

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON PUBLIC SECTOR  
EXECUTIVE APPOINTMENTS MET IN COMMITTEE ROOM 2, PARLIAMENT  
HOUSE, HOBART ON TUESDAY 16 SEPTEMBER 2008.**

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**Mr STEPHEN PETER ESTCOURT QC**, WAS CALLED, MADE THE STATUTORY  
DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Harriss) - Stephen, welcome to the committee. Thank you for your preparedness to give evidence to this inquiry. I think you are familiar with the process. You are at liberty at any stage during proceedings, if there is an issue that you wish to share with the committee in camera, to make a submission to that effect. We will consider the compelling nature of your submission or suggestion, then decide whether we will go into camera. It is not a fait accompli that the committee does resolve into camera. It is your prerogative to make a submission if you wish to do that. You have given legal advice to committees of the Parliament in the past, and also evidence. You are also aware that you are protected by parliamentary privilege while in the confines of this hearing. Anything you may choose to share with the media outside the confines of the committee, and therefore the Parliament, is not protected by privilege. I'm sure you are well aware of that but it is important for us to make those comments.

Stephen, because we don't have a written submission from you - we do have a number of written submissions from other people who wish to appear before the committee - we would ask you to now proceed to give your evidence to the committee, as you see fit, and from that questions will inevitably follow.

**Mr ESTCOURT** - There are questions about what I can properly say, bearing in mind that parliamentary privilege doesn't absolve me from my obligation to comply with the law, and that includes to do nothing which would interfere with the administration of justice. As everyone is well aware, there are current police investigations, which have concluded, and they are with the Director of Public Prosecutions at the moment for his consideration.

Having regard to the terms of reference, I note the committee is to inquire into best practice for the appointment of public sector executive positions and the circumstances surrounding the appointment of a magistrate. What I can say to you about the best practice for appointment of individuals to senior public sector appointments is probably no more relevant than the next person. I would agree with the Director of Public Prosecutions' evidence to the joint select committee last week that there would appear to have been an appalling lack of process in relation to the nominated appointments that currently concern at least the joint select committee.

So far as the appointment of the magistrate is concerned, apart from the impact that Mr Cooper's non-appointment had on me personally, I know nothing about it.

**CHAIR** - So that this committee can properly assess the best or most appropriate process for senior executive government appointments, I want to understand whether at any time you had been offered the position of solicitor-general.

**Mr ESTCOURT** - I was never offered that position - quite the contrary.

**CHAIR** - No communication with anybody at all regarding that position?

**Mr ESTCOURT** - I made a formal written application for the position on 12 July 2007, but that written expression of interest was successively ignored, fobbed off and finally rejected.

**CHAIR** - And you made that written application in response to what process?

**Mr ESTCOURT** - I was in the United States of America following a conference, which I had chaired as President of the Australian Bar Association, and I had an e-mail from someone in the Crown Law department to say that Bill Bale had announced his pending retirement. When I arrived back on about 8 July or 9 July I put together a written expression of interest, which first of all went off to Lisa Hutton, the Secretary of the Department of Justice. I then learned that the appointment was being handled by the Department of Premier and Cabinet, so I e-mailed a copy of the application to Linda Hornsey. In the first place it had gone to both Attorney-General Kons and Lisa Hutton and in the second place I copied it to Attorney-General Kons. The position, I might add, was never advertised.

**CHAIR** - In terms of such a senior appointment, do you consider it an acceptable process that the position was never advertised?

**Mr ESTCOURT** - No, not at all. It should have been advertised and a proper process should have been gone through.

**CHAIR** - Have you discussed that with anybody in government, including the then Attorney-General or Ms Hutton?

**Mr ESTCOURT** - No, I have never discussed it with her. I may have alluded to it in an e-mail which was sent much later after I had not been appointed solicitor-general.

**CHAIR** - Can you recall the content of that e-mail, your feelings about the issue which you felt some compulsion to communicate?

**Mr ESTCOURT** - That e-mail was motivated more by the non-appointment of Simon Cooper as a magistrate. As I said before, apart from the personal impact that had on me, I know nothing about it. The e-mail I sent to Lisa Hutton was on 9 April last year and it followed her invitation to me to consent to appointment to the Supreme Court to replace the Chief Justice, who had been appointed Governor. Chief Justice Crawford had been appointed. I had said to Lisa Hutton, after thinking about her original approach, that I would accept appointment to the Supreme Court were the position offered to me. Then on 8 April and 9 April the events of Deputy Premier Kons' disclosures and ultimate resignation on 9 April

became known to me. In mid-afternoon on 9 April, I e-mailed Lisa Hutton and said in good conscience that I could no longer maintain my indication to her that I would accept appointment to the Supreme Court, that I couldn't be sure that the Government would appoint on merit and I withdrew my consent to being appointed.

**CHAIR** - So the matter relating to Mr Cooper challenged your confidence in the Government to appoint on merit?

**Mr ESTCOURT** - I would have thought that is an understatement.

**CHAIR** - Had you thus communicated that to Ms Hutton?

**Mr ESTCOURT** - I communicated it in effect; that is to say it had such an impact on me that I took that rather drastic step.

**Mr MARTIN** - Why did it have such a major impact on you?

**Mr ESTCOURT** - Not to put too fine a point on it, it was disgusting that an appointment of a magistrate should have reached the stage where a Cabinet document, an instrument, was prepared and then destroyed. That was my personal view about it.

**Mr MARTIN** - Have you ever known of anything like that to happen before?

**Mr ESTCOURT** - I don't think so, no.

**CHAIR** - You would accept, though, Stephen, that the Attorney-General at the time was entitled to have a change of mind?

**CHAIR** - that the Attorney-General at the time was entitled to have a change of mind?

**Mr ESTCOURT** - Absolutely.

**CHAIR** - But your further consideration was that, even though the Attorney or any other minister can have a change of mind, proper process should follow and destruction of documents is not proper?

**Mr ESTCOURT** - These are my personal views. The whole affair impacted on me so as to rob me of any confidence that the Government was capable of making appointments on merit. Particularly bear in mind that I had acted successfully for Senator Bob Brown and Ms Peg Putt pro bono in the Supreme Court of Victoria in the action brought against them by Gunns, the Gunns 20 litigation. It was widely rumoured that Simon Cooper was not appointed because of his stance over the pulp mill.

**Mr WILKINSON** - Was anything mentioned to you as a result of acting for the Greens in Victoria?

**Mr ESTCOURT** - Nothing.

**Mr WILKINSON** - Government said nothing to you?

**Mr ESTCOURT** - No. As I said, these are my personal views, my private perceptions. I am not sure how they will help the committee.

**Mr WILKINSON** - In relation 8-9 July, you returned from overseas and e-mailed Lisa Hutton in the Department of Justice and also the Attorney-General. I take it that you e-mailed them because you believed that if it were a legal appointment then the Justice department would make it, as apposed to Premier and Cabinet?

**Mr ESTCOURT** - Yes. I believed it would have been a Justice department appointment.

**Mr WILKINSON** - After you e-mailed the Justice department you did not hear anything further from the department at that stage? Did you receive a reply to your e-mail?

**Mr ESTCOURT** - To be fair, I may have had a formal two-line acknowledgement of receipt from Lisa Hutton. I received nothing back from the Department of Premier and Cabinet, nothing in response to the e-mail I sent to Linda Hornsey.

**Mr WILKINSON** - So the e-mail went to the Department of Justice. You were then advised that it was Premier and Cabinet?

**Mr ESTCOURT** - Yes.

**Mr WILKINSON** - Who advised you of that?

**Mr ESTCOURT** - Tim Ellis, the DPP, who is a friend of mine.

**Mr WILKINSON** - So only as a result of Tim Ellis' advice did you then send a copy of your application to Premier and Cabinet?

**Mr ESTCOURT** - That's right, but it was all very quick. It might have even been the same day, if not the day after.

**Mr WILKINSON** - And to this day you have still not received a reply from Premier and Cabinet?

**Mr ESTCOURT** - Not from Linda Hornsey - I'm sorry; that's not true. This expression of interest went on from 12 July. Come August, notwithstanding that various of my referees had discussions with different people about my suitability for appointment, I had not heard anything back from anyone. So I sent Ms Hornsey a further e-mail asking if she wanted to meet me, if she wanted any further information about me or a certificate of good standing from the Law Society. The same day, 9 August, I received an e-mail back from her thanking me for my original e-mail - the expression of interest of 12 July - and for the e-mail

that day, saying that in due course she would be in touch with me, and other candidates for the position, to discuss the matters that I raised in my letter. She said, 'I will stay in touch', and didn't.

**Mr MARTIN** - Is it possible to table these e-mails?

**Mr ESTCOURT** - There's a difficulty about that, I anticipate, but I'm quite happy to make them available after checking with the Director of Public Prosecutions. Yes, there is a complete record of all of this.

**Mr WILKINSON** - You didn't hear anything, not just from Linda Hornsey but also the Department of Premier and Cabinet?

**Mr ESTCOURT** - From anyone.

**Mr WILKINSON** - So when they said you would be contacted along with other candidates, you were not contacted and you don't know what happened about any other candidates?

**Mr ESTCOURT** - No, I don't.

**Mr WILKINSON** - The position for Solicitor-General was never advertised?

**Mr ESTCOURT** - Never advertised, no.

**CHAIR** - Regarding documents and your response that you would check with the DPP and so forth, I think you would be aware, and certainly the DPP is aware from my conversations with him on another matter, that the Parliament is pre-eminent and if the Parliament directs that the documents be provided, the DPP does not have supremacy over the Parliament.

**Mr ESTCOURT** - But equally you are aware, Mr Harriss, that I am here voluntarily because I was invited to attend. I haven't been summonsed and no documents have been summonsed. As I said, I have an obligation to the law and until I receive something which compels the production of these documents I would need the DPP to accept that it wasn't going to interfere with justice.

**CHAIR** - Okay, but it was important to make that distinction of the supremacy of the Parliament.

**Mr ESTCOURT** - I understand what you're saying.

**CHAIR** - In response to a question from Jim about referees and so on in regard to your application, were any referees contacted? If so, who?

**Mr ESTCOURT** - Yes, I'm sure that they were. I can tell you my referees, but I think this is getting down to the level of detail that is not assisting the committee in respect of its terms of reference, but it might excite prurient interest. My referees were Simon Cooper, Duncan

Kerr and Peter Patmore. Each of those three referees, to my knowledge, had discussions variously with Steven Kons, Michael Aird and Lisa Hutton.

**CHAIR** - With regard to the position?

**Mr ESTCOURT** - Well, with regard to my suitability for the position. It was never, as I understand from my referees, any formal approach. It was in discussions with them. To give you an indication of the level that I am talking about, Mr Wilkinson was in my chambers one day and I said to him, 'Jim, I'm putting my hand up for the Solicitor-General's job. If you could put in a good word for me anywhere I'd be grateful'. That is just saying, 'If you're talking to anyone who's involved in this decision-making process and you think that I am worthy of appointment, would you please let them know.'

**Mr MARTIN** - Why would the Treasurer, Michael Aird, be involved in this process?

**Mr ESTCOURT** - You would have to ask him that.

**Mr MARTIN** - So he contacted some of your referees?

**Mr ESTCOURT** - I don't know that to be the case. I know that there was a conversation between him and one of my referees and also a conversation between him and another person, but I don't know who initiated them.

**Mr MARTIN** - It would be strange for a treasurer to be involved in the appointment of a legal person.

**Mr ESTCOURT** - What can I do but smile.

**Mr HALL** - Sorry, I missed one of the referees - Simon Cooper, Duncan Kerr -

**Mr ESTCOURT** - Peter Patmore. Peter and Simon Cooper are ex-employees of mine. I gave Peter Patmore his first reference.

**Mr MARTIN** - Can I clarify which of those referees had the conversation with the Treasurer?

**Mr ESTCOURT** - Duncan Kerr.

**Mr WILKINSON** - I was trying to get the chronological order in my mind. After you didn't hear anything, even to this stage, in relation to the solicitor-general position -

**Mr ESTCOURT** - I'm not saying I didn't hear anything further; I said I didn't hear anything further from Linda Hornsey.

**Mr WILKINSON** - Right. I want to get to the situation where you were asked whether you would consider the job as a judge. That is what it was, was it not?

**Mr ESTCOURT** - Yes.

**Mr WILKINSON** - And when was that?

**Mr ESTCOURT** - Friday, 4 April 2008.

**Mr WILKINSON** - Who inquired as to whether you wanted to put your name in the ring for that?

**Mr ESTCOURT** - Lisa Hutton sent me an e-mail entitled 'Re: A Confidential Matter' and asked me to telephone her.

**Mr WILKINSON** - As I understand it, you contacted her and advised that you would consider it if it was offered.

**Mr ESTCOURT** - I said I would have to think about it. She said that if I was prepared to accept appointment could I send her a CV.

**Mr WILKINSON** - And that is what you did?

**Mr ESTCOURT** - During the course of that weekend, I think even the Saturday, 5 April, I sent an e-mail and attached my current CV.

**Mr WILKINSON** - You would have been aware that a position in the Supreme Court was nigh for somebody senior in the legal profession. Did you hear anything in relation to that - that is, your wish to be considered if the position became available?

**Mr ESTCOURT** - No, not before 9 April, when I withdrew my consent.

**Mr WILKINSON** - After you withdrew your consent, was there any comment by the Justice department or any other government department?

**Mr ESTCOURT** - About three days later there was an e-mail from Lisa Hutton saying that she was sorry I had reached the point of view but it was 'my call to make'.

**Mr WILKINSON** - At that stage were any applications or anything like that on the table in relation to people who wished to put their name forward to be considered?

**Mr ESTCOURT** - No, nor has there ever been, with the one exception, whilst Attorney-General Jackson was responsible for appointments. Just to put things in perspective, as the President of the Australian Bar Association I had the previous year clashed publicly with Attorney-General Ruddock over the Federal Government's absolute failure to consult in respect of Federal Court appointments and Federal magistrates appointments. As a result of a complete change of heart I am sure you are well of the way in which these appointments are now conducted, much to everybody's great relief. Addressing your terms of reference directly, it seems to me it is high time that that happened in this State.

**CHAIR** - Just on that matter then, Stephen, you have given an indication of what now happens in the Federal arena, so are there any other processes which you feel ought to be adopted in this State for such appointments, which are not currently in place? What would be your formula for the appointment of judges, magistrates, solicitors-general, police commissioners - any senior area, which it could be argued is the prerogative of the government of the day?

**Mr ESTCOURT** - That was Phillip Ruddock's argument to me, that it was his prerogative. My position about that was that so long as it remained the prerogative of the Federal Attorney-General to appoint Federal Court justices then there would be no openness in the process and you could never guarantee that you were getting the best person for the job. Indeed, some of Phillip Ruddock's appointments to the Federal Court were quite controversial, both for the competence of the judges and for their backgrounds.

**CHAIR** - Likewise, going back further in history?

**Mr ESTCOURT** - It has always been the way and it has always been wrong, in my view. I was appointed a magistrate a long time ago, in 1990, and to the best of knowledge there was never a process then.

**CHAIR** - So a panel of people to assess -

**Mr ESTCOURT** - That is the way it should be done. There should be an advisory panel and they should hold office ex-officio. If you just allow there to be an advisory panel that is appointed by the person who would otherwise make the appointment, then you get into an argument about whether the advisory panel has been hand-picked or selectively chosen. If the committee or the panel comprises people who hold office from time to time, such as the President of the Law Society, the Chief Justice of the Supreme Court, the head of the Department of Justice and so on, then there can be no argument about those people having been somehow selectively chosen. They are there because they hold the positions.

**Mr HALL** - Are there any successful models in other State jurisdictions that have gone down this path?

**Mr ESTCOURT** - No. Practices vary from State to State. The Federal Court's position now is that the Federal Attorney-General has an advisory panel, but it only half meets my requirements. My requirements are discussed in a paper entitled 'The Consultative Committee Approach' by a former judge of the Queensland Supreme Court. He talks about ex-officio appointment to the panel or the committee. Federal Attorney-General McClelland's body comprises a person who is selected by him, in this case Sir Gerard Brennan, former Chief Justice of the High Court; another person chosen by him, who is an acting Supreme Court justice of New South Wales, Jane Matthews; then one ex-officio appointment, which is the Deputy Secretary of the Department of Justice, Ian Govey; and another ex-officio appointment, which is Chief Justice Black of the Federal Court. So it is halfway there. Given the pre-eminence of the other persons, it is very difficult to continue criticism of that approach. That is the sort of model we should be aiming for.



**CHAIR** - Has anybody discussed with you the allegations, which are in the public domain, that you were offered the solicitor-general's position?

**Mr ESTCOURT** - Do you mean apart from police?

**CHAIR** - Yes.

**Mr ESTCOURT** - I have discussed it with my wife. I am not quite sure what you mean?

**Mr MARTIN** - Any member of Government?

**Mr ESTCOURT** - No. I was originally advised by a member of the Government that there had been an allegation, but nothing to do with the detail of it. That was back in April this year.

**Mr MARTIN** - Which member of government?

**Mr ESTCOURT** - I have to be careful here because I am here voluntarily. It is in the public arena that I e-mailed the Commissioner of Police on 13 June and said that I had heard about this allegation as far back as April, that I had dismissed it because it was false, that I had been contacted by somebody who said that she had been contacted by police so I presumed there was a current investigation. I offered in that e-mail to be interviewed and to prepare a statutory declaration, which I did. So I alluded to that earlier contact. That earlier contact may well have something to do with lines of inquiry that police have followed in another investigation and may well be highly germane to the DPP's consideration of matters at the moment.

**Mr MARTIN** - So you don't feel comfortable answering it today?

**CHAIR** - In terms of your comment just now, Stephen, that you are here voluntarily, that is true and we accept that. The committee could have, following the Parliamentary Privilege Act, issued you with a summons. The effect is no different.

**Mr ESTCOURT** - With respect, it is. You cannot compel me to interfere with the course of justice, which in itself is the commission of a crime. No-one can do that.

**CHAIR** - We understand that.

**Mr ESTCOURT** - If I am to say something which bears directly on the DPP's consideration of a criminal investigation, that could well be interference with the administration of justice. It's just an unfortunate consequence of the timing of this committee's inquiry. If you were to invite me back after the show is over, I would be happy to tell all.

**CHAIR** - With regard to that matter, the committee can resolve to go into camera and you could today provide that information in camera.

**Mr ESTCOURT** - It probably would just mean that I might be committing the offence to five people instead of 15. That's the problem. It would make no difference.

**CHAIR** - There would be no commission of any crime by providing evidence to a committee of the Parliament in camera.

**Mr ESTCOURT** - We can agree to disagree about that. You cannot absolve me from my obligation to comply with the criminal law.

**Hearing suspended from 10.59 a.m. to 11.28 a.m.**

**CHAIR** - Thank you for your patience, Stephen. There were clearly some matters of sufficient import which took some time to discuss. At this stage we will continue with this as a public hearing. There is a time when the committee will resolve into camera to pursue other matters. The committee wishes to investigate further the matter to which you have addressed your mind, that some person from the Government contacted you about matters related to the allegation that you had been offered the solicitor-general's job. This government person contacted you by what process?

**Mr ESTCOURT** - Personal contact.

**CHAIR** - In what location?

**Mr ESTCOURT** - He came to my home.

**CHAIR** - What time of day?

**Mr ESTCOURT** - About half past eight in the evening.

**CHAIR** - Had there been any prior contact with you to make an appointment to attend you at your home?

**Mr ESTCOURT** - No.

**CHAIR** - This male person arrived at your home at the time you have indicated to the committee and proceeded to have some discussion with you about the allegations that had been made that you had been offered the solicitor-general's job - which you have already indicated to the committee you had not been offered.

**Mr ESTCOURT** - That's correct; that's what I was told.

**Mr MARTIN** - This is an elected member of government?

**Mr ESTCOURT** - I think I can answer that. It is only when it comes to names that I may well be impinging on consideration of a now concluded police investigation.

**Mr MARTIN** - So, it was an elected member of government?

**Mr ESTCOURT** - Yes.

**CHAIR** - Were there any witnesses to the conversation you had with this person?

**Mr ESTCOURT** - No.

**CHAIR** - Were you of a mind to ensure that were witnesses to the conversation or you were quite happy with the circumstances of the conversation?

**Mr ESTCOURT** - I thought the whole thing was laughable.

**CHAIR** - Did you dismiss that person fairly summarily?

**Mr ESTCOURT** - Absolutely. Dismissed it out of hand as complete nonsense, as it was.

**Mr WILKINSON** - In relation to that line of questioning, Stephen, this fellow came to your house at the time you have mentioned and he or she would have said they wanted to speak with you about something, because you didn't know they were going to turn up.

**Mr ESTCOURT** - I had sent the person earlier in the day, late afternoon, a copy of my e-mail to Lisa Hutton saying that I withdrew my consent to appointment to the Supreme Court were it offered to me. I think I got a text or an e-mailed response saying, 'That's a great shame because the Supreme Court needs someone like you'. It was against that background as well that the person came to see me.

**Mr WILKINSON** - To try to get you to reconsider or just to ask what's going on?

**Mr ESTCOURT** - Yes, what's going on.

**Mr WILKINSON** - Obviously you wouldn't have taken notes of the conversation that took place, but can I ask what they said?

**Mr ESTCOURT** - No. You can ask but I can't answer without prejudicing the potential outcome of the DPP's considerations of another police investigation that he is currently considering.

**Mr WILKINSON** - How long was the person at your home?

**Mr ESTCOURT** - Long enough to have a cup of tea.

**Mr WILKINSON** - And still talking about the same issue or did you decide to talk about other issues?

**Mr ESTCOURT** - No, moved on completely. That conversation took about one minute flat.

**CHAIR** - By your earlier evidence, you terminated that very quickly.

**Mr ESTCOURT** - Yes.

**Mr MARTIN** - You made mention of the fact that you found the conversation laughable. What was funny about it?

**Mr ESTCOURT** - To suggest that I had been involved in an agreement whereby I would be appointed solicitor-general in exchange for acting for former Deputy Premier Green without fee was simply laughable because it was false. I was never offered the position and I was paid fees by Bryan Green. No question about it, it was a joke.

**Mr MARTIN** - That is what the conversation that night was about?

**Mr ESTCOURT** - The initial context in which the allegation came to me was that Bryan Green had offered me the job of solicitor-general in exchange for acting for him without fee. At that stage Bryan Green was not in a position to appoint a tadpole to a frog pond. He'd been through two criminal court trials, he had no influence, he was on the back bench and here was some idiot saying, 'You offered Estcourt the solicitor-general's job'.

**Mr MARTIN** - And that is what this person said to you that night?

**Mr ESTCOURT** - Yes.

**Mr MARTIN** - In previous evidence you made mention of the fact that you copied an e-mail to the then Attorney-General?

**Mr ESTCOURT** - That was the expression of interest on 12 July, the expression of interest in the solicitor-general's job. It first went to the Attorney-General, with a copy to Lisa Hutton, his head of department. It then went to Linda Hornsey after I learned that the DPAC had taken over responsibility for the appointment.

**Mr MARTIN** - So the e-mail you sent to Lisa Hutton on this particular day was also copied to an elected member of government?

**Mr ESTCOURT** - It was copied to the Attorney-General because I thought it was his appointment. Traditionally the Attorney-General has been responsible for appointing the Solicitor-General. So he was the first person I thought of. There being no advertisement for the job, you would send your expression of interest to the Attorney-General, and a copy to his head of department as a courtesy and protocol.

**Mr MARTIN** - We could almost conclude from the evidence that the Attorney-General was the person who visited you that night at home?

**Mr ESTCOURT** - No, not at all.

**CHAIR** - Stephen, in that very short conversation you had with this male person who came to your home to raise these allegations with you, did you form any view of or discuss with the person his motivation to be there?

**Mr ESTCOURT** - Yes. He was concerned that somebody would say such a thing and particularly he was concerned about the person who had said such a thing.

**CHAIR** - Did he indicate to you who the person was who had made the allegation?

**Mr ESTCOURT** - Yes.

**Mr WILKINSON** - And was that person also a member of government?

**Mr ESTCOURT** - Well, yes, that person was a member of government. Again, you are asking me about matters that are directly involved in the DPP's consideration of the possibility of charges against a person - not me.

**Mr WILKINSON** - We realise this.

**Mr ESTCOURT** - You are right on the nub of it - in front of the media.

**CHAIR** - That is one of the great values of parliamentary privilege in the parliamentary process. I know you understand that.

The Committee at an earlier time resolved that we will now go into camera, so that will be the process from here on.

**Mr WILKINSON** - Just before that, we are here to look at the best available ways of appointing people to senior positions. You touched on that at the opening of your evidence. If this committee would come to you in your chambers and ask can you devise a plan to appoint senior executives, what would you do? What would be the best way it should be done?

**Mr ESTCOURT** - Well, as I have indicated earlier there needs to be at least a process. Whether that process is by way of an advisory panel or outsourcing the selection depends on the nature of the job.

**Mr WILKINSON** - If we wanted to look at a model, you are saying that Queensland is part way there?

**Mr ESTCOURT** - No, Queensland is not part way there. You would need to look at the measures that the Federal Attorney-General has taken since he came into office in respect of

the appointment of Federal Court judges and magistrates. These differ, of course, in as much as Federal Court magistrates are interviewed by the advisory panel whereas the advisory panel for Federal Court judges has the power to interview but has chosen not to because it takes the view that the office is more senior.