

## Selection process for the positions of two Magistrates in the North and North West regions of the State

### Question from the applicant

How many expressions of interest were made for the positions with a breakdown between the North and North West?

### Response from the Department

Twenty five applications were received. There is no breakdown of whether the applications were for the position in the North or North West, although applicant who were interviewed were asked to nominate their preferred position in the event they were appointed.

### Question from the applicant

Did the expressions of interest come through the candidates themselves or did the Attorney-General invite suitably qualified persons to submit an expressions of interest?

### Response from the Department

All expressions of interest were made by the candidates themselves and none were submitted of a third party of behalf of an applicant.

### Question from the applicant

I am seeking information on the makeup of the panel which considered the appointments for the Magistrates Court vacancy including the Chief magistrate or their nominee, Secretary of the Department of Justice or their nominee, Attorney General's nominee.

### Response from the Department

The selection panel consisted of:

- Ms Ginna Webster (Chair), Secretary, Department of Justice, in her capacity as Secretary of the Department, with responsibility for the administration of justice.
- Ms Catherine Geason, Chief Magistrate, Magistrates Court of Tasmania in her capacity as Chief Magistrate and as head of the jurisdiction.
- Mr Malcolm Schyvens, President Tasmanian Civil and Administrative Tribunal (TASCAT), as the nominee of the Attorney-General of Tasmania.
- Mr Simon Gates, Barrister, Derwent and Tamar Chambers, as the nominee of the Law Society of Tasmania

### Question from the applicant

I am seeking information and/or documents which may reveal whether the assessment panel made any "appropriate inquiries of referees".

### Response from the Department

The Chair spoke to the referees of all applicants interviewed on behalf of the selection panel.

I consider that any documentation relating to those enquiries is exempt under section 36 of the Act (personal information) as it relates to the content of confidential discussions held

## Selection process for the positions of two Magistrates in the North and North West regions of the State

regarding the suitability of individual applicants for appointment. Further, I consider that it would be contrary to the public interest to disclose that information.

### Question from the applicant

Information sought includes whether, after a preferred candidate was identified, the Secretary of the Department of Justice contacted the Executive director of the Law Society of Tasmania; the President of the Tasmanian Bar Association; and/or the Chair of the Legal Profession Board seeking comment on whether there is any reason why (including impending disciplinary action) on why the appointment should not proceed.

### Response from the Department

See below.

### Question from the applicant

I would seek dates of any letters, emails, text messages, social media contact, notes of telephone conversations between the Secretary and the persons occupying the aforementioned positions.

### Response from the Department

I consider that any documentation relating to those enquiries is exempt under section 36 of the Act (personal information) as it relates to the content of confidential discussions held regarding the suitability of individual applicants for appointment. Further, I consider that it would be contrary to the public interest to disclose that information.

### Question from the applicant

I am seeking the date, time and content of any communication between the Legal Profession Board and the Secretary in relation to a complaint 210258/21.

### Response from the Department

The Secretary contacted the Chair of the Legal Profession Board on 31 March 2023 who advised that one preferred applicant was the subject of a complaint which the Board had recently dismissed. The Chair advised that the complainant was to be notified in writing the following day and that there was a 21 day period for the complainant to lodge an appeal.

The Secretary contacted the Chair of the Board again on 28 April 2023 and was advised there were no concerns with any preferred applicant. On the same date, the Secretary contacted the Executive Director of the Law Society who also advised he had no concerns.

In accordance with her usual practice, this contact was undertaken by telephone.

The Department understands that the Attorney-General contacted the President of the Tasmanian Bar Association regarding the appointment but does not know when or how this occurred, or the exact nature of the discussion which took place.

### Question from the applicant

I am seeking information on the date of any comment and what comment the Chair of the Legal Profession Board provided to the Secretary in relation to the appointments

Selection process for the positions of two Magistrates in the North and North West regions of the State

[Response from the Department](#)

See above.