



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

Answer to question on notice

Asked by: Ms Rebecca Vassarotti MLA

Addressed to: Attorney-General

Reference: Attorney-General – Justice

Hearing: 22/07/2026

In relation to: Bail and reducing Indigenous overrepresentation

Question received: 27/07/2026

Answer Due: 06/08/2026

- (1) The Standing Council of Attorneys-General Bail and Remand Reform Working Group recommended last year that all Australian jurisdictions consider removing presumptions against bail from bail laws, specifically to address remand rates and meet National Agreement on Closing the Gap Targets 10 and 11. How does the Government reconcile its lack of action on this Working Group recommendation with its commitment to addressing over-incarceration of Indigenous Australians, and meeting the closing the gap targets?

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

I refer the member to the SCAG communique of 14 November 2025.

While the ACT Government has not agreed to implement the recommendations from the Bail and Remand Reform Working Group Final Report specifically, it is committed to continuing to address the overrepresentation of Aboriginal and Torres Strait Islander people, including in relation to bail and remand, though working with the ACT Aboriginal and Torres Strait Islander Elected Body to respond to the recommendations related to bail in the *Review into over-representation of First Nations people in the ACT justice system*.

These recommendations will be considered in the context of the recommendations related to bail from the SCAG *Bail and Remand Reform Working Group*, the *Justice Policy Partnership Bail and Remand Report*, and commitments related to bail in the ACT *Aboriginal and Torres Strait Islander Agreement Phase 3 Action Plan*, and the *Government Response to the Aboriginal and Torres Strait Islander Elected Body - Report from Hearings 12-14 August 2025 - Thirteenth Report to the ACT Government*.

The Government is also progressing the *Bail Amendment Bill 2026*, which was introduced in the Assembly on 6 May 2026, and codifies many of the significant matters relevant to bail decisions. The Bill expressly requires decision makers to consider specific factors in relation to an accused person who is an Aboriginal or Torres Strait Islander person when making a decision about bail. This ensures decision makers are aware of all the potentially relevant matters and are making fully informed bail decisions.

The Bill does not make changes to the presumptions in relation to Bail contained in the Bail Act. Bail presumptions reflect not only the presumption of innocence and right to liberty of person, but the severity of the maximum penalty and whether imprisonment for the offence would be a likely outcome at sentencing.

The most recent ACT Corrective Services data reflects some progress towards Closing the Gap target 10, with a 29% decrease in the average monthly population of Aboriginal and Torres Strait Islander people on remand in July 2026 compared to July 2025¹.

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

Signature:



By the Attorney-General, Tara Cheyne MLA

Date:

7/8/26

¹ <https://www.act.gov.au/open/act-corrective-services-data-dashboard>