




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 17 September 2019

MINISTERIAL STATEMENT

Legal Services Commissioner

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (10.11 am): I rise to provide an update for the House on the recruitment of Queensland's next Legal Services Commissioner and to address the allegations that appear in the media today. This is a vitally important role to the delivery of justice throughout this state, ensuring that our legal practitioners act with honesty and integrity and that Queenslanders can have confidence in them. It is a role where you need to go to every length to ensure that you get the best possible person for the job.

The House will be pleased to know that that is exactly what has happened and will continue to happen as the selection panel works towards the appointment of the next Legal Services Commissioner. Every step of the way I have done everything in my power to protect the integrity of the process. The same cannot be said for the disgruntled former applicant for the position, who has tried to unduly influence the selection process. I would not usually comment on private discussions, but I feel I have no choice after Mr Brittan's comments brought into question the judgement and independence of senior members of the Bar Association of Queensland and the Law Society, so I need to put some facts on the record.

In the lead-up to the original interviews for this position, Mr Brittan, a candidate at the time and Acting Legal Services Commissioner, tried to manipulate who was on the panel. Mr Brittan criticised every person on the original panel—not only the Bar Association of Queensland and the Queensland Law Society but also senior officers from the Department of Justice and Attorney-General. In fact, he said he would withdraw his application if the original panel remained. What candidate for a job gets to choose the selection panel for such a senior position? It was this attempt at influence that forced the original process to be abandoned. That is why I have done everything in my power since then to ensure that the current process is robust and rigorous.

In addition, Mr Brittan has recently requested that the director-general of the Department of Justice and Attorney-General appoint him to the position of deputy without going through a merit based process, relying on a process undertaken by the former Legal Services Commission in early 2015 that did not seek the Legal Services Commissioner to formally make that appointment.

On 19 June this year, I met with the Integrity Commissioner to seek advice about the suitability of the panel that would be used for the recruitment process. The panel included the director-general of the Department of Justice and Attorney-General as chair and also the President of the Bar Association of Queensland, Rebecca Treston QC; the President of the Law Society, Bill Potts; and the President of the Queensland Parole Board, Michael Byrne QC. Eight days later the Integrity Commissioner wrote to me advising that the panel was appropriate. The commissioner could not see any inherent issues with the recruitment and appointment process proceeding on the basis of the panel put to her and she had no ethical or probity concerns with the panel. On that advice, I am 100 per cent confident about the suitability of the panel, the appropriateness of the process continuing, and the best candidate being selected for the position.