



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

Answer to question taken on notice

Asked by: Mrs Chiaka Barry MLA

Addressed to: Attorney-General

In relation to: Attorney-General and Timing of Cabinet consideration of advice on NI2026-161

Hearing: 22/07/2026

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Transcript provided: 23/07/2026

Answer Due: 30/07/2026

Ms Tara Cheyne MLA took on notice the following question(s):

THE CHAIR: I do not have questions about the appointment, but it is a given that those candidates are exceptional. My question is really around the process and just on the process. It seems to me and—sorry just going back a few steps. Did anybody raise concerns with you about any one, JACS, advisors, about the implication of division 1.2, about changing the instrument so significantly, noting it is never been done in the history of the territory, to include that section? Did anybody give—did you get advice, did anybody give you advice or raise concerns with you about that?

Ms Cheyne: I certainly was briefed by the directorate. I would need to confirm what was in that brief—

THE CHAIR: I am happy for you to take that on notice.

Ms Cheyne: But pretty normally is they outline benefits and sensitivities, and that is standard for a brief.

THE CHAIR: Would you be able to provide that briefing?

Ms Cheyne: I suspect it will be cabinet in confidence.

THE CHAIR: So this decision went to cabinet?

Ms Cheyne: Yes.

THE CHAIR: Okay, so the briefing, if it is cabinet in confidence, the decision has already been made, though. Why would it be cabinet in confidence if it has already been made? The advice is cabinet in confidence.

Ms Cheyne: Because it was concerning appointments. Appointments are cabinet in confidence.

THE CHAIR: Sorry, the advice by JACS was cabinet in confidence because you took the advice to cabinet.

Ms Cheyne: Yes.

THE CHAIR: Okay, when was the advice taken to cabinet?

Ms Cheyne: I will have to take it on notice. I believe it was late March, early April, but I will come back to you.

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

The Justice and Community Safety Directorate provided written advice to me on 12 March 2026 concerning the proposed appointment determinations. The advice outlined the potential benefits, risks and sensitivities of the proposed approach. The advice is Cabinet-in-Confidence due to its connection to judicial appointments.

To clarify, the making of the:

- *Magistrates Court (Magistrates Appointment Requirements) Determination 2026 (No 1)*; and
- *Supreme Court (Resident Judges Appointment Requirements) Determination 2026 (No 1)*

required Executive agreement. It did not require Cabinet consideration or approval and did not go to Cabinet.

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, Ms Tara Cheyne MLA

Date:

12/1/26