

Commissioner Bret Walker SC

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12 October 2018

Ms Alison O'Brien
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By email: Alison.o'brien@vgso.vic.gov.au

Dear Ms O'Brien

Correspondence dated 25 September 2018

I refer to your letter to me dated 25th September 2018. I am afraid we view the circumstances differently from each other.

As a Royal Commissioner of one of the States, I requested your Premier in my letter dated 7th September to indicate within a week whether his Government would engage with the questions I raised in that letter. At the end of that requested interval, your office simply asserted that the Government was then presently considering my letter and that the Government intended to respond "next week". No explanation, let alone regret, was expressed for the unilateral extension of the time within which I had requested a response.

Unfortunately, a week later by your letter dated 21st September, another assertion about the Government considering its position was made, and the unsatisfactory claim was added that there would be a response provided "as soon as possible".

The rudeness of the Government seems to be indisputable. Understandably and, if I may say so, commendably in your professional position, you have raised with me concerns about public statements which I accept may be regarded to reflect adversely on the conduct of one of your colleagues. I accept as well that a solicitor acting for the Crown should not have attributed to him or her the failings of the government providing instructions, including in relation to a lack of courtesy.

Where we may differ, I fear, is that the timing of the two letters from your office, as well as their content and what they did not contain, should not be simply regarded as the unavoidable result of government instructions. Your office could have, and should have, promptly informed me that I and my office should not expect the requested response within a week. That is what I regard as the appropriate standard between professionals, to which I referred in my public remarks.

I certainly do not wish to cause personal distress, particularly for a junior colleague who, I am sure, was doing his or her best.

It is a pity that we do not agree that clients, even the Crown, do not compel us to depart from proper professional courtesy. Prompt responses to correspondence is one aspect of that. It is not a prompt response to a letter requesting a substantive reply within a week to write, upon the expiry of that week, to presume another week would be appropriate. And, as noted above, the matter was made worse the next week.

For my part, I am sorry that this letter has been delayed. That is because of the press of other business on me, a large part of which is on account of a tight timetable for the assembly and consideration of material relevant to my final Report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bret Walker', written in a cursive style.

Bret Walker
Commissioner