <p>The Committee recommends that all Corrections Officers on shift at the Alexander Maconochie Centre (AMC) always wear a name tag that shows their name.</p>	<p>Existing Government Policy</p> <p>ACT Corrective Services (ACTCS) Dress and Uniform Standards Policy requires that for uniformed officers name badges must be worn on the right-hand side breast pocket of the outer most layer of clothing (section 4.7). This position has been reiterated to staff by the ACTCS Commissioner.</p>
<p>Recommendation 20</p>	<p>Noted</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government take steps to permanently address the birds nesting in the Alexander Maconochie Centre (AMC).</p>	<p>The ACT Government has addressed the issue of birds nesting in the Alexander Maconochie Centre (AMC) by:</p> <ul style="list-style-type: none"> • Installing PVC strip curtains on doors • Filling in gaps above exhaust fans • Implementing building modifications to remove bird perches • Engaging professional cleaners to clean the walls and other surfaces. <p>Efforts to restrict birds from entering accommodation units are ongoing and no permanent solution is practical.</p>
<p>Recommendation 21</p> <p>The Committee recommends that ACT Corrective Services clarify the complaints process in a way that is easily understandable for detainees and staff and ensure that the clarified process is communicated to all detainees and staff in an easily accessible way.</p>	<p>Agreed</p> <p>The ACT Government is scheduled to commence a review of the ACT Corrective Services complaints policy and process in the second half of 2025. This recommendation will be considered in the scope of work. Following completion of the review, identified actions to address improvements to the process will be implemented.</p>
<p>Recommendation 22</p> <p>The Committee recommends that the ACT Government collect and report publicly on deaths in disability care.</p>	<p>Agreed in-principle</p> <p>ACT Government has accepted in principle the Disability Royal Commission recommendation to establishing a disability death review scheme, which will need to consider options to identify deaths in disability care and resolve any information sharing issues with the Commonwealth Government. The ACT Government has not yet commenced this work.</p>
<p>Recommendation 23</p> <p>The Committee recommends that the Legal Aid Commission ACT continue to monitor best practice recruitment and employment practices.</p>	<p>Agreed</p> <p>Legal Aid Commission ACT will continue to monitor best practice recruitment and employment practices.</p>
<p>Recommendation 24</p>	<p>Noted</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government review the income test for Legal Aid ACT grants so that more people in need can access free legal services.</p>	<p>The 2025-26 Budget committed funding over 2 years to maintain Legal Aid grants for legal assistance at 120% of the Henderson Poverty Line. Continuation of this funding is intended to address the current gap in providing legal assistance to vulnerable members of the ACT society who are unable to afford private legal representation.</p>
<p>Recommendation 25</p> <p>The Committee recommends that the ACT Government consider how it can provide ongoing or increased funding to support the maintenance or expansion of the Director of Public Prosecutions' Witness Assistance Scheme</p>	<p>Existing Government Policy</p> <p>The 2025-26 ACT Budget provides additional funding of \$284,000 over two years for one Witness Assistance Scheme (WAS) officer. The Attorney-General has also approved the allocation of \$420,639 from the Confiscated Assets Trust Fund to the ODPP for the WAS, to be expended by 30 June 2026. This will fund a continuation of the 3 additional WAS officer positions funded from the CAT Fund in 2024-25 for a further 12 months. JACS will continue to consult with the ODPP to support the operation of the WAS and consider ongoing funding needs.</p>
<p>Recommendation 26</p> <p>The Committee recommends that the ACT Government provide additional funding to the ACT Office of the Director of Public Prosecutions to hire additional prosecutors.</p>	<p>Noted</p> <p>The ACT Government will continue to engage with the Director of Public Prosecutions (DPP) regarding funding requirements and will continue to work with the DPP to identify and respond to resourcing needs, including the need for additional prosecutors.</p>
<p>Recommendation 27</p> <p>The Committee recommends that the ACT Government empower a culture that maximises the opportunity for young people in detention to participate in options for day release and opportunities to participate in programs in the community or a service or community event.</p>	<p>Existing Government Policy</p> <p>Young people in Bimberi Youth Justice Centre can apply for local or interstate leave following the Children and Young People (Local and Interstate Leave) Policy and Procedures 2018. This policy is currently under review and consideration will be given to this recommendation as part of that review.</p> <p>In addition, young people remanded in custody in the ACT can apply to the ACT Children's Court for consideration of day bail.</p>
<p>Recommendation 28</p>	<p>Existing Government Policy</p>

RECOMMENDATION	GOVERNMENT RESPONSE (AGREED/AGREED IN-PRINCIPLE/EXISTING GOVERNMENT POLICY/NOTED/NOT AGREED)
<p>The Committee recommends that the ACT Government expand opportunities to ensure that young people can maintain their connection to their education provider while they are in Bimberi.</p>	<p>Students who are in Bimberi can access education through the Murrumbidgee School. This education offering has been enhanced this year to include a transition program for students to make their return to a mainstream school setting supportive and positive.</p>