




Speech By
Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 16 October 2014

**LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE—REPORT NO. 74,
MOTION TO TAKE NOTE**

 **Mrs D'ATH** (Redcliffe—ALP) (11.37 am): I rise to speak to the report of the Legal Affairs and Community Safety Committee in relation to its oversight responsibility for the Office of the Information Commissioner. The Right to Information Act 2009 requires that a strategic review of the act be conducted within four years of the commencement of the act. The act commenced on 1 July 2009 so the obligation was to conduct the review by 1 July 2013. The act also provides that each strategic review must be undertaken by an appropriately qualified reviewer appointed by the Governor in Council who must give a report on the review. No review has been commenced; no reviewer has been appointed. It is no wonder then that one of the recommendations of the committee is that the Attorney-General confirm whether the government intends to conduct a strategic review of the Office of the Information Commissioner as required by the act and, if so, when it will commence and when a reviewer will be appointed.

Similarly, the position of Privacy Commissioner was established under the Information Privacy Act 2009. The OIC website advises that the role of Privacy Commissioner has been vacant since November 2011. The committee has recommended that the Attorney-General update the House on the status of the current vacant position and finalise the outstanding recruitment and selection processes as soon as possible. The tardiness of this Attorney-General in filling vacant positions is legendary. He started this illustrious career by neglecting to fill the position of Public Guardian. The former Attorney-General did not appoint a permanent person to the position after the Weller report recommended the abolition of the position, but after considering this recommendation the government decided to retain the position. There was, however, someone acting in that position until 6 May 2012. When that acting appointment expired the Attorney failed to appoint anyone, even in an acting capacity. That meant the position remained vacant until it was permanently filled on 13 August 2012, a period of three months. There was not even an acting Public Guardian, a position that the Attorney had been insisting on the importance of for years.

Then we come to the Law Reform Commission. The terms of the previous commissioners expired in December 2013 and replacements were not appointed until August 2014. Those positions remained vacant for eight months. We all know about the chair of the CMC and now CCC. The previous chair resigned in March 2013 and an acting chair was appointed whose position had to be legislatively renewed past the statutory limit of 12 months because a new chair had not been appointed. Similarly, the two other commissioners whose terms expired were not replaced, despite everyone knowing the vacancies were coming up as there was then a five-year limitation on appointments. In fact, the department sent a briefing note to the Attorney-General dated 25 January 2013 for vacancies that would be created in June and November 2013. This meant that acting appointments had to be made. Whilst one commissioner has resigned, still the other position, which is a permanent position, has not been filled.

Then there is the position of the Public Trustee, which has been vacant since April this year. The director-general's diary shows a short-list presentation for the Public Trustee back on 15 April 2014. I also note that on 19 May 2014 an email was sent to the attorney's chief of staff from the director-general, John Sosso, advising of the proposed selection panel, yet there is still no appointment in sight for the Public Trustee. Currently, the Legal Aid Board cannot meet because it does not have a quorum. Three of the board members' positions expired on 16 July this year, leaving two voting members remaining. Those three vacant positions have not yet been filled, which means that, as at today, they have been vacant for three months. Let us not forget the Legal Services Commissioner. The previous commissioner served in the position for 10 years until his term expired in May this year. An acting commissioner has been filling that vacancy since that time, but that means that the position has been vacant for five months.

Those are all important statutory positions. The Department of Justice and Attorney-General provides ample notice of any upcoming vacancies to allow adequate time to undertake an appropriate selection process. By failing to fill the position of Privacy Commissioner and by failing to commence the strategic review of the Office of Information Commissioner, the Attorney-General has been derelict in his duty. If the job is too much for the Attorney-General, he should just accept it and resign.