



Crime and Corruption Commission  
QUEENSLAND

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# A report concerning an investigation into allegations relating to the appointment of the Under Treasurer

May 2021



**SENSITIVE**



## **A report concerning an investigation into allegations relating to the appointment of the Under Treasurer**

**May 2021**

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**SENSITIVE**

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## Foreword

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In 2015, the Honourable Anastacia Palaszczuk MP, then Premier and Minister for the Arts, made an election commitment that Directors-General would be chosen according to a merit-based process. Her government subsequently reported this commitment as being completed.

In the case of the appointment of the Under Treasurer in 2019, one might think the commitment to an independent, merit-based, public service appointment was undermined, due to the actions of the Director-General of the Department of the Premier and Cabinet and a senior minister. The Director-General gave more weight to the forcefully expressed personal preference of the Senior Minister, than to the recommendations of the panel formed specifically to conduct interviews and make recommendations on appointments to the Premier. In the final analysis, it was not merit that carried the day, but aggressive advocacy by the Senior Minister and a Director-General acceding to that advocacy.

In this instance, the chair of the recruitment panel, the Director-General told the CCC that he gave in to aggressive pressure from the Senior Minister to promote the abilities of a candidate who had been identified as “not appointable”. In fairness it should be noted here, the Senior Minister denied she was aggressive or that she pressured or influenced the Director-General. He amended the selection report to ensure that the unappointable candidate was presented as meritorious, and worthy of the Premier’s consideration for appointment to the position. The Director-General said while he was the subject of pressure from the Senior Minister, he nevertheless revisited his assessment for Candidate 3 and concluded he was appointable. Candidate 3 was appointed to the role.

In this instance, although the Director-General did not conceal the fact of his having made the amendment to the selection report he did not draw this fact to the attention of the other panel members who had unanimously concluded that Candidate 3 was not appointable. There is no doubt that the other panel members should have read the amended report in its entirety and noticed this significant amendment. Regrettably they did not. However, that does not excuse the Director-General’s conduct in not drawing it to their attention.

The CCC investigation also found conflicts of interest were not declared and were poorly managed, including by the Director-General.

The Senior Minister who so strenuously advocated to have her preferred candidate appointed to the role of Under Treasurer was Ms Jackie Trad, the then Deputy Premier and Treasurer.

Possibly the issue of greatest concern to the community is the abrogation of responsibility by senior public servants. Whatever level of influence, intervention or aggression exerted upon him, the Director-General demonstrated that he was unable to act appropriately as the chair of an independent selection panel charged with the responsibility of recommending the most meritorious candidate for appointment.

So, is the merit principle a reality, or just something abandoned when put under pressure? More broadly, can the Queensland public have confidence that the public servants who make decisions on their behalf value integrity more than the path of least resistance?

I would like to think so.

I believe that this is a significant report that *must* be read by all ministers and public servants, particularly the most senior. If they fail to learn from it, then public cynicism about them will only increase, and we will all be the worse off for that.

**Bruce Barbour**  
**Chairperson**  
**Crime and Corruption Commission**

## Executive summary

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1. A chief executive is responsible for matters in relation to their department. This includes establishing and implementing goals and objectives in accordance with government policies and priorities; managing the department in a way that promotes the effective, efficient and appropriate management of public resources, and other matters.
2. Chief Executives (including Directors-General and the Under Treasurer) have many functions under the *Public Service Act 2008* (Qld), and also role-specific functions, which require important qualities and capabilities. The qualities, although not necessarily specified, sought in a chief executive include a shared understanding with the minister of what it takes to deliver on the priorities of the relevant portfolio, demonstrated ability to do so and a commitment to work with the minister in the best interests of the people of Queensland. A person who possesses these qualities is likely to be able to work well and have a good relationship with their minister. This person is also likely to be a good organisational fit.
3. In 2015, the Honourable Anastacia Palaszczuk MP, then Premier and Minister for the Arts, and now Premier and Minister for the Olympics (the Premier) made an election commitment that:
 

*Directors-General, all key public service positions and statutory appointments would be chosen on a merit-based process.*<sup>1</sup>
4. On 16 July 2020, the Crime and Corruption Commission (CCC) received a complaint alleging that the former Deputy Premier and Treasurer, Ms Jackie Trad, interfered with the independent recruitment process for the role of Under Treasurer in 2018 and 2019, to ensure the appointment of Candidate 3, with whom she had a longstanding professional relationship. The allegations were that an independent selection panel had selected someone else as the preferred candidate for the role of Under Treasurer, but that Ms Trad intervened in the process and insisted Candidate 3 be appointed to the role.
5. These allegations are denied by Ms Trad; specifically, she denies interfering with the independent recruitment process.
6. In August 2020, the CCC commenced an investigation into Ms Trad's alleged interference in the recruitment process.
7. Ms Trad and Candidate 3's relationship dated back some years prior to his appointment as Under Treasurer. They had previously worked together for almost three years, during which time she had been a minister for several portfolios and he was a chief executive of departments or agencies within those portfolios. In December 2017, Ms Trad became Treasurer. Candidate 3 left the Department of Infrastructure, Local Government and Planning around the same time. After he left, Candidate 3 received an employment offer with a regional council, which he did not accept. Ms Trad maintains Candidate 3 was a meritorious appointment, notwithstanding prior to her intervention (which is denied by Ms Trad), the unanimous view of the panel that he was not.
8. In August 2018, Ms Trad initiated the departure of Under Treasurer Mr Jim Murphy, which created a vacancy for the position. Witnesses told the CCC that Ms Trad's preference was for Candidate 3 to be appointed to the role, a view she made known to the Premier. The Premier told the CCC she indicated to Ms Trad after Mr Murphy had left that there needed to be a process for the recruitment and selection of the Under Treasurer.

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1 <https://www.accountabilityrt.org/letter-from-anastacia-palaszczuk-qld-premier/>, accessed on 25 February 2021.



9. The chair of the panel was Mr David Stewart, the Director-General of the Department of the Premier and Cabinet. Ms Trad was also involved in the composition of the panel.
10. Following the selection process, all four panel members unanimously agreed Candidate 3 was considered not appointable, a conclusion reflected in the first draft of the selection report.
11. Ms Trad's communications with Mr Stewart increased significantly between the circulation of the first draft of the report and the circulation of the final draft to all panel members. Between the first draft and the final draft, Mr Stewart removed reference to Candidate 3's status as "considered not appointable", so that Candidate 3 could be included in the list of meritorious candidates. This change followed what Mr Stewart described as aggressive contact by Ms Trad.
12. Ms Trad denies being made aware the panel had deemed Candidate 3 "not appointable".
13. When Mr Stewart and Panel Member 2 amended the comments about Candidate 3 in the report, other panel members were not included in relevant email exchanges, and the amendments, including the most significant ones, were not specifically drawn to their attention when the final draft was circulated.
14. In December 2018, a briefing note containing the names of three meritorious candidates, including Candidate 3, was provided to the Premier, from which she was requested to choose her preferred candidate. Based on the evidence provided by three of the four panel members, Candidate 3's name should not have been on the list.
15. The subsequent withdrawal by one candidate from the process in January 2019 meant that, had Mr Stewart not amended the selection report, only one name would still have been eligible for the Premier's consideration.
16. In forming this view, the CCC noted the process adopted earlier, regarding the appointment of Mr Murphy. Three candidates were interviewed and two candidates, including Mr Murphy, were identified as suitable for appointment. The action recommended the Premier approve, in accordance with the recommendation of the panel, the appointment of Mr Murphy to the position of Under Treasurer. The candidate deemed unsuitable by the panel did not appear on the Premier's briefing note for her decision making.<sup>2</sup> In any event, common sense dictates that an unsuitable candidate would not be put forward for the Premier's consideration.
17. On 6 February 2019, the Premier approved Candidate 3's appointment as Under Treasurer. The Premier indicated in her evidence that, had Candidate 3 not been included in the list of names of meritorious candidates in the briefing note recommending she make a selection, she would not have considered him for the position.
18. Mr Stewart's representation of Candidate 3 as a meritorious candidate resulted in a report which was materially misleading.
19. These allegations are denied by Mr Stewart, specifically, he denies presenting the Premier with a materially misleading report.
20. In so far as corrupt conduct is concerned for elected officials, such as Ms Trad, conduct cannot be corrupt conduct unless it constitutes a criminal offence. It is the CCC's view that there is insufficient evidence in relation to the offence of misconduct in relation to public office or any other criminal offence against Ms Trad.

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<sup>2</sup> Briefing note dated 6 May 2015.



21. However, for public servants, the definition extends to conduct which would, if proved, be a disciplinary breach providing reasonable grounds for terminating the person's services. It is the CCC's view that Mr Stewart's conduct relating to the selection process is capable of meeting the definition of corrupt conduct.
22. Similarly to Ms Trad, it is the CCC's view that there is insufficient evidence in relation to the offence of misconduct in relation to public office or any other criminal offence against Mr Stewart.
23. Further, Mr Stewart's conduct in unilaterally altering the assessment of Candidate 3 from "not appointable" to appointable is so serious a breach of his obligations as panel chair as to qualify under section 15 of the *Crime and Corruption Act 2001* as conduct potentially warranting dismissal.
24. It should be noted, the CCC does not propose to comment on the following aspects:
  - a. The process adopted and decision of the panel with respect to Candidates 1, 2 and 3
  - b. The merits of the Premier's decision making to appoint Candidate 3, other than to the extent of choosing someone whose name not to have been on the briefing note
  - c. Candidate 3's performance as Under Treasurer.

### List of legislation

*Crime and Corruption Act 2001* (CC Act)

*Human Rights Act 2019* (HR Act)

*Parliament of Queensland Act 2001*

*Public Service Act 2020* (NZ PS Act)

*Public Service Act 2008* (PS Act)

*Right to Information Act 2009* (RTI Act)

*Telecommunications (Interception and Access) Act 1979* (the TIA Act)

# Chapter 1

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## Introduction

25. Queensland Treasury is a department of the Queensland Government with its employees engaged under the *Public Service Act 2008* (Qld) (PS Act).
26. The Under Treasurer is the Chief Executive of Queensland Treasury. This role is one of the most senior and important positions in the public sector.
27. Since May 2015, there have been four people appointed to the role of the Under Treasurer, including one person who acted in the position temporarily.
28. In May 2015, the Premier appointed Mr Jim Murphy as Under Treasurer, based on the recommendation of a selection panel. The CCC was told by a number of witnesses during the course of the investigation that the relationship between Mr Murphy and his Minister, the Deputy Premier and Treasurer Ms Jackie Trad, was difficult.
29. The qualities, although not necessarily specified, sought in a chief executive include a shared understanding with the minister of what it takes to deliver on the priorities of the relevant portfolio, demonstrated ability to do so and a commitment to work with the minister in the best interests of the people of Queensland. A person who possesses these qualities is likely to be able to work well and have a good relationship with their minister. Chief executives (including Directors-General and the Under Treasurer) have many functions under the PS Act, and also role-specific functions, which require other important qualities and capabilities.
30. A chief executive is responsible for matters in relation to their department. This includes establishing and implementing goals and objectives in accordance with government policies and priorities, managing the department in a way that promotes the effective, efficient and appropriate management of public resources, and other matters.<sup>3</sup>
31. The Crime and Corruption Commission (CCC) considers there is no impediment to a minister being consulted by the Premier during the consideration of an appointment of a chief executive. The Premier was within her rights to ask Ms Trad for her views and to speak with the other candidates in relation to the process.
32. However, the CCC considers that selecting the most suitable person for the role should be the purpose of any recruitment and selection process. While having the option to appoint a chief executive of a minister's choosing provides flexibility to select a candidate who is more likely to be able to work well with a minister, it does create the risk of cronyism.

## The CCC's jurisdiction

33. The CCC has the responsibility to investigate matters that may involve corrupt conduct by anyone who holds an appointment in a unit of public administration, such as Treasury and the Department of the Premier and Cabinet (DPC). A person holds an appointment if they hold any office, place or position, whether the appointment is by way of election or selection.<sup>4</sup>

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<sup>3</sup> PS Act, s. 98.

<sup>4</sup> *Crime and Corruption Act 2001*, s. 21.



34. "Corrupt conduct" is defined in section 15 of the *Crime and Corruption Act 2001* (CC Act). That section defines the CCC's corruption jurisdiction.<sup>5</sup> In order to be corrupt conduct, it must be conduct which, if proved, would be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.<sup>6</sup>
35. For elected officials, such as Ms Trad, conduct cannot be corrupt conduct unless it constitutes a criminal offence.

### The decision to investigate

36. The CCC does not investigate all complaints it receives. All actions which the CCC takes must be in pursuit of its statutory functions and purposes. Primarily these are to combat and reduce the incidence of major crime, and to continuously improve the integrity of, and reduce the incidence of corruption in, the public sector.<sup>7</sup>
37. This is to be achieved by the CCC, amongst other things, investigating corrupt conduct, particularly more serious cases of corrupt conduct and cases of systemic corrupt conduct<sup>8</sup>, and helping units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.<sup>9</sup>
38. Corruption involving elected officials has been a strategic area of focus for the CCC since 2018, thereby informing its decision on 5 August 2020 to commence this investigation.
39. Although the CCC had confirmed publicly that it was continuing to make enquiries regarding the matter, the decision to investigate has not been made public until now due to operational reasons.
40. If the allegation forwarded by Mr Tim Mander MP that a senior minister interfered directly in a merit-based process which was underway at the direction of the Premier, it is the CCC's view this would, if proven, qualify as corrupt conduct, potentially resulting in a charge of misconduct in relation to public office.
41. Similarly, if the allegation concerning the conduct of the most senior public servant in Queensland, namely the Director-General of the DPC, in undermining the integrity of a selection process in any way and for any reason, was established, it would also be conduct serious enough to justify his dismissal or a charge of misconduct in relation to public office.
42. This investigation was not into whether the government complied with an election commitment. This was an investigation into whether the Deputy Premier or any other person committed corrupt conduct by interfering in a merit-based selection process for the position of the Under Treasurer in 2018-2019.

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5 Except for matters of police misconduct, which are included within the corruption jurisdiction, although police misconduct may not necessarily amount to corrupt conduct.

6 CC Act, ss. 15(1)(c), 15(2)(c). For some office holders such as members of parliament, whose services may not be "terminated", this effectively limits the jurisdiction to matters which would, if proved, be a criminal offence.

7 CC Act, s. 4.

8 CC Act, s. 35(3).

9 CC Act, s. 5(3).



## Why make this report public

43. The CCC does not publish reports on every matter it assesses or investigates. The decision as to whether, when and how to report on the outcome of a CCC investigation is informed by a variety of factors.
44. The decision about what to report and how to report it is informed primarily by the CCC's core functions, and the considerations in section 57 of the CC Act.
45. Section 57 of the CC Act requires the CCC to, at all times, act independently, impartially and fairly, having regard to the purposes of the CC Act and the importance of protecting the public interest.
46. The CCC has decided that the public interest is best served by publication, and publishes this report under section 69 of the CC Act.
47. The Parliament and Queenslanders generally are entitled to know whether a member of parliament inappropriately influenced the appointment of one of the State's most senior public servants. They are also entitled to know whether the State's most senior public servant failed to exhibit appropriate resilience when confronted with pressure and allowed himself to be influenced, bullied and/or manipulated to such an extent that he caused the recruitment and selection process to miscarry.
48. The Parliament, and the citizens it represents, are entitled to know the outcome of the investigation and whether there was corrupt conduct involved.
49. When the current government came to power in 2015, the Premier promised that positions such as the Under Treasurer position would be chosen by a merit-based process. That promise, amongst others, related to the Government's commitment to integrity and its relationship and attitude to the public service. If that promise has not been kept, Queenslanders are entitled to know why. They are also entitled to know how, in the context of the promise, a "merit-based process" is defined.
50. The CCC, of course, is not charged with the responsibility of monitoring how politicians perform in relation to their promises. However, some matters have significance in relation to fundamental relationships, such as the relationship between government and the public service. This is a case where the integrity of this relationship was compromised — creating a corruption risk and, ultimately, causing a process to miscarry.
51. In the CCC's report, *An investigation into allegations relating to the appointment of a school principal*, the CCC observed that the investigation raised two main issues of concern:
  - That public sector recruitment and selection processes in Queensland are fair and transparent, and that those appointed to take part in selection panels conduct themselves in a way that promotes public confidence in public administration; and
  - That Queensland public sector processes are not undermined, or seen to be undermined, by political influence.<sup>10</sup>
52. This investigation has raised the same concerns. Reporting on the investigation allows the CCC to shine a light on what happened and, through raising an awareness and appreciation of the corruption risks involved, contribute to preventing corruption in the future.

10 *An investigation into allegations relating to the appointment of a school principal*, p. 73.  
<https://www.ccc.qld.gov.au/publications/investigation-allegations-relating-appointment-school-principal>.

### ***The Human Rights Act***

53. The CCC must also act in accordance with the *Human Rights Act 2019* (the HR Act) and must not act or make a decision in a way that is not compatible with human rights or, in making a decision, fail to give proper consideration to a human right relevant to the decision.<sup>11</sup>
54. The CCC acknowledges the publication of this report is likely to engage human rights in relation to equal protection of the law without discrimination,<sup>12</sup> taking part in public life,<sup>13</sup> and privacy and reputation.<sup>14</sup> Having regard to the clear statutory basis and reasons for the publication of this report, together with the measures adopted to ensure fairness with respect to the content of the report,<sup>15</sup> the CCC considers the decision to publish the report is compatible with human rights in that it limits human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.<sup>16</sup>

### **Procedural fairness process**

55. As mentioned above, the CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act, and in accordance with the HR Act. Accordingly, for the purpose of procedural fairness, the CCC gave the draft report (or relevant parts of it) to people and organisations referred to in it (whether those people or organisations were specifically identified or not) where those references may be viewed as adverse, and invited them to make submissions prior to the CCC determining the final form of the report. Respondents could provide confidential or non-confidential submissions. The CCC indicated to respondents that non-confidential submissions may be annexed to the final report, while confidential submissions would be noted as received but not attached to the final report.
56. We have published submissions from XX respondents. A redacted copy of these submissions is included in Annexure 1.

### **Caution regarding the drawing of adverse inferences**

57. A number of people and organisations are referred to in this report. In all instances, those people and organisations cooperated with the investigation. No adverse inference should be drawn about those people and organisations, unless the report specifically attributes wrongdoing.
58. The report deals with a recruitment and selection process. No adverse inferences should be drawn about any applicant in the process. No wrongdoing by any applicant was detected during the CCC's investigation.
59. It is important to note that nothing this report has to say about the evidence by way of comment constitutes factual findings which would bind any other entity called upon to assess the evidence uncovered in this investigation.
60. Further, the CCC is not purporting to make any final statement about anyone's possible guilt of a criminal offence.

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11 HR Act, s. 58.

12 HR Act, ss. 4, 15(3).

13 HR Act, s. 23.

14 HR Act, s. 25.

15 Including revealing the identity of relevant persons only when it is necessary to understand and/or give context to the report or where the identity of relevant persons is already in the public domain, the procedural fairness process, and the inclusion of the content set out under the heading "Caution regarding the drawing of adverse inferences".

16 HR Act, s. 8(b).

## Chapter 2

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### The complaint

61. On 16 July 2020, the CCC received a letter from Mr Tim Mander MP, former Deputy Leader of the Opposition and Shadow Treasurer, alleging<sup>17</sup> Ms Trad interfered with the independent recruitment process for the role of Under Treasurer in 2018 and 2019.
62. In that letter, Mr Mander alleged that on 2 July 2020, “a whistle blower of considerable standing” contacted the Opposition and advised that:
  - The independent selection panel chaired by Mr Stewart selected Candidate 2<sup>18</sup> as the preferred candidate for the role of Under Treasurer.
  - Ms Trad intervened in the process and insisted Candidate 3 be appointed to the role.
  - Candidate 3 was an applicant for the role but was not the preferred candidate determined by the independent selection panel.

### Election commitment for merit-based appointments

63. In 2015, the Premier made an election commitment to introduce merit-based appointments for Directors-General:

*Directors-General, all key public service positions and statutory appointments would be chosen on a merit-based process.*<sup>19</sup>
64. The Public Service Commission website also expanded on how this commitment would be executed:

*A panel, including members who are independent of government, will conduct interviews and make recommendations on appointments to the Premier. The process is aimed at ensuring we have the best available people to provide leadership to the public service and independent high quality advice to Ministers. It also aligns with the requirement under the Public Service Act 2008 (Qld) for public sector employment to be directed towards attracting and retaining a diverse and skilled workforce, drawn from the government and non-government sectors.*<sup>20</sup>
65. In June 2016, the Queensland Government reported this commitment as being completed.<sup>21</sup>

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<sup>17</sup> Mr Mander is now the Shadow Minister for Olympic and Paralympic Sport and Regional Engagement.

<sup>18</sup> The CCC investigation ascertained the panel actually preferred Candidate 1 as the preferred candidate for the role of Under Treasurer.

<sup>19</sup> <https://www.accountabilityrt.org/letter-from-annastacia-palaszczuk-qld-premier/>, accessed on 25 February 2021.

<sup>20</sup> Accessed from [www.psc.qld.gov.au](http://www.psc.qld.gov.au) on 25 August 2020. When we returned to the site on 25 February 2021, the website was no longer active and we were re-directed to the Queensland Government website and the material appeared to be no longer be available.

<sup>21</sup> [https://www.qld.gov.au/\\_\\_data/assets/pdf\\_file/0032/147479/progress-report-2015-election-commitments-june-2016.pdf](https://www.qld.gov.au/__data/assets/pdf_file/0032/147479/progress-report-2015-election-commitments-june-2016.pdf), accessed on 2 March 2021.



## Legislative framework

66. Chief executives are employed under the PS Act.<sup>22</sup>
67. The Governor in Council may appoint chief executives.<sup>23</sup> The Minister (in this case, the Premier) may, by signed notice, appoint a chief executive to be the chief executive of any department.<sup>24</sup> This means the Premier has discretion to appoint any person appointed by the Governor in Council to be the chief executive for the department or agency she selects.
68. There is no directive which applies to the appointment of chief executives. Recruitment and selection of public service employees must be in accordance with the merit principle and criteria<sup>25</sup> and directed towards attracting and retaining a diverse and skilled workforce, drawn from government and non-government sectors.<sup>26</sup>
69. Each person appointed as a chief executive under the PS Act must enter into a written contract of employment with the Minister.<sup>27</sup> The term of a chief executive's appointment cannot be more than five years.<sup>28</sup>

## Labor government's election commitment and subsequent chain of events

70. Table 1 sets out:
- the commencement of the Labor government's election commitment;
  - Ms Trad becoming Deputy Premier, then Treasurer; and
  - the subsequent appointments to the role of the Under Treasurer.

**Table 1 – Timeline of events relevant to the appointment of the Under Treasurer**

Date	Event	Comment
January 2015	Election and commitment to merit-based appointments	The Queensland State election was held on 31 January 2015.
		The Queensland Labor Party won the election. The Honourable Anastacia Palaszczuk MP became Premier of Queensland.
		Election commitment: Directors-General (D-Gs), all key public service positions and statutory appointments would be chosen by a merit-based process.

<sup>22</sup> (which includes Public Service Employees).

<sup>23</sup> PS Act, s. 92.

<sup>24</sup> PS Act, s. 93(2).

<sup>25</sup> PS Act, ss. 27 and 28.

<sup>26</sup> PS Act, ss. 25 and 99; Directive 12/20.

<sup>27</sup> PS Act, s. 96(1).

<sup>28</sup> PS Act, s. 97(1).

February 2015	Appointment	Ms Trad was appointed as the Deputy Premier of Queensland, and the Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade.
May 2015	Appointment	Mr Murphy, the new Under Treasurer, was appointed for a five-year period.
18 August 2015	Parliament	The Premier discussed the Labor Party's merit-based selection process in Parliament. <sup>29</sup> The Premier indicated her D-Gs had been appointed under merit-based processes. <sup>30</sup>
June 2016	Progress report on election commitment	The Queensland Government reported the election commitment made in 2015 had been completed. <sup>31</sup>
25 November 2017	Election	The Queensland Labor Party won the State election on 25 November 2017. The Honourable Anastacia Palaszczuk MP continued as the Premier.
10 December 2017	Portfolio	The role of Treasurer was added to Ms Trad's ministerial portfolio.
14 August 2018	Premier announced Mr Murphy leaving	The Premier announced Mr Murphy would be leaving the position of Under Treasurer in mid-September. A former Deputy Under Treasurer acted in the role while a recruitment process was undertaken.
15 August 2018	Recruitment	A recruitment agency <sup>32</sup> was engaged to manage this process. The Under Treasurer vacancy was advertised on the recruitment agency's website.
17 and 18 August 2018	Recruitment	The Under Treasurer vacancy was publicly advertised.
30 October 2018	Interviews	Candidates 2 and 3 interviewed
12 November 2018	Interviews	Candidate 1 interviewed
13 November 2018	Selection report	Selection report sent by Principal Consultant to Mr Stewart (the first draft)

29 [https://www.parliament.qld.gov.au/documents/hansard/2015/2015\\_08\\_18\\_EstimatesFAC.pdf](https://www.parliament.qld.gov.au/documents/hansard/2015/2015_08_18_EstimatesFAC.pdf), pp. 32-34, accessed on 1 March 2021.

30 [https://www.parliament.qld.gov.au/documents/hansard/2015/2015\\_08\\_18\\_EstimatesFAC.pdf](https://www.parliament.qld.gov.au/documents/hansard/2015/2015_08_18_EstimatesFAC.pdf), p. 33, accessed on 1 March 2021.

31 [https://www.qld.gov.au/\\_\\_data/assets/pdf\\_file/0032/147479/progress-report-2015-election-commitments-june-2016.pdf](https://www.qld.gov.au/__data/assets/pdf_file/0032/147479/progress-report-2015-election-commitments-june-2016.pdf), accessed on 2 March 2021.

32 The name of the recruitment agency has been de-identified.

19 November 2018	Selection report	Selection report sent by Mr Stewart to Principal Consultant with subject " <i>suggested mark-up</i> " (the second draft).
19 November 2018	Selection report	The Principal Consultant forwarded the second draft of the selection report to all panel members for comment
21 November 2018	Selection report	<p>Mr Stewart removed Candidate 3's description of "not appointable".</p> <p>Mr Stewart described Candidate 3 as "he was ranked below the other two candidates".</p> <p>Mr Stewart emailed the selection report to the Principal Consultant (the third draft).</p> <p>The Principal Consultant emailed the selection report to Panel Member 2 for comment. Mr Stewart was cc'd in this email (the third draft).</p> <p>Panel Member 2 made amendments to the selection report in relation to Candidates 1, 2 and 3 (the fourth draft). Panel Member 2 sent the selection report to the Principal Consultant and cc'd Mr Stewart in this email.</p>
22 November 2018	Selection report	The Principal Consultant emailed the selection report to all panel members (final draft).
26 November 2018	Selection report	The selection report was received by Ms Trad's office.
16 and 17 December 2018	Ms Trad contact with Candidate 1	Ms Trad contacted Candidate 1 on Premier's suggestion. <sup>33</sup>
December 2018	Ms Trad contact with Candidate 2	Ms Trad contacted Candidate 2 on Premier's suggestion. <sup>34</sup>
18 January 2019	Candidate 2 withdrew from process	Candidate 2 withdrew from process.
8 February 2019	Appointment	The Premier announced Candidate 3 as the new Under Treasurer.

33 Candidate 1 text message dated 16 and 17 December 2018; Ms Trad text message to Premier dated 16 December 2018, Candidate 1 email to Principal Consultant dated 17 December 2018.

34 Ms Trad hearing 7 September 2020, p. 18; Candidate 2 interview at 46:20-48:35.

## Chapter 3

### Ms Trad and Candidate 3's association prior to his appointment

71. The CCC investigation found a prior working relationship existed between Ms Trad and Candidate 3 before his appointment as Under Treasurer. There are significant periods of overlap between Ms Trad's ministerial responsibilities and Candidate 3's employment, during which she was the responsible Minister and he was the Chief Executive of the relevant department or agency.
72. Table 2 sets out the periods of overlap, prior to Candidate 3's appointment as Under Treasurer.

**Table 2 – Timeline of Ms Trad and Candidate 3 professional relationship**

Period of Overlap	Candidate 3's position and Department	Ms Trad's position
16 February 2015 – 22 October 2015	Chief Executive Officer Queensland Reconstruction Authority	Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade
22 October 2015 – 14 December 2017	Director-General Department of Infrastructure, Local Government and Planning	<p>1 November 2015 to 30 November 2015 Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning, Minister for Trade</p> <p>1 December 2015 to 31 January 2017 Deputy Premier, Minister for Infrastructure, Local Government and Planning, Minister for Trade and Investment</p> <p>1 February 2017 to 11 December 2017 Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (from 12 December 2017 Ms Trad's portfolio changed to Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships)</p>



73. During these periods, Candidate 3 was also the Chair/Director of a number of boards which reported to Ms Trad. These included:
  - Trade and Investment Queensland;
  - Economic Development Queensland;
  - Cross River Rail Delivery Authority; and
  - Building Queensland.
74. In summary, prior to Candidate 3's appointment as Under Treasurer, he and Ms Trad had nearly three years during which she was the responsible Minister and he was Chief Executive of the relevant department or agency.
75. In December 2017, Candidate 3 left the Department of Infrastructure, Local Government and Planning (DILGP). This period coincides with Ms Trad ceasing her ministerial responsibilities as Minister for Transport and Minister for Infrastructure and Planning.
76. In response to the circumstances of Candidate 3 leaving, the Premier told the CCC:

*okay so, he, this is, I'm only going by my recollection now, ... he probably was not happy that he wasn't going with Jackie and he went to see Dave Stewart and demanded more money and then he came in and saw me and, we may – he had words at me.*<sup>35</sup>
77. When the CCC asked, "What were those words?", the Premier stated: "Look I can't remember at the time, but it was just, he was obviously unhappy and he and then he left".<sup>36</sup> The Premier then stated: "It was very disrespectful".<sup>37</sup> The Premier's evidence in this regard is supported by other witnesses who told the CCC, Candidate 3 was rude and disrespectful to her.<sup>38</sup>
78. In relation to his departure, Candidate 3 stated he left due to family reasons.<sup>39</sup> The CCC notes Candidate 3's evidence that he was not rude to the Premier at the time he left the public service.<sup>40</sup>
79. In relation to the nature of his relationship with Ms Trad, Candidate 3 told the CCC during his interview:

*"...We-we've become friends over a period of time, which (UI)."*
80. The CCC then asked Candidate 3: "so you would on occasion, socialise with Ms Trad where it's not work related?" Candidate 3 told the CCC: "...Yes".<sup>41</sup>
81. Ms Trad was asked: "what's your relationship like with him?" Ms Trad told the CCC: "We have a good working relationship".<sup>42</sup>
82. Later, Ms Trad expanded on this by stating:

*I think I'd been a minister for a week, um we had tropical cyclone Marcia, bear down on the coast um, I was actually unaware at the time that I was the minister responsible for the reconstruction authority, the Queensland Regional Construction*

35 Ms Palaszczuk hearing 7 September 2020, p. 23.

36 Ms Palaszczuk hearing 7 September 2020, p. 23.

37 Ms Palaszczuk hearing 7 September 2020, p. 23.

38 Mr Stewart interview 28 August 2020, p. 76 and the Premier's former Chief of Staff hearing 20 October 2020, pp.40-41.

39 Candidate 3 hearing 21 October 2020, p. 52.

40 Candidate 3 hearing 21 October 2020, pp. 52-53.

41 Candidate 3 interview, 3 September 2020, pp. 22-23.

42 Ms Trad hearing 7 September 2020, p. 15.

*Authority, which is a statutory organisation under my ministerial responsibility, as the Minister for Transport, Infrastructure, Local Government, Planning, Trade and Investment at the time. Um, I came into work one day, my Chief of Staff was with me, ah [Candidate 3] was waiting there to see me, ah he introduced himself and um, I think he was the one who actually advised me that I had ministerial responsibility for reconstruction and that there were all of these tasks that I needed to do, ah in relation to the disaster. Um and particularly as Minister for Local Government as well. In that time, I found him an incredibly effective, hard working, ah smart, ah public servant, ah who was very good at ensuring um, that information flow was um, was brought to my attention in a way, where I could respond and I could do my duties on behalf of Queensland.<sup>43</sup>*

## Candidate 3's employment and offer made prior to his appointment as Under Treasurer

83. The Premier told the CCC: *"There had been talk in the department that he had been promised the position by Jackie Trad and that had filtered back to me".<sup>44</sup>* While the CCC investigation did not uncover any direct evidence of this, a conversation between Ms Trad and a previous Mayor of a regional council indicates she had asked Candidate 3 to "hold out".

### Regional Council – Chief Executive Officer

84. CCC investigations have ascertained Candidate 3 was offered the role of a CEO of a regional council on 7 December 2018. Candidate 3 did not accept the offer, as *"the CCC were lookin' into [the Mayor's] dealings privately. And it was concerning to me".<sup>45</sup>*

85. On 30 January 2019, during a lawfully intercepted phone conversation with the previous Mayor of the regional council in relation to Candidate 3, Ms Trad stated:

*...As I said to you previously I am keen for him to be my Under Treasurer and that looks like we're going to finalise that decision like imminently, this week if not next week. So all I'm saying to you, and this is confidential this is just you know that, is I'm sure that he would help you out in a flash it's just I'm actually putting the heavies on him to hold out until this is finalised and I'm hoping that it would be finalised. I wanted it finalised before Christmas, that didn't happen... If I could have he would have been in this job last September.*

86. The CCC asked Ms Trad to clarify the term "putting the heavies on him". Ms Trad told the CCC: *"Well hold out for a decision from the Premier..."<sup>46</sup>*

87. In relation to the phone call on 30 January 2019, Ms Trad submitted:

*(a) When asked if she discussed her desire to have [Candidate 3] in the role of Under Treasurer, Ms Trad responded that she did have such a conversation with him. This frank answer was given to Counsel Assisting before she had any knowledge that the conversation had been recorded.*

*(b) Ms Trad acknowledged that she said to the previous mayor of a regional council that she was putting the heavies on [Candidate 3] to hold out until there was a decision from the*

43 Ms Trad hearing 7 September 2020, p. 15.

44 Ms Palaszczuk hearing 7 September 2020, p. 22.

45 Candidate 3 hearing 21 October 2020, p. 22.

46 Ms Trad hearing 7 September 2020, p. 25.

*Premier. She accepted that it was clear as day that she was very keen to have [Candidate 3] appointed to the role of Under Treasurer.<sup>47</sup>*

88. On 4 February 2019, Ms Trad told the then Mayor of the regional council that Candidate 3 would be the new Under Treasurer, prior to the sign-off of the appointment by the Premier. During the recorded conversation, Ms Trad also stated:

*... Yeah from, from my end, I think it's done and dusted, that he's going to get the gig as Under Treasurer... It's not how you know, I would make decisions. It's not how I would make decision, or how I would you know, get done but it is what it is... I've worked hard to get into this position...*

89. In relation to this conversation, Ms Trad submitted:

In respect of the second telephone conversation (the 4 February 2019 call) played to Ms Trad during the hearing, she explained that when she spoke with the previous Mayor of the regional council saying words to the effect that *"You know it is not how I would make these decisions and I have worked hard to get into this position"* that Ms Trad was putting her position to the Premier as the CCC have seen in the draft email (which became the 16 December 2018 text).<sup>48</sup>

## The cessation of Mr Murphy's contract

90. The Premier approved Mr Murphy's appointment on 5 May 2015. Mr Murphy formally commenced as Under Treasurer on 9 June 2015, after signing a five-year contract for his employment.<sup>49</sup> Mr Murphy was considered by an independent panel to be the most suitable candidate for the role.
91. The CCC has ascertained Ms Trad initiated Mr Murphy's departure from Treasury.
92. The CCC asked Ms Trad, *"so who initiated his resignation?"*. Ms Trad told the CCC: *"Well I sat down with Jim and I said, I, my confidence has deteriorated in our working relationship, um and he said well, fine I'll go"*.<sup>50</sup>
93. In a media statement released on 14 August 2018, the Premier announced Mr Murphy would be leaving the position in mid-September and a former Deputy Under Treasurer would act in the role while a process was undertaken.<sup>51</sup>
94. The CCC ascertained Mr Murphy received \$297,430.51 as a severance payment.
95. Following Mr Murphy's departure and prior to a selection process commencing, the CCC investigation has ascertained Ms Trad had a preference for Candidate 3 to be Under Treasurer. However, no connection is drawn between Ms Trad's removal of Mr Murphy and her preference for Candidate 3 to be Under Treasurer.

47 Ms Trad submission dated 7 April 2021 p. 51.

48 Ms Trad submission dated 7 April 2021, p. 51. This text message is referred to later in this report.

49 Mr Murphy's appointment was signed by the Premier on 5 May 2015 and by the Governor in Council on 7 May 2015.

50 Ms Trad hearing 7 September 2020, p. 14.

51 <https://statements.qld.gov.au/statements/85297> accessed on 5 May 2021.

## Chapter 4

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### Formation of the selection panel

96. The CCC investigation found Ms Trad was involved in the composition of the panel.
97. When asked about her knowledge of Ms Trad putting names forward for the panel, the Premier told the CCC:  
*...well [the Premier's former Chief of Staff] may have spoken to her office about, names for the – for the, okay, so I probably need to go back to when, when Jim Murphy left, it was open for me to actually appoint another Director-General as Under Treasurer, but I said to Jackie, there needs to be a process.<sup>52</sup>*
98. The Premier continued:  
*So we need to have a process in place and, Dave Stewart will conduct that process and she agreed to that, because she wanted [Candidate 3] to be appointed.*
99. The Premier was then asked by the CCC: *“Is it fair to say that she wanted [Candidate 3] to be appointed prior to even the formation of the selection panel?”* The Premier stated: *“Yes”.<sup>53</sup>*
100. During his interview with CCC investigators, the Premier's former Chief of Staff, stated, *“But, so they established a process. There was a bit of argy-bargy about who would be on the selection panel”.<sup>54</sup>*
101. In relation to Ms Trad's involvement with the formation of the panel, the Premier's former Chief of Staff told the CCC:  
*But so he, so there was a bit of, you know and-and the Premier was, you know pretty relaxed about, you know who should be on the selection panel. She wanted to ensure Dave was on it, and she sorta backed Dave to have an independent type selection process. Jackie I think was concerned that-that Dave would just, you know, find someone who was, you know, that he liked rather than who the Deputy Premier could work with. So there's a bit of a view in the public service that Dave ensures that all of his Directors-General, you know, would look, will suit his modus operandi...<sup>55</sup>*
102. In relation to determining the composition of the panel, evidence indicates Mr Stewart had interactions with Ms Trad, her office and the Premier's former Chief of Staff.

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52 Ms Palaszczuk hearing 7 September 2020, p. 24.

53 Ms Palaszczuk hearing 7 September 2020, p. 24.

54 The Premier's former Chief of Staff interview 26 August 2020, p. 2.

55 The Premier's former Chief of Staff interview 26 August 2020, p. 3.



103. During his interview with CCC investigators, Mr Stewart stated:

*So you know it's fair to say that because my role as head of DPC she (Ms Trad) often did not like the advice I gave the Premier. On a raft of matters including policy matters and so I think it would be fair to say that um you know I think she, she probably had a view and, and she certainly I remember, remember an interaction at ah a disaster management group meeting at Kedron where when I mentioned who the panel was likely to be she did not seem very comfortable with that panel. That time I was talking about [the Academic] who I have the highest regard for I think she is one of the most outstanding leaders in Queensland and I was also suggesting some of my Director-General colleagues.*

104. The CCC then asked, "And she wasn't ah particularly happy with that?"

105. Mr Stewart then told the CCC, "She wasn't she was certainly she, she questioned me about why I thought [the Academic] was an appropriate person for a panel. For, for the role of Under Treasurer.<sup>56</sup>

106. In relation to his interaction with Ms Trad on the composition of the panel, in his hearing Mr Stewart told the CCC:

*Well, it's something I had never experienced again before, so, you know, I had never been told who was to be on a selection panel. So, you know, ah, when I originally raised with the Premier I wanted [the Academic]<sup>57</sup> one of my Directors-Generals and most – I think it was going to be [name withheld] and the Public Service Commission. That was, you know, I think the Premier was very satisfied with that because of the confidence she had in [referring to the Academic] and my team. I do remember being stood up at Kedron<sup>58</sup> when I mentioned it to the Deputy Premier. We were at a State Disaster Management meeting and, quite frankly, I was attacked and, you know, her proposition was, "Well, what qualifications does [referring to the Academic] have to select an Under Treasurer?" And, quite frankly, [referring to the Academic] is the [position omitted] of one of the most significant universities in Queensland and, you know, a very successful academic, and so I believe she was highly qualified.<sup>59</sup>*

107. In response to whether Ms Trad had in fact attacked Mr Stewart in relation to the Academic being on the panel, she submitted:

*Ms Trad recalls expressing a concern that the panel did not have a representative with specific finance, budgetary and Treasury experience but, she still held [the Academic] in high regard. This on any objective assessment could not be considered as an attack.<sup>60</sup>*

The CCC notes the different accounts of the interactions as recalled by Mr Stewart and Ms Trad in relation to the appropriateness of the Academic joining the panel. The CCC has no independent evidence to validate either account.

56 Mr Stewart interview 28 August 2020, pp. 19-20.

57 An esteemed academic, with extensive experience in research.

58 On 30 November 2020, Mr Stewart clarified the exchange was at a Cabinet Budget Review Committee meeting. This occurred in August 2018, prior to the formation of the panel.

59 Mr Stewart hearing 17 September 2020, p. 85.

60 Ms Trad submission 7 April 2021, p. 48.

108. In relation to why the Academic did not end up being on the panel, in his hearing Mr Stewart told the CCC:

*Ah my initial discussion wa-, well one was me, the other was [Panel Member 3]<sup>61</sup>, but [Panel Member 3] was not my first choice. My first choice was ah the [Academic], the [position omitted] of the [name of university omitted], and-and she became unavailable because of, you know, it became, sort of got into that graduation phase for the university.<sup>62</sup>*

109. Examination of seized evidence revealed a series of messages exchanged between the Premier's former Chief of Staff and Mr Stewart on 19 September 2018 in relation to Ms Trad's nominations for the panel:

Mr Stewart at 5:36pm: *Can I email [name withheld] [reference to Deputy Premier's former Chief of Staff] and ask him who his two nominations are for the UT selection panel. I don't want to create WR27.*

The Premier's former Chief of Staff replied: *I will do it for you.*

Mr Stewart replied: *Thx.*

The Premier's former Chief of Staff at 7:35pm: *Names so far... [Panel Member 2]<sup>63</sup> and one of either [name omitted] or [Panel Member 1]<sup>64</sup>*

Mr Stewart replied: *Jesus Christ*

110. When asked by the CCC what WR27 referred to the Premier's former Chief of Staff stated:

*No. Is it - no. It's poss-possibly an autocorrect, which is seldom auto and seldom correct. Maybe it was World War 2? World War 3? I don't know...<sup>65</sup>*

111. The CCC asked Ms Trad if she put forward any names for the panel:

*"Ms Trad did you, at any time, put any names forward for the formation of the selection panel, for the role of Under Treasurer?"*

Ms Trad told the CCC: *"Ah yes I did".*

The CCC then asked Ms Trad, *"Alright. And what were those names?"*

Ms Trad told the CCC: *"[Panel Member 2].*

The CCC then asked Ms Trad, *"Mhm. Anybody else?"*

Ms Trad then told the CCC: *"[Panel Member 2] recommended [Panel Member 1]".<sup>66</sup>*

61 An esteemed academic with expertise in consulting, government, human resources and executive management roles.

62 Mr Stewart hearing 17 September 2020, p. 85.

63 Previous Director-General of Queensland State Government, expert in Government and Public Service related roles.

64 An internationally recognised consultant with expertise in policy and executive management roles.

65 The Premier's former Chief of Staff hearing 20 October 2020, p. 45.

66 Ms Trad hearing 7 September 2020, pp. 16-17.

112. In relation to recommending Panel Member 1, Panel Member 2 told the CCC:

*...I believe that I was asked to be on the selection panel as I'd been on a range of selection panels in Queensland and elsewhere because of my experience I had also been asked to nominate other people to sit on that panel and I had duly done so, so I definitely provided information about [Panel Member 1] who I thought would be a good member of the panel and an independent member of the panel and very experienced both within Queensland nationally but also globally and also I think there may have been discussion about involving [the Academic], who I knew, when she was [position and location omitted]. Subsequently, she wasn't involved, she sent [Panel Member 3]<sup>67</sup> who I also know from back into the early nineties when she worked in the Queensland Government and Dave Stewart chaired the panel rather than the Public Service Commission.<sup>68</sup>*

113. Mr Stewart confirmed Panel Member 3 was recommended by the Academic.<sup>69</sup>

114. The final panel was comprised of Mr Stewart, as chair, and Panel Members 1, 2 and 3.

115. While Mr Stewart gave evidence that being told who should be on the panel was outside of the normal course of events, there is nothing inappropriate about Ms Trad nominating names of panel members. The Premier, Mr Stewart and Panel Member 2 were all aware of Ms Trad's preference for Candidate 3. In situations where there is a strong preference for a particular candidate by a Minister, consideration should be given to the corruption risk this creates for conscious or unconscious bias in the minds of panel members and the decision maker.

116. Apart from Mr Stewart, the CCC did not uncover any evidence that any panel members approached their task in an inappropriate manner.

## The recruitment and selection process for the position of Under Treasurer

117. A recruitment agency was engaged by the Public Service Commission to coordinate the process for the role of Under Treasurer.

118. On 15 August 2018, the role of Under Treasurer was advertised on the recruitment agency's website. The role was also publicly advertised in August 2018. The deadline for applications was 3 September 2018.

119. There were ten applicants in total.

<sup>67</sup> An esteemed academic with expertise in consulting, government, human resources and executive management roles.

<sup>68</sup> Panel Member 2 hearing 26 October 2020, p. 14.

<sup>69</sup> Mr Stewart interview 28 August 2020, p. 18.

## The role of the Principal Consultant from the recruitment agency

120. The Principal Consultant from the recruitment agency told the CCC the following in relation to his role:

*At a high level there were two phases to it. The first was to create the pool of candidates for the panel to consider and to assess that, the suitability of those candidates in that pool, with [a] view to enabling the selection panel to form a shortlist for interview. So that's the first part of it.*

*Second part of it which comes from the point in time where the panel selects the shortlist. It's to provide a support function to the selection panel through the rest of the exercise.<sup>70</sup>*

121. The CCC asked: "What does the support function involve?"

122. The Principal Consultant then told the CCC:

*It involves setting up the interviews with the candidates, assisting the panel chair in the format of the assessment. Attending the interviews to scribe the comments that the candidates make at interview and the comments the Panel makes at the conclusion of the interview, and then writing up a selection report. Working with the panel to get to the point the panel is comfortable with the content of that selection report and then providing it to the panel chair, and I think in this instance also to the Public Service Commission, so that the process can run through the government processes after that. So the first part is, as I see it is we're - I'm applying our, the expertise that I and my team has. The second is very much a support function.<sup>71</sup>*

## Mr Stewart briefs Principal Consultant on the role of Under Treasurer

123. On 17 August 2018, Mr Stewart had communicated with the Principal Consultant. Notes from the briefing for the role state:

*Took brief from Dave over the phone in respect of the Under-Treasurer role. He is looking for someone who understands political sensitivities, is a problem solver and can gain the confidence of the Treasurer. They need to be very experienced in Govt, not an accountant but experienced in economics or law. Whilst they need to understand private sector investment and be effective in building relationships with business, in Dave's view the attempts to bring in people from a private sector finance background have only worked when there is a significant reform agenda – not the case here. It will also be useful if they have exposure to Commonwealth relationships.<sup>72</sup>*

124. The Principal Consultant's handwritten notes from that date contain Candidate 3's name. The Principal Consultant could not recall who suggested Candidate 3.<sup>73</sup>

125. The Principal Consultant's notes, contain the following:

*Dep Prem couldn't work with Jim.*

<sup>70</sup> Principal Consultant hearing 4 September 2020, pp. 18-19.

<sup>71</sup> Principal Consultant hearing 4 September 2020, p. 19.

<sup>72</sup> Principal Consultant notes taken on 17 August 2018.

<sup>73</sup> Principal Consultant hearing 4 September 2020, pp. 16-17.

## Shortlisting process for the role of Under Treasurer

126. The Principal Consultant told the CCC he interviewed Candidates 1, 2, 3 and two other applicants during the shortlisting process.
127. The recruitment agency assessed the suitability of 10 candidates based on their written applications and developed a list of five candidates. These candidates were interviewed by the recruiting agency and recommendations were made to the panel about who should be shortlisted. The list of candidates was reduced to the three candidates who were then interviewed by the panel.

## Interviews held for the role of Under Treasurer

128. The panel interviewed three candidates. Candidates 2 and 3 were interviewed on 30 October 2018 and Candidate 1 on 12 November 2018.
129. CCC inquiries have determined that following the conclusion of the interviews, the panel considered:
  - Candidate 1 as the preferred candidate;
  - Candidate 2 as appointable, and
  - Candidate 3 as not appointable.
130. In relation to the relative merit of the candidates, the Principal Consultant told the CCC:

*The panel agreed that [Candidate 1] was the outstanding candidate for the role. They felt that [Candidate 2] was a marginal, marginally suitable candidate and they felt that [Candidate 3] wasn't appointable.*<sup>74</sup>
131. Evidence obtained from all panel members supported this statement.
132. Candidate 3 had his interview on 30 October 2018 at 1:35pm. On the same date, at 5:49pm, Ms Trad called Panel Member 2 for four minutes and 29 seconds and again at 5:58pm for two minutes and 19 seconds.<sup>75</sup>
133. Panel Member 2 told the CCC he had told Ms Trad that Candidate 3 did not perform very well at the interview.<sup>76</sup> When asked in relation to Ms Trad's response, Panel Member 2 told the CCC:

*Oh clearly you know not happy but we had another interview that was ...*<sup>77</sup>
134. The CCC then asked Panel Member 2: "And did you tell her that?" Panel Member 2 responded:

*"Oh I can't recall it wouldn't have been a state secret".*<sup>78</sup>
135. The CCC asked Ms Trad: "So once the interviews had taken place, did you discuss the candidates . . . taking back a step, when did it come to your knowledge that um, Candidate 3 and others had been interviewed?"

<sup>74</sup> Principal Consultant hearing 4 September 2020, p. 33.

<sup>75</sup> Panel Member 2 hearing 26 October 2020, p. 27; Ms Trad hearing 7 September 2020, p. 32.

<sup>76</sup> Panel Member 2 hearing 26 October 2020, p. 27 and p. 29.

<sup>77</sup> Panel Member 2 hearing 26 October 2020, p. 29.

<sup>78</sup> Panel Member 2 hearing 26 October 2020, p. 29.



Ms Trad told the CCC: “I can’t recall precisely, um it was . . . I think I got information from Dave Stewart and maybe [Panel Member 2] as well that um, ah the interviews were taking place. Um . . . had taken place, yes”.

136. The CCC asked Ms Trad: “Do you recall the other names of the candidates?” Ms Trad told the CCC: “Ah [Candidate 2] and [Candidate 1]”. The CCC asked Ms Trad: “Okay alright. And did David Stewart discuss with you how the three people went on their interview?” Ms Trad responded: “He did, yes”. The CCC asked Ms Trad: “What did he say?” Ms Trad told the CCC: “He said that [Candidate 1] was the person who he thought interviewed the best and a distant second and third was [Candidate 2] and [Candidate 3]”.<sup>79</sup>

## Conflicts of interest not discussed

137. The CCC investigation found that conflicts of interest were not declared and were poorly managed. In relation to whether it was usual practice to declare conflicts of interest, the Principal Consultant told the CCC:

*Quite commonly it will be ... it didn’t happen in this instance normally it occurs when the, my initial assessment of the written applications is provided to the panel in what we call the All Candidate Pack which you’ve got a copy of and typically the panel will physically meet at that point in time to review those candidates and normally to agree on what I call a long list of candidates that I will subsequently interview to assist them in finalising the shortlist decision. ... In this instance that meeting didn’t take place perhaps because [Panel Member 2] was in Melbourne I think and [Panel Member 1] was travelling in India I think so it normally is when they’re physically together ... and the panel chair will ask if anyone has any conflicts of interest they want to declare that cuz that conversation didn’t happen I think the question wasn’t asked of the panel at least not whilst I was present.<sup>80</sup>*

138. The CCC asked Mr Stewart:

*Is there a practice to discuss conflicts of interest when appointing CEOs?*

139. Mr Stewart told the CCC:

*Ah, look I, you know, a-again I’m being very truthful here, that those issues weren’t discussed. I think-I think there is a more recent practice of making sure conflicts of interest are raised, but-but I think one of the key things is that um, you know if I look at-mo-the great majority of all the candidates I knew-knew of them or knew them.<sup>81</sup>*

140. The CCC found this response concerning. Declaring conflicts of interest is important in order to ensure transparency, probity and public confidence.

<sup>79</sup> Ms Trad hearing 7 September 2020, pp. 17-18.

<sup>80</sup> Principal Consultant hearing 4 September 2020, p. 26.

<sup>81</sup> Mr Stewart hearing 17 September 2020, p. 33.

## Chapter 5

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### Did Ms Trad influence Mr Stewart to amend the draft selection report?

141. The CCC investigation found commentary relating to Candidate 3's suitability for appointment was amended by Mr Stewart, due to Ms Trad's influence. Amendments were made without consulting the panel, or drawing the amendments to their attention. The amendments were made on or before 21 November 2018.
142. While there were communications following Candidate 3's interview on 2 November 2018, the CCC investigation found Ms Trad's communications with Mr Stewart increased significantly on 16 November 2018 and continued until 22 November 2018.<sup>82</sup> On the same date, a final version of the report was circulated to all panel members for the last time. Between 16 November 2018 and 22 November 2018, there were 13 communications between Ms Trad and Mr Stewart, including phone calls and text messages. Eight of these communications were initiated by Ms Trad.<sup>83</sup> Table 3 lists the communications between Ms Trad and Mr Stewart from 16 November 2018 to 22 November 2018.
143. As a consequence of the amendments, the CCC investigation found Candidate 3 was included in the list of meritorious candidates for the Premier to choose from.
144. The CCC investigation found the report was also amended by Panel Member 2, however these amendments did not significantly impact on the final outcome and did not change the conclusion, nor were they intended to.

### First draft of selection panel report – Candidate 3 “considered not appointable”

145. On 13 November 2018 at 10:19am, an email exchange began between the Principal Consultant and Mr Stewart, with an email to Mr Stewart containing the first draft of the report.
146. Importantly, in relation to Candidate 3, the report stated:
 

*[Candidate 3] was considered to be a leader better suited to a delivery environment, as opposed to one such as Treasury where complex matters of policy need to be considered and resolved. Consequently he was considered not appointable.*
147. None of the other panel members were included in this exchange.

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82 In his evidence, Mr Stewart stated he could not remember the exact nature of the calls, other than they were confrontational and aggressive: Mr Stewart hearing 17 September 2020, pp. 57-58.

83 Mr Stewart hearing 17 September 2020, pp. 50-56.



148. In his evidence, Mr Stewart confirmed on 16 November 2018 at 8:27am, Ms Trad called him for a duration of three minutes and five seconds. On the same day at 8:34am, Mr Stewart called Ms Trad for a duration of three minutes and 41 seconds.<sup>84</sup>
149. On 16 November 2018, at 10:42am, as a result of the Principal Consultant not receiving a reply from Mr Stewart, a follow-up email was sent in relation to the report.

*Hi Dave*

*Just checking in to see that everything was OK with the selection report.*

*In case we can move ahead with [Candidate 1] and you want him to meet the Treasurer, he will be overseas in the US from December 12 to January 1.*

*Regards [Principal Consultant]*

## Second draft of selection panel report – minor amendments

150. On 19 November 2018 at 3:20pm, Mr Stewart sent an email to the Principal Consultant, with the subject being “*suggested mark-up*”.
151. The CCC considers the amendments to this version of the report were minor and they had no impact on the appointment of any particular person, including Candidate 3. The conclusion and comparative assessment sections for each candidate remained unchanged.
152. None of the other panel members were included in this exchange.

## Comments made by selection panel subsequent to circulation of the second draft report

153. On 19 November 2018 at 3:46pm, the Principal Consultant forwarded the draft report to all members of the panel for comment.<sup>85</sup> This was the first time the report was circulated to all panel members. This was the copy of the draft sent by Mr Stewart to the Principal Consultant on 19 November 2018 at 3:20pm, but without the tracked changes.
154. At 5:08pm, Mr Stewart received a text message from Ms Trad:
- Hey, Dave just in a meeting but can we chat before you go today?*
- Call in 10. Is that ok?*
- Let's catch up tomorrow. Keen for feedback from process.*
155. In his evidence, Mr Stewart confirmed on the same day at 5:52pm, he contacted Ms Trad. At 6:11pm, Ms Trad contacted Mr Stewart for a duration of 17 seconds.<sup>86</sup>

<sup>84</sup> Mr Stewart hearing 17 September 2020, pp. 51-52.

<sup>85</sup> This is the second draft of the report, without Stewart's tracked changes.

<sup>86</sup> Mr Stewart hearing 17 September 2020, p. 53.

156. On 19 November 2018 at 10:42pm, Panel Member 3 responded to the Principal Consultant's email:

*Thanks [Principal Consultant]. I think there are some stronger claims that can be made about [Candidate 1]. When reading the reports there isn't a clear distinction made about him for the role including the future orientation and strategic view that he brings. So, I think if we want to make the case for [Candidate 1], a few stronger comments need to be made about him both under his individual review and in the final summary and conclusion.*

*Thanks for the opportunity to comment.*

157. On 20 November 2018 at 6:37am, Panel Member 1 replied to Panel Member 3's email:

*Many thanks, [Panel Member 3]. I feel exactly the same.*

*We were clear that there was a gap between [Candidate 1] and the next candidate. At the moment that fact is not coming across strongly enough. It reads instead as if they are pretty close and all [Candidate 2] would have to do is "update" his knowledge of Queensland Treasury. So, I agree that the description of [Candidate 1's] performance at interview needs to be strengthened to reflect that he was well ahead of [Candidate 2] in terms of strategy, executive presence and judgement.*

*With regards*

*[Panel Member 1]*

158. On the same date at 7:46am, Panel Member 2 replied:

*[Principal Consultant]*

*I agree with [Panel Member 3] and [Panel Member 1's] comments on comparative statements regarding [Candidate 1] and [Candidate 2]. I am tied up for much of the day in Board issues here, and will get a chance to review this afternoon and this evening and will send more detailed comments on the 3 candidates under separate cover.*

*Best*

*[Panel Member 2]*

159. On the same date at 8:35am, Mr Stewart received a text message from Ms Trad:

*Let me know when you're available to catch up.*

160. In his evidence, Mr Stewart confirmed he contacted Ms Trad on the same date at 12:29pm for 16 seconds. At 12:32pm, Ms Trad contacted Mr Stewart for six minutes and 32 seconds.<sup>87</sup>

161. Emails from Panel Members 1, 2 and 3 included all panel members, and the Principal Consultant. This demonstrated clear, open and transparent communications amongst the panel in relation to proposed amendments to the report.

<sup>87</sup> Mr Stewart hearing 17 September 2020, p. 54.

### Third draft of selection report – Mr Stewart removes description of Candidate 3 as “considered not appointable”

162. The most significant amendments were made by Mr Stewart. The CCC investigation found Mr Stewart amended the report to change Candidate 3’s status. The words “*Considered not appointable*” were removed and replaced with “*He was ranked below the other two candidates*”. Mr Stewart also removed reference to Candidate 1 being the preferred candidate.
163. On 21 November 2018 at 9:36am, the report with tracked changes was emailed by Mr Stewart to the Principal Consultant. Panel Member 3, Panel Member 1 and Panel Member 2 were not included in this exchange.
164. Importantly, in relation to Candidate 3, the following are considered by the CCC to be significant omissions and amendments made by Mr Stewart to the merit assessment section:

*Whilst ~~his response~~ ~~it~~ improved throughout the interview, his early “story telling” style of communication failed to give sufficient import to the significant matters being ~~considered~~ reflecting a mis-judgement on [Candidate 3’s] part on how to approach the interview.*

*The Panel was left with the conclusion that [Candidate 3] did not necessarily grasp the complexity of the issues for which he was proposing simple, ad hoc and non-systemic solutions. Again, this is because of [Candidate 3’s] recent experience which was delivery focussed.*

*~~He did not present to the Panel as someone who is well suited to working in a role responsible for complex policy matters, such as are encountered in central agencies.~~*

*The focus which [Candidate 3] offered on supporting small business was considered to be a strength, but his vision for the sector was less clear. The Panel was also impressed by the influencing example he provided in respect of the rapprochement between Brisbane City Council and the State Government over public transport solutions in the inner city, ~~although he did not appear to grasp the nuances associated with Treasury operating across government agencies.~~*

165. In relation to Candidate 3, the following are considered by the CCC to be significant omissions and amendments made by Mr Stewart to the conclusion section:

*[Candidate 3] has had working relationships across government and has a good understanding of many of the challenges and reforms required in Queensland. The Panel ~~was~~ considered to be a leader better suited to a delivery environment. ~~as opposed to one such as Treasury where complex matters of policy need to be considered and resolved.~~ He was ranked below the other two candidates. ~~Consequently he was considered not appointable.~~*

166. In relation to Candidate 3, the following are considered by the CCC to be significant amendments made by Mr Stewart to the comparative assessment section:

[Candidate 3] was very successful in managing his former department and achieved many reforms and developed considerable relationships across government. He has a very good understanding of the Queensland government.

~~Whilst both candidates offer a blended public/private sector background, [Candidate 1] is the preferred candidate as he brings significantly more currency of understanding across policy matters and the operations of government. Consequently he is recommended for appointment as Under Treasurer.~~

167. The email and report are included at Annexure 2.

#### Fourth draft of selection report – Panel Member 2 makes amendments to Candidate 3’s credentials

168. The CCC notes Panel Member 2 offered to make comments in relation to the three candidates, upon receiving the report which still had Candidate 3 being considered not appointable<sup>88</sup>.
169. On 21 November 2018 at 2:19pm, the Principal Consultant emailed the report to Panel Member 2 and cc'd Mr Stewart.<sup>89</sup> This was in light of Panel Member 2’s undertaking he would also like to make comments on all three candidates, as stated in his email on 20 November 2018 at 7:46am. At this point in time, the report had been amended to alter Candidate 3’s status. The words “Considered not appointable” had been removed and replaced with “He was ranked below the other two candidates”. Panel Member 2 subsequently told the CCC he was not aware of the amendments made to the report.
170. On 21 November 2018 at 5:02pm, Panel Member 2 sent an email with the report, containing tracked changes made by him in relation to Candidate 1, Candidate 2 and Candidate 3. In an earlier email at 4:59pm, Panel Member 2 stated:

[Principal Consultant]

*Here are a few comments. Doesn’t change the conclusion. Have also copied in Dave*

*Very best*

[Panel Member 2]<sup>90</sup>

171. To clarify whether Panel Member 2 was aware of the amendments made in relation to Candidate 3’s status, the CCC asked:

*And then the conclusion in relation to [Candidate 3] reads “[Candidate 3] was considered to be a leader better suited to a delivery environment as opposed to one such as Treasury where complex matters of policy need to be considered and resolved. Consequently he was considered not appointable.”*

88 At the time Panel Member 2 offered to make the amendments on 20 November 2018 at 7:46am, this was the second draft report.

89 The draft sent by the Principal Consultant to Panel Member 2 on 21 November 2018 at 2:19pm, was the third draft report.

90 Panel Member 2 did not attach the report to the earlier email he sent at 4:59pm.

172. The CCC asked Panel Member 2: “What’s your recollection of reading this report [Panel Member 2]?”

173. Panel Member 2 told the CCC:

*Oh look it was one amongst a range of-of ah interview write ups that came before we all signed-signed it off so it was a draft. I-I can’t recall whether I’d commented on this one um but ah as we go through the various drafts you’ll be able to point out that the amendments that I made and that were made by others that I’m unaware of.*

174. It is noted Panel Member 2’s amendments were on the version which had already been amended by Mr Stewart to change Candidate 3’s status.

175. The CCC asked Panel Member 2, “Can you help us understand what prompted you to make those amendments in relation to [Candidate 3] um when he was considered not appointable in the previous draft?”

176. Panel Member 2 told the CCC:

*This [referring to the draft emailed to him by the Principal Consultant on 21 November 2018 at 2:19pm] was the draft provided to me. I made comments on a range of documents ah they are suggestive comments I can’t then control what went forward as you know from your in-internal investigation within the Commission um I-I did not see the, I didn’t have in my possession the final document but these are suggestions, I hardly think they’re-they’re material. You might think otherwise.<sup>91</sup>*

177. Importantly, in relation to Candidate 3, the following are amendments made by Panel Member 2 to the merit assessment section:

*He also had significant relationships and understanding of Queensland’s regional focus from his time as CFO and leading the QRA.*

178. For the conclusion in relation to Candidate 3, Panel Member 2 added Candidate 3 was ranked below the other two candidates, “particularly based on his performance at interview”.

179. In relation to Candidate 3, the following are amendments made by Panel Member 2 to the comparative assessment section:

*[Candidate 3] was very successful in managing his former department and the QRA and achieved many reforms and developed considerable relationships across government. He has a very good understanding of the Queensland government and the Queensland [sic] community, particularly Local Government.*

180. While Mr Stewart was included in this exchange, Panel Member 3 and Panel Member 1 were not.

181. The CCC asked Panel Member 2, “Did you ever hold the view that he was not appointable?”.

182. Panel Member 2 told the CCC: “I um have and continue to hold the view that on the basis of the interview and what I would be um my experience in dealing and working with an Under Treasurer that um [Candidate 3] wasn’t a suitable candidate for Under Treasurer.”<sup>92</sup>

91 Panel Member 2 hearing 26 October 2020, p. 41.

92 Panel Member 2 hearing 26 October 2020, pp. 32-33.

183. In relation to telephone contact with Ms Trad, the CCC asked Panel Member 2: “What is your recollection of the conversations that you had on the 19<sup>th</sup> of November?”

*Oh I, I’m sorry I can’t remember the exact details of-of those ah-ah of those conversations. I’m not trying to be untruthful I just have no recollection. Honestly I know that-that um Ms Trad was ah very supportive of [Candidate 3’s] appointment. I know that as I’ve outlined to you um including you know most recent appointments to the Department of the Premier and Cabinet here in Victoria and recent appointments federally it is not uncommon for a government to directly appoint individuals to very senior positions in both government agencies ah statutory authorities and of course you know other aspects of a democratic institution.*

184. The CCC then asked Panel Member 2: *And certainly you know it’s evident that all panel members including yourself were doing the state government a favour, you’ve given up your time...there was no expectation of anything in return so that’s why I guess I’m a little surprised that you have no recollection of when the Deputy Premier and Treasurer calls you um on certain dates.*

185. Panel Member 2 responded:

*Ah look you know I’m not trying to big note myself but I do um have communication with Prime Ministers, former prime ministers, Judicial Officers, a range of people ... Police Commissioners on a regular basis. I’m, I am very skilled in dealing with those conversations and actually creating where the limits lie in terms of the legal authority to be involved and I go back to the initial premise if-if the conclusion is and you know you need to work through this in-in your own processes but there is nothing wrong with someone advocating for consideration of an individual person, there is no need for an interview process or appointment. What occurred was they decided someone decided it wasn’t me cuz I was a member of the panel who suggested other members of the panel but there was never any suggestion that there would be inappropriate influence by me or any other panel member that I’d suggested over the outcomes of that process. So if you go back to the basics if we were working under New Zealand law the attempt to influence any process involving a minister over the selection of a Chief Executive would actually be against the Public Service Act and would lead, you know would be a criminal matter because of the way that there ah there public service is ah structured where the public service commissioner is appointed by Governor in counsel in consultation with ah the Prime Minister consulting with the opposition agreeing to the appointment of a public service commissioner who then ah appoints contracts ah Chief Executive. So the Public Service Commissioner can only talk to the minister about what is required by a position cannot legally influence any individual in getting that position, but that is the only statute I would um believe in Australia which would in any way constrain the Executive in their appointments of COs so to me that’s the crucial issue.<sup>93</sup>*

186. The CCC is not inferring Panel Member 2 acted improperly or Ms Trad influenced the amendments made by him to the draft report. However, evidence indicates Ms Trad obtained information in relation to the interview process from Panel Member 2.

187. It is the CCC’s view that when a person who is not directly involved in the process becomes privy to information derived from the person in relation to the performance of a candidate, this has the potential to create a corruption risk, or the perception of a corruption risk.

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93 Panel Member 2 hearing 26 October 2020, pp. 49-50.

## Circulation of final report to all selection panel members

188. The Principal Consultant circulated the final report to all panel members on 22 November 2018.
189. In his evidence, Mr Stewart confirmed he contacted Ms Trad at 11:01am on the same date, for eight minutes and 19 seconds. At 12:57pm, Ms Trad contacted Mr Stewart for ten seconds. At 4:57pm, Ms Trad contacted Mr Stewart for 44 seconds.<sup>94</sup>
190. On 22 November 2018 at 1:35pm, the Principal Consultant emailed the final report to all panel members.

*Thanks for everyone's feedback on the initial selection report. I have sought to incorporate the comments from a variety of sources as best I can, but welcome your further comments to the version attached.*

*Regards [Principal Consultant]*

191. On the same day at 3:04pm, Panel Member 2 responded in an email:

*Fine with me, [Principal Consultant].*

*Best*

*[Panel Member 2]*

192. On the same day at 9:26pm, Panel Member 1 responded in an email:

*[Principal Consultant], thanks for making these changes. I am fine with this now, best [Panel Member 1]*

193. Panel Member 3 told the CCC she signed off on the report on 6 February 2019.<sup>95</sup>
194. On 26 November 2018, the final draft of the report was received by Ms Trad's office. There is no evidence Ms Trad or her office received the report prior to that date.
195. The entire panel agreed [Candidate 3] was "*not appointable*" following discussions on the merits of each applicant. This was reflected in the first draft of the report. Various emails were exchanged between panel members seeking to distinguish between candidates 1 and 2 who had been determined to be the only appointable candidates by the panel. The amendments made to the report by Mr Stewart making [Candidate 3] meritorious were not drawn to the attention of the remaining panel members. The other panel members advised the CCC that although they reviewed the report to ensure their own amendments were included, they did not identify the material change to [Candidate 3's] status as being appointable. Three of the four panel members told the CCC regardless of [Candidate 3's] status changing, in their view he would remain "*not appointable*".

<sup>94</sup> Mr Stewart hearing 17 September 2020, pp. 55-56.

<sup>95</sup> While the report was not signed, the CCC takes this to mean the report had endorsed the final version.

196. It is the CCC's view, given the panel had unanimously agreed [Candidate 3] was "not appointable", it was incumbent on Mr Stewart to raise his views with the remaining panel members or ask the Principal Consultant to draw the amendments to the attention of the other panel members. Mr Stewart's conduct was misleading and lacked transparency. The report was materially misleading to the Premier as [Candidate 3] was represented as suitable for appointment by the panel. As a consequence of Ms Trad's and Mr Stewart's actions, [Candidate 3] was included, along with Candidate 1 and Candidate 2, in the list of meritorious candidates from which the Premier could make her selection.<sup>96</sup> Since Candidate 2 would subsequently withdraw prior to the Premier's approval, Candidate 1 should have been the only person whose name was put forward for the Premier's consideration, had the process not been interfered with.
197. Subsequently, as part of the procedural fairness process, Mr Stewart submitted:
- First, the amendments in question were marked up with the commonly-used "track changes" function in Microsoft Word, before being sent to the Principal Consultant. The marked up version of the relevant passage was in the following form:<sup>97</sup>*
- [Candidate 3] has had working relationships across government and has a good understanding of many of the challenges and reforms required in Queensland. The Panel was considered to be a leader better suited to a delivery environment, as opposed to one such as Treasury where complex matters of policy need to be considered and resolved. He was ranked below the other two candidates. Consequently he was considered not appointable.
198. Marking up those changes in that manner could hardly be seen as an attempt by Mr Stewart to conceal the changes he proposed. Whilst those mark-ups do not seem to have been distributed by the Principal Consultant (who was responsible for document control), it does not follow that Mr Stewart would have anticipated the failure to distribute a marked up version of the document to the other members of the Panel.<sup>98</sup>

## Ms Trad's influence on Mr Stewart in relation to amendments to the report

199. Evidence from Mr Stewart indicates Ms Trad influenced him to change his view, following circulation of the report, and amend it in order to change Candidate 3's status from being "considered not appointable" to being "ranked below the other two candidates".
200. Prior to amendments to the report, Ms Trad and Mr Stewart had communications on 16 November 2018, 19 November 2018 and 20 November 2018.
201. Table 3 sets out Ms Trad's contact with Mr Stewart between 13 November 2018<sup>99</sup> and 22 November 2018 (including the period following circulation of the final report to all panel members).

96 Briefing Note dated 5 December 2018.

97 Annexure 2

98 Mr Stewart submission 26 March 2021, p. 5.

99 Note, following circulation of the first draft, the first contact between Ms Trad and Mr Stewart was on 16 November 2018.



**Table 3 – Ms Trad’s communications with Mr Stewart prior to finalisation of the report<sup>100</sup>**

Date	Time	From Service	To Service	Call Duration
16 November 2018	8:27am	Ms Trad	Mr Stewart	3 minutes 5 seconds
16 November 2018	8:34am	Mr Stewart	Ms Trad	3 minutes 41 seconds
19 November 2018	5:08pm	Ms Trad	Mr Stewart	Text message
19 November 2018	17:52pm	Mr Stewart	Ms Trad	
19 November 2018	18:11pm	Ms Trad	Mr Stewart	17 seconds
20 November 2018	8:35am	Ms Trad	Mr Stewart	Text message
20 November 2018	12:29pm	Mr Stewart	Ms Trad	16 seconds
20 November 2018	12:32pm	Ms Trad	Mr Stewart	6 minutes 32 seconds
22 November 2018	9:41am	Ms Trad	Mr Stewart	
22 November 2018	11:01am	Mr Stewart	Ms Trad	8 minutes 19 seconds
22 November 2018	12:26pm	Mr Stewart	Ms Trad	0 seconds
22 November 2018	12:57pm	Ms Trad	Mr Stewart	
22 November 2018	16:57pm	Ms Trad	Mr Stewart	44 seconds

202. In summary, in this period, there were:

- Six calls from Ms Trad to Mr Stewart
- Five calls from Mr Stewart to Ms Trad<sup>101</sup>
- Two text messages from Ms Trad to Mr Stewart
- A total of 13 communications via mobile services between Ms Trad and Mr Stewart during the specified period.<sup>102</sup>

100 The CCC required Mr Stewart to produce communications had with persons, including Ms Trad, during and after the recruitment and selection process for the role of Under Treasurer. However, no file notes were produced in relation to conversations with Ms Trad.

101 This includes one call which was 0 seconds.

102 The specified period is 16 November 2018 to 22 November 2018.

203. During his interview, the CCC asked Mr Stewart: “Okay but at no stage were you influenced by Jacklyn Trad or anyone else including [Candidate 3]?”

Mr Stewart told the CCC: “Jacklyn Trad, I can I tell you...Can I, can I tell you that Jackie Trad you know I said to her I have a very transactional relationship with her and I, I am my own person and I provide my own advice but I also had insight into how the leadership group worked and how you know how important that relationship is between the Director-General or an Under-Treasurer and their Minister”.<sup>103</sup>

204. In relation to the phone contact with Ms Trad, in a CCC hearing (which was after the interview referred to above) Mr Stewart told the CCC:

*I can’t remember the exact nature of the calls, other than any phone call I had with Jackie Trad was never a pleasant occasion. They were quite confrontational, they were aggressive and you know, at the end of the day, what I didn’t want to happen, was what happened to Murphy. I wanted to make sure that the Premier had a number of candidates who were suitably qualified to undertake the role as Under Treasurer and my consideration of [Candidate 3], when I went back and looked at his CV, I went back and looked at it very closely. I went back and looked at his referee report, out of the three applicants he was the only Chief Executive Officer who had performed at Director-General level, and my view was that he delivered outcomes for the Government, at the time and from an organisational fit point of view, he could do the job. He was, by far, the least meritorious candidate, but he was a merit candidate in my view, based on my experience.*<sup>104</sup>

205. Subsequently, in a hearing Stewart also told the CCC:

*... after the telephone conversation that you discussed, I went back and reflected again, as I think I said on whether there was another reason why [Candidate 3] should be included in the list.<sup>105</sup> Ah I did that, I went back and reviewed the documents and my view was, that given his experience, his track record, what he’d achieved, but more importantly around organisational fit that he could be and should be in the mix for consideration by the Premier. At the end of the day as I said to you, the – you know the Public Service Act is very clear, the appointment is by Governor in Council and the, you know the Premier could consider, but I – but I think you will see, in the mark-up I did, back to [Principal Consultant]<sup>106</sup>, that [Candidate 1] and [Candidate 2] were by far superior and I acknowledged that he could do the role, but his suitability was the least preferred candidate.*<sup>107</sup>

206. In relation to the amendments he made to the report to Candidate 3’s suitability, Mr Stewart stated:

*I said very clearly, the telephone conversations that I had with Trad were extremely aggressive, ah, you know she – she was extremely aggressive, very frustrated, and I have said to you that I was influenced by those conversations to change my view.*

207. The CCC clarified: “change your view, to making [Candidate 3] from – ”

103 Mr Stewart interview 28 August 2020, p. 38.

104 Mr Stewart hearing 17 September 2020, pp. 57-58.

105 While Mr Stewart does not identify a specific phone call, contact between him and Ms Trad for the period 16 November 2018 to 22 November 2018 is referred to in Table 3. Mr Stewart is referring to that contact generally.

106 Principal Consultant of recruitment agency referred to in this report.

107 Mr Stewart hearing 17 September 2020, p. 60.

208. Mr Stewart continued his answer:

*To put [Candidate 3] in the mix for consideration and I did that by looking back at what was in the applications, his CV, his referee reports and my knowledge of his experience his work outcomes, I've said that. So those conversations were very uncomfortable conversations, they were, she was very aggressive towards me, but that is not the first time that she has been aggressive towards me and again, I said very clearly, I didn't want to have a process where another applicant received the same verbal, same treatment of non, lack of confidence that Mr Murphy had received. So my context and my thinking was around organisational fit. I have said very clearly here, that her conversations with me were argumentative but she did, I was influenced by those conversations.<sup>108</sup>*

209. The CCC then clarified, "you were influenced by those conversations" and Mr Stewart then stated: "To make a change to the report".

210. The CCC then asked Mr Stewart: "and your concern was that you didn't want what happened to Murphy, to happen to the other candidates?"

211. Mr Stewart told the CCC:

*I did not want, I-I, so-so I think we established very early on in this conversation, that organisational fit was important and you know, it was very clear to me that the Murphy arrangement didn't work, because she had no confidence in him. I also observed her interaction with other Directors-Generals, in her portfolio and similar things happened. So this was not a unique experience.*

212. The CCC asked Mr Stewart: "when you talk about organisational fit, was your primary consideration the relationship, the successful appointment would have with the minister?" Mr Stewart told the CCC: "Yes, absolutely".<sup>109</sup>

213. The CCC asked Mr Stewart: "Did you ever tell the Premier that you had been influenced by Trad?" Mr Stewart told the CCC:

*That Ms Trad had contacted me and put pressure and made, you know? [Sighs] I think I might've mentioned it to her Chief of Staff. I don't recall necessarily, a-again, can I make a generalisation? Um, I-I – sorry, I don't specifically recall talking to the Premier about, you know, the-the co-, the telephone conversations that the Deputy Premier had, but I always say that, you know, I've been contacted by a particular minister in relation to an issue, so I-I do commonly talk to her about those interactions. I can't specifically say whether I spoke about every telephone conversation, but-but ah, I do recall making a comment about, you know, unhappy phone calls from the Deputy Premier in relation to the process...*

214. The CCC asked Mr Stewart:

*Is it fair to say that if that outcome hadn't been changed, if [Candidate 3] hadn't been changed from not suitable for appointment to suitable, that he would never have been incorporated into the mix?*

<sup>108</sup> Mr Stewart hearing 17 September 2020, p. 61.

<sup>109</sup> Mr Stewart hearing 17 September 2020, p. 61.

215. Mr Stewart told the CCC:

*No, I disagree. I-I, you know, I [sighs] I-I-I have a view that, um, that whole process would've been discounted. The CCC clarified: "You mean it would've been cancelled out?" Mr Stewart stated: "It would've been – I – it would've been discounted".*

216. The CCC then clarified, "so you think if [Candidate 3] hadn't been appointed as Under Treasurer in 2019, there would've been a direction that this recruitment process is null?"

Mr Stewart stated: "I-I believe that [Candidate 3] would've been appointed by Governor in Council to the role of Under Treasurer".

217. The CCC then asked: "So, who do you think Trad would've exercised her influence on to do that?" Mr Stewart told the CCC: "The decision maker". The CCC then clarified: "The Premier?"

Mr Stewart responded: "Yes". The CCC asked: "so, if it wasn't you, it'd be the Premier that she would"-

Mr Stewart stated: "Well, I think you can"-

218. The CCC then clarified: "influence?"

Mr Stewart told the CCC:

*-see by the int-, some of the interaction that there were obviously very unhappy discussions about it and, you know, even the recording that you presented with [Mayor of a regional council], saying she thought the matter was resolved in September. So, I gather she thought there was going to be a direct appointment of someone in September.*

*And then she then went on under that conversation to say that, "Well, I was hoping for it to be before Christmas," and I know that there was an unhappy conversation. C-c-, you know, I just, I just want to put this in context. You know, we're talking about the recruitment of an Under Treasurer, but I am, you know, in – responsible and involved in more broader conversations that happen at, you know, f-for decision making. And, you know, th-those sorts of discussions were not unique to that particular issue.*

The CCC then asked Mr Stewart: "Is it fair to say that Trad got what she wanted?"

Mr Stewart stated: "Well, I believe Trad always wanted [Candidate 3] as her Under Treasurer and he was appointed as Under Treasurer".<sup>110</sup>

219. During his interview, the CCC asked Mr Stewart, "did you make her [Trad] aware that he was deemed not appointable?"

220. Mr Stewart told the CCC:

*I don't believe, I don't recall making her aware of that at all. I don't recall a conversation other than she wanted to know where the process was at and I think I told her the process was still in play.<sup>111</sup>*

221. When the CCC asked Mr Stewart:

*So did you tell her [Trad] anything about how the applicants had gone or – or were you--sort of, point blank refusing to?*

<sup>110</sup> Mr Stewart hearing 17 September 2020, pp. 73-74.

<sup>111</sup> Mr Stewart interview 20 August 2020, p. 37.

222. Mr Stewart told the CCC:

*I was trying – my recollection is, I was tryin’ to push back, I really was. I can’t, you know I, because she seemed to know what was happening, I said well obviously you have people on the panel, you know, ask them.<sup>112</sup>*

223. Referring to a conversation he had with Mr Stewart, the Principal Consultant told the CCC:

*He offered to me what I would think would be best described as a suspicion ... I don’t think he used this word, but it’s sort of what I recall being the description that there may have been a mole on the selection panel. ... I took it that he thought there was a possibility that there could be someone on the selection panel who might have been there looking after somebody’s agenda but we didn’t talk specifically about what that agenda might have been or who that person may have been.<sup>113</sup>*

224. Ms Trad denies being made aware the panel had deemed Candidate 3 “not appointable”.

225. In relation to the issue, the CCC asked Ms Trad:

*Okay ... at any point in time, did you um, put any pressure on [Panel Member 2] or David Stewart in relation to amending the-*

226. Ms Trad responded: “Never”.

227. The CCC continued: “... draft selection report?”

228. Ms Trad told the CCC:

*‘No [name of Counsel Assisting redacted] and I completely reject that um . . . ah I-I would not even ah, with Dave Stewart that is preposterous and with [Panel Member 2], um he is an elder statesman, like this is someone who is . . . a very senior figure, who is . . . incredibly experienced and wise, it’s, I would never do that and I didn’t do it.’<sup>114</sup>*

229. Subsequently, as part of the procedural fairness process, Mr Stewart submitted:

*...Ms Trad sought not only to intimidate the Premier – alternately cajoling and then yelling as the Premier told the Commission – but also to intimidate Mr Stewart. One serious integer of unfairness which would result from publication of the Draft Report in its current form would be to punish Mr Stewart for the results of Ms Trad’s manifest bullying both of him and the Premier.<sup>115</sup>*

112 Mr Stewart hearing 17 September 2020, p. 47.

113 Principal Consultant hearing 4 September 2020, p. 61.

114 Ms Trad hearing 7 September 2020, p. 34.

115 Mr Stewart submission 26 March 2021, p. 2.

230. Subsequently, as part of the procedural fairness process, Ms Trad submitted:

*We note, in respect of Mr Stewart's allegations, that they are extraordinary. Mr Stewart is the most senior public servant in Queensland, and has been for a long time, and through multiple governments. Yet, in respect of this allegation, made no file note of this alleged behaviour, did not complain to an appropriate investigative body and only proffered the account after the CCC commenced this investigation, with a biased working theory, where his actions are called into question...*

*...Of note is that in Mr Stewart's record of interview which preceded the oral evidence (summarised above) he does not suggest that he felt pressure by Ms Trad to appoint [Candidate 3]...<sup>116</sup>*

## Mr Stewart's evidence on why panel members were not consulted

231. When the CCC asked Mr Stewart why he did not consult with the rest of the panel about the change to Candidate 3's status, Mr Stewart stated:

*And you will see very clearly, that material was sent to Principal Consultant, he collated it, [Panel Member 2's] material, my material, [Panel Member 3's] views, [Panel Member 1's] views about strengthening [Candidate 1]. You know [Panel Member 2] had a view that [Candidate 1] had never worked in Queensland, you know, I had a view about those as well, you would've seen my mark ups originally around those char – those candidates. And then [Principal Consultant] sent out the report, to the panel, saying he'd done his best about collating all the comments. He asked people to review the report and come back to him with comments, if they had any. [Panel Member 2] and [Panel Member 1] came back accepting the final report. [Panel Member 3] did not say anything.<sup>117</sup>*

## Panel members' comments in relation to amendments to the selection report

232. The CCC investigation found the panel members were not included in exchanges where amendments were made in relation to altering Candidate 3's status from being considered "not appointable" to being ranked below the other two candidates. A change as significant as amendments relevant to a candidate's suitability to be appointed were worthy of all panel members being consulted. The remaining panel members did not have an opportunity to see the latest version containing these critical amendments in relation to Candidate 3 until the final report was circulated on 22 November 2018.

233. The CCC investigation ascertained Panel Member 1 and Panel Member 3 did not identify the amendments in relation to Candidate 3's status at the time the final report was circulated.

234. Panel Member 3 told the CCC:

*I don't, yeah. I don't actually, yeah I did, I did say to you I don't remember whether we put in there about whether he was appointable or not. I do remember us talking about it.<sup>118</sup>*

<sup>116</sup> Ms Trad submission 7 April 2021, p. 53.

<sup>117</sup> Mr Stewart hearing 17 September 2020, p. 63.

<sup>118</sup> Panel Member 3 interview 25 August 2020, p. 34.

235. The CCC asked: “well you did put in there –”.
236. Panel Member 3 told the CCC: “Yeah we did”. CCC: “– that he wasn’t appointable”. Panel Member 3 stated: “And then it got removed and we didn’t pick it up”.<sup>119</sup>
237. Panel Member 1 told the CCC:
- I want to clarify upfront that I did not miss these document [sic] in their entirety. As discussed on the phone, I had missed the fact that a change was made to the conclusion on [Candidate 3’s] suitability to the role of Under Treasurer between the first and second version of this document.*
- As you can see, both [Panel Member 3] and I wanted the greater suitability of Candidate 1 (in comparison to the other two candidates) emphasised which was done following our request.*
- I checked that this change had indeed been made and was satisfied that the text reflected the sentiments discussed by the committee immediately after the interviews.*
- What I missed was that another change had also been made – the change to the text about [Candidate 3]. As you can see from the email interchanges, at no point was the panel alerted to the fact that an additional change (other than in response to [Panel Member 3’s] and my request) had been made. I therefore saw no reason to check the whole document again.<sup>120</sup>*
238. Panel Member 2 told the CCC:
- Yes there was a difference between the first draft and the second draft. I don’t know why that-that-that occurred.*
- So the first draft had [Candidate 3] out, the second draft um made it clear that [Candidate 1] was marked above [Candidate 2] and [Candidate 3] was ranked below the other two candidates. I do not know what the change was in that intervening period, your investigation might be able to get to the bottom of that.<sup>121</sup>*

119 Panel Member 3 interview 25 August 2020, p. 34.

120 Email from Panel Member 1 to the CCC, dated 17 September 2020.

121 Panel Member 2 hearing 26 October 2020, p. 41.

## CCC'S Assessment of Mr Stewart's evidence

239. In her submissions, Ms Trad raised concerns in relation to the CCC's apparent acceptance of Mr Stewart's evidence over hers, particularly where he stated he was influenced by Ms Trad and his conversation with her about the appointment of the Academic to the selection panel. Ms Trad also raised concerns in relation to inconsistencies of Mr Stewart's evidence at his interview and hearing.
240. The CCC notes however, when asked in relation to the amendments he made, Mr Stewart during his interview was evasive and did not directly answer the question. When he came to the hearing, he was under oath and one might expect his evidence was more fulsome, which it was. In terms of the credibility and reliability of this evidence, it is circumstantially supported by Mr Stewart having made the changes proximate to increased contact with Ms Trad as evidenced by the contents in Table 3. Additionally, in circumstances where Mr Stewart openly admitted not being favourably disposed towards Candidate 3 from the start, it is hard to accept that of his own initiative, he simply reassessed Candidate 3's suitability and concluded he was appointable even though the balance of the panel unanimously concluded he was *"not appointable"*.
241. If Mr Stewart had amended the report through a unilateral reassessment of Candidate 3's suitability, there was no reason at all for not discussing this development with the balance of the panel.



## Chapter 6

### Recommendation made to the Premier

242. In a briefing note dated 5 December 2018, Mr Stewart recommended the Premier indicate her preferred candidate. The Briefing Note also had a report attached. The Briefing Note and final report are included at Annexure 3. This is the final report which was circulated to all panel members on 22 November 2018.<sup>122</sup>
243. Mr Stewart asked the Premier to:
- note the selection panel for the role of Under Treasurer (UT), Queensland Treasury (QT) considers three candidates are suitable for appointment on merit: [Candidate 1], [Candidate 2] and [Candidate 3] ;
  - indicate your preferred candidate for appointment from these meritorious candidates; and
  - note an Executive Council Minute seeking Governor in Council approval for the appointment will be progressed for your consideration once a preferred candidate is identified.
244. In terms of placing the candidates, Mr Stewart also stated in the briefing note to the Premier, the panel considered:
- Candidate 1 and Candidate 2 as the more suitable candidates, but Candidate 1 as the strongest candidate, well ahead of the other candidates;
  - Candidate 3 below the other two candidates.
245. The CCC asked the Premier: *"You say that in the process, three names are given to you and you select the one that you consider suitable"*.
246. The Premier told the CCC: *"The best to do, the most suitable to do the job"*.
247. The CCC then asked: *"Okay, so the most meritorious to do the job?"* The Premier then clarified: *"I would say the-the most suitable to do the job...So if you want to say meritorious, you can say meritorious."*
248. The CCC then further clarified:
- Well, just before we go on. Is there a difference in-in your view, between the most suitable and the most meritorious?*
- The Premier stated: "Um probably not, no."<sup>123</sup>*
249. In relation to whether the Premier was aware the panel had deemed Candidate 3 not appointable, the Premier told the CCC:
- "I don't recall being told that."*

<sup>122</sup> Note all CVs have been removed from the attachment in order to protect the identity and personal information of individuals.

<sup>123</sup> Ms Palaszczuk hearing 7 September 2020, p. 10.

250. The CCC asked the Premier:

*Okay and would you say that his appointment is consistent with your earlier commitment in relation to um, the, letting the independent selection panel do their own process?*

251. The Premier told the CCC:

*He-he [sighs] he had already been previously appointed as a senior Director-General in my government. I think everyone's forgetting that fact. So he had previously already been appointed and he served as a senior Director-General.<sup>124</sup>*

252. When asked by the CCC whether it was common practice for her to be given a list of names, the Premier told the CCC:

*Yes, it asks me to ... oh, well from memory, it asks me to choose – to choose one.<sup>125</sup>*

253. The CCC then asked the Premier:

*Alright. It wouldn't be an impediment to you if they had been deemed to be not suitable to appoint by the recruitment panel?*

254. The Premier told the CCC:

*Well, the briefing note that I had before me had three names in front of it. I have to make my decision out of the three names.<sup>126</sup>*

255. The CCC then asked the Premier:

*Alright. Well, in relation to this particular process, assume for a moment that the briefing note said that [Candidate 3] had been deemed to be not appointable by the recruitment panel. Would your knowledge of him as previously being a senior D-G have outweighed that and led you to appoint him anyway?*

256. The Premier told the CCC:

*If his name was not on the briefing note, he would not have been subject to my decision-making. I have to make my decision-making on the briefing note once we decided we went through a panel.<sup>127</sup>*

257. The Premier was then asked by the CCC:

*Alright. So, if whoever drafted the briefing had noted in the briefing note that [Candidate 3] had been deemed not suitable to appoint by the panel – so, his name would be on the briefing note but it notes that he's been deemed to be not suitable – would you have viewed that as an impediment to appointing him?*

258. The Premier then stated:

*Um I would've viewed it as an impediment if he's – his name was not in the list of the three for me to choose from.<sup>128</sup>*

124 Ms Palaszczuk hearing 7 September 2020, p. 40.

125 Ms Palaszczuk hearing 7 September 2020, p. 10.

126 Ms Palaszczuk hearing 7 September 2020, p. 45.

127 Ms Palaszczuk hearing 7 September 2020, pp. 45-46.

128 Ms Palaszczuk hearing 7 September 2020, p. 46.

259. Despite the fact that Candidate 3 had experience as a Director-General, the fact remains his name should not have been on the briefing note, if the briefing note was an accurate reflection of the panel's view. Candidate 3 should not have formed part of the Premier's decision making.



## Chapter 7

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### The Premier suggests Ms Trad contact candidates prior to the Premier's selection

260. The CCC investigation has ascertained that, prior to signing off on an appointment, the Premier suggested Ms Trad contact Candidate 1 and Candidate 2. The Premier told the CCC:

*So what I suggested to her is that, she could contact, I got the three CVs and um, I knew that she was very supportive of [Candidate 3], but I wanted her to at least make sure that she had an open mind to the other two and to contact them and she said that she would do that. And I, at the time I did talk to her about [Candidate 2].<sup>129</sup>*

261. Ms Trad subsequently had communications with Candidate 1 and Candidate 2 in December 2018.

#### Candidate 1

262. The CCC investigation has ascertained that Ms Trad had communications with Candidate 1 on 16 December 2018 and 17 December 2018, while he was on holidays overseas.

#### Candidate 2

263. The CCC investigation has ascertained Ms Trad also had phone communications with Candidate 2 in December 2018.<sup>130</sup>

264. Candidate 2 also told the CCC he had previously expressed his interest in the position to the Treasurer. Candidate 2 told the CCC he met with Ms Trad for a coffee one Sunday in August 2018 at South Brisbane. He told the CCC:

*I sort of reached out also to the Treasurer to let her know my interest ... I didn't know her.<sup>131</sup>*

265. Ms Trad provided a text message she sent to the Premier on 16 December 2018. An excerpt from the text message reads:

*I've reached out to [Candidate 1] this weekend and we're having a phone conversation tomorrow. He's in the States, so that's the best that can be achieved.*

*I also understand [Candidate 2] is back in NY.*

*In terms of an apology from [Candidate 3], I did relay a while back that he was, of course, prepared to apologise and unfortunately I left it there and didn't facilitate anything. Can you indicate what you're ok with – written, phone call or in person? I'm conscious that you need to be comfortable with the approach.*

*Lastly, I've been reflecting a lot on our discussion on Friday. I think I have given all the reasons why my preference is [Candidate 3] but, it fundamentally comes down to trust. That's why you have Dave and why Cameron's preference was Rachel, etc. We have a crippling task getting our budget & balance sheet ready for 2020 and I trust that [Candidate 3] can lead this task and deliver.*

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129 Ms Palaszczuk hearing 7 September 2020, p. 31.

130 Ms Trad hearing 7 September 2020, p. 18; Candidate 2 interview 19 August 2020 at 46:20 – 48:35.

131 Candidate 2 interview 23:50-25:15.

266. This excerpt demonstrates her preference for Candidate 3 was evident, and her agreement with the Premier to have the conversation, and the conversations with Candidate 1 and Candidate 2 were only to appease the Premier.
267. Ms Trad confirmed she sent the text message to the Premier prior to her conversation with Candidate 1.<sup>132</sup>
268. The CCC asked Ms Trad: *"Okay alright. So in terms of um, where you were at, at that point in time, would it be fair to say that you wanted [Candidate 3] the role of Under Treasurer?"*
269. Ms Trad told the CCC: *"I certainly had a preference and an opinion."*<sup>133</sup>
270. In relation to the outcome of Ms Trad's conversations with Candidate 1 and Candidate 2, the Premier told the CCC:
- And then she came back and she said that um, she didn't think either of them were suitable.*<sup>134</sup>
271. In relation to whether Ms Trad impacted on the Premier's decision, the Premier told the CCC:
- Um ... no, because I needed to make sure that in my decision-making, my final decision-making I was comfortable with my final decision-making.*<sup>135</sup>
272. The CCC notes the Premier had been made aware of Ms Trad's views, in relation to her wanting Candidate 3 appointed to the role prior to the commencement of the process. The Premier, however, gave evidence to the effect that Ms Trad's representations did not affect her decision-making.

## Ms Trad attempts to persuade the Premier

273. The CCC investigation ascertained Candidate 3's apology to the Premier was connected with his exit from the DILGP in December 2017. The Premier told the CCC:
- Oh he was probably upset, he was, you know and I – I can understand if he was upset, um he wanted a pay rise, he obviously didn't get the job that he wanted, um and he – he lashed out, I mean it's human nature.*<sup>136</sup>

132 Ms Trad hearing 7 September 2020, p. 19.

133 Ms Trad hearing 7 September 2020, p. 19.

134 Ms Palaszczuk hearing 7 September 2020, p. 32.

135 Ms Palaszczuk hearing 7 September 2020, p. 34.

136 Ms Palaszczuk hearing 7 September 2020, p. 40.

274. In relation to his apology, Candidate 3 told the CCC:

*... I-I explained why I had left, which was because I-I needed to spend time with my son um and I said if I, if-if I'd upset her, that wasn't my intent... If you wanna take that as an apology yes, you can say (UI) apology.<sup>137</sup>*

275. The CCC investigation located a text message on a device used by the Premier's former Chief of Staff to a former Secretary of the Labor Party in Queensland, sent on 21 December 2018 at 11:15am, which said:

*Premier said to me yesterday there was no way she would approve [Candidate 3]. She said that if she [Trad] doesn't want the two selected by merit process she can have [referring to former acting Under Treasurer] or go to market again...she [the Premier] said she would get you to tell her [Trad]. I last saw her looking for you @...She has hardened her position somewhat...Jackie got her way with the removal of Jim....*

276. The CCC investigation found Ms Trad also had conversations with the Premier in order to persuade her to appoint Candidate 3 to the role of Under Treasurer.

277. The Premier also told the CCC she had received phone calls from Ms Trad in relation to Candidate 3's appointment. When asked about the phone calls from Ms Trad, the Premier told the CCC:

*The first one, she was begging me to appoint him and the second phone call was yelling at me and telling me that I was going to pick up the pen and I was going to sign the document and I said I'm not.<sup>138</sup>*

278. In relation to the timing of the phone call from Ms Trad, in which the Premier was told to pick up the pen, the Premier told the CCC: *"the phone call could have been before Christmas."*<sup>139</sup>

279. The CCC asked Ms Trad: *"Did you ever scream down the phone at the Premier and demand that she appoint [Candidate 3]?"*

280. Ms Trad told the CCC: *"No I did not."*<sup>140</sup>

281. A text message sent from the Premier to the Premier's former Chief of Staff on 24 December 2018 at 5:19pm indicates her own preference for the Under Treasurer was Candidate 2:

*Thank you and yes the under treasurer is no 2 and not 1".*

## Candidate 2 withdraws from process

282. On 18 January 2019, Candidate 2 withdrew from the process. On the same date, at 9:27am, the Principal Consultant sent a text message to Mr Stewart, stating:

*Dave, I spoke with [Candidate 2] today and he has withdrawn. He got to a point with discussions regarding his contract where he needed to make commitments which he cannot resile from now. I hope we can get a quick resolution next week before we lose [Candidate 1] too. [Principal Consultant]*

137 Candidate 3 hearing 21 October 2020, p. 52.

138 Ms Palaszczuk hearing 7 September 2020, p. 34.

139 Ms Palaszczuk hearing 7 September 2020, p. 35.

140 Ms Trad hearing 7 September 2020, p. 46.

283. When asked about the delays in the appointment of the Under Treasurer, the Premier told the CCC:

*Yeah, sure. So, I think there was there would've been – government is very busy, so I don't know whether it was around bushfires or whatever. We have all different natural disasters we are dealing with and just the operations of government. But I suppose at the end of the day, I'm not gonna sign off on anything until, as Premier, I am completely comfortable with my decision-making.<sup>141</sup>*

284. When asked whether anyone advocated for Candidate 3 for that position, the Premier told the CCC:

*Ah, yeah, that – no, it was formulated in my mind when I thought about ah the budget was getting closer to being formulated, um, that he had been integral to our CBRC process, and I wanted to be sure that my mind was not clouded in my decision-making in relation to the way he had spoken to me.<sup>142</sup>*

*And perhaps the length of time that had passed actually gave me that independent – independence of thinking. I'm very confident with my decision-making at that time was free from any influence.<sup>143</sup>*

285. As previously stated, Candidate 2's withdrawal from the process meant that Candidate 1 would have been the only person whose name was put forward for the Premier's consideration, had Ms Trad not interfered with the process and Mr Stewart not represented Candidate 3 as a meritorious candidate, resulting in a report which was materially misleading.

### Briefing note dated 1 February 2019

286. On 6 February 2019, the Premier approved Candidate 3's appointment.<sup>144</sup>
287. The Premier signed Candidate 3's appointment without providing a statement of reasons. Currently, there is no legal obligation on the Premier to do this. The process would be significantly improved if a statement of reasons is provided as it would ensure transparency, particularly when the most meritorious candidate as determined by the panel is not accepted.

### Panel members attempt to contact Mr Stewart following the appointment of the Under Treasurer

#### Panel Member 1

288. On 16 March 2019 at 9:14am, Panel Member 1 emailed Mr Stewart:

*I saw with some astonishment of the new Undertreasurer in Queensland.*

*Clearly this does not reflect the unanimous recommendations of the selection panel. In fact, the appointee was rated last out of three candidates.*

*I am interested in understanding what additional and mitigating information might have come to light that would have been balanced with the views of the high level panel which you had asked me to join.*

*I look forward to your response.*

*Regards [Panel Member 1]*

141 Ms Palaszczuk hearing 7 September 2020, p. 43.

142 Ms Palaszczuk hearing 7 September 2020, p. 50.

143 Ms Palaszczuk hearing 7 September 2020, p. 51.

144 Briefing note dated 1 February 2019.

289. Mr Stewart did not respond to Panel Member 1's email. The CCC asked Mr Stewart why he did not respond: "So [Panel Member 1] on the 16<sup>th</sup> of March, I was on sabbatical, I wasn't even at work ..."<sup>145</sup>

290. A review of material obtained during the investigation confirmed this email was forwarded by Mr Stewart via a text message to the Premier's former Chief of Staff on 11 April 2019 at 11:55am:

*Thought this may make you laugh (or cry).*

**Panel Member 3**

291. The CCC asked Panel Member 3: "Did you seek any clarification from Dave Stewart or anyone else?"

292. Panel Member 3 confirmed she attempted to contact Mr Stewart by phone, after the appointment: "... But um he was on sabbatical and he was overseas, so..."<sup>146</sup>.

293. On 14 February 2019 at 6:58am, Panel Member 3 also sent the following text message to Mr Stewart:

*Hi Dave. If you are an early morning person then you can get me on mobile between now and 7.30 as I drive to [location] [Panel Member 3].*

294. The CCC ascertained Mr Stewart did not respond to Panel Member 3's message: "No, cos I was on sabbatical, I think, as I said to you, I think I was flying to South America that day."

295. Mr Stewart told the CCC he had attempted to contact Panel Member 3, but on 12 February 2019:

*And I was, all I and look my recollection was I was tryin' to tell [Panel Member 3] that appointment had been made. That cos on the 12<sup>th</sup> when I think I tried to ring originally it had gone to Governor in Council. [Pause] I can't, look I genuinely can't recall. I-I don't believe I spoke to her, at that time-..."<sup>147</sup>*

296. The CCC confirmed Mr Stewart did not respond to either Panel Member 1 or Panel Member 3, following their attempts to contact him, despite the evidence indicating he had seen both messages to him.

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<sup>145</sup> Mr Stewart hearing 17 September 2020, p. 65.

<sup>146</sup> Panel Member 3 interview 25 August 2020, p. 15.

<sup>147</sup> Mr Stewart hearing 17 September 2020, p. 69.

## Chapter 8

### Ms Trad's response to questions without notice in Parliament

297. Ms Trad was asked questions without notice in relation to Candidate 3's appointment on three occasions.

#### 4 February 2020

298. On 4 February 2020, Mr Mander asked Mr Trad:

*My question without notice is to the Treasurer. Will the Treasurer explain why just over a year ago Jim Murphy's employment contract as Under Treasurer was terminated, slugging taxpayers nearly \$300,000 in a termination payout? Will this money be refunded given his return to the government payroll as chief adviser to the Premier?*

299. In response, Ms Trad stated:

*I thank the member for Everton for the question. As the Premier has already responded, the Queensland government is very privileged and honoured to have Mr Jim Murphy back working for us. At the time Mr Murphy chose to cease his employment in Queensland and go back to Sydney, where his family were living, to spend more time with them, that was made clear and public. As the Premier said, we now are very privileged and honoured to have Mr Murphy back.<sup>148</sup>*

#### 5 February 2020

300. On 5 February 2020, Mander asked Ms Trad:

*My question without notice is to the Treasurer. Yesterday the Deputy Premier said that Jim Murphy resigned of his own accord from his position as Under Treasurer, a statement that is completely at odds with Treasury's 2018–19 annual report which states that Jim Murphy was paid a termination payment of \$297,000. If the Treasurer is correct, will the Treasurer now table a copy of Jim Murphy's resignation letter?*

301. In response, Ms Trad stated:

*I thank the Deputy Leader of the Opposition for the question. As I said in the House yesterday, Mr Murphy ceased his employment with the Queensland government by mutual agreement. His separation payment was completely in accordance with the contract.<sup>149</sup>*

#### 19 February 2020

302. On 19 February 2020, Mander asked Ms Trad:

*My question without notice is to the Treasurer. The Palaszczuk government has refused to release the selection report used to appoint [Candidate 3] to the role of Under Treasurer. Can the Deputy Premier confirm this report was not blocked to hide the Deputy Premier's intervention into the independent selection process to ensure [Candidate 3] was appointed to the job leading Treasury as she wanted?*

<sup>148</sup> [https://www.parliament.qld.gov.au/documents/hansard/2020/2020\\_02\\_04\\_WEEKLY.pdf](https://www.parliament.qld.gov.au/documents/hansard/2020/2020_02_04_WEEKLY.pdf), p. 20, accessed on 25 February 2020.

<sup>149</sup> [https://www.parliament.qld.gov.au/documents/hansard/2020/2020\\_02\\_05\\_WEEKLY.pdf](https://www.parliament.qld.gov.au/documents/hansard/2020/2020_02_05_WEEKLY.pdf), p. 116, accessed on 25 February 2020.

303. In response, Ms Trad stated:

*I thank the member for the question. This was an independent selection process. I am not privy to it. I did not participate in it.<sup>150</sup>*

304. Later on in Parliament, Ms Trad stated:

*This morning in question time the member for Everton asked me about the RTI (Right to Information) request regarding the appointment of the Under Treasurer. I wish to clarify that RTI requests are handled in accordance with the RTI Act and decisions are made by independent departmental officers. I had no involvement in the handling of that application. I wish to further clarify that the process to fill the Under Treasurer role was a merit-based process. It was conducted by an independent panel, of which I was not a member.<sup>151</sup>*

305. Because of section 8 of the *Parliament of Queensland Act 2001*, it is inappropriate for the CCC to comment further, other than to note that, based on the matters in this report, Parliament may wish to consider and decide for itself whether it is appropriate to take any action.

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150 [https://www.parliament.qld.gov.au/documents/hansard/2020/2020\\_02\\_19\\_WEEKLY.pdf](https://www.parliament.qld.gov.au/documents/hansard/2020/2020_02_19_WEEKLY.pdf), p. 411, accessed on 25 February 2020.

151 [https://www.parliament.qld.gov.au/documents/hansard/2020/2020\\_02\\_19\\_WEEKLY.pdf](https://www.parliament.qld.gov.au/documents/hansard/2020/2020_02_19_WEEKLY.pdf), p. 441, accessed on 25 February 2020.



## Chapter 9

### Corrupt conduct and consideration of criminal charges

306. Ms Trad made no secret that she wanted Candidate 3 appointed as Under Treasurer.
307. The Premier told the CCC she was committed to a merit-based independent selection process.<sup>152</sup>
308. Ms Trad was consulted about, and had involvement in, the composition of the panel.
309. Ms Trad had involvement at various stages of the process, including the composition of the panel, speaking with panel members in relation to the performance of the candidates, communications with Mr Stewart during the drafting of the selection report and speaking with candidates prior to the Premier's decision being made.
310. Ms Trad told the Mayor of a regional council that Candidate 3 would be the new Under Treasurer. The then Mayor had been attempting to recruit Candidate 3 as his new CEO.<sup>153</sup>
311. Candidate 3, for his part, turned down an offer of employment with the regional council.
312. Ms Trad spoke to Panel Member 2 and ascertained that Candidate 3 had not performed well at interview.
313. After circulation of the first draft of the report (where Candidate 3 was said not to be appointable), Ms Trad contacted and spoke with Mr Stewart on a number of occasions.
314. It is Mr Stewart's evidence that it was pressure from Ms Trad which led to Mr Stewart's alteration of the report which went to the Premier. Mr Stewart's amendments resulted in a report that was materially misleading.
315. However, Mr Stewart did not, in his hearing evidence, recall what Ms Trad had said. He said the pressure was aggressive and Mr Stewart gave a number of excuses for changing the report without alerting the other panel members to him making such a fundamental change.
316. Mr Stewart's evidence in relation to the pressure from Ms Trad is supported by the Premier's evidence that Ms Trad also spoke directly to her, urging her to "*pick up the pen*", and appoint Candidate 3.
317. Mr Stewart's hearing evidence would be inadmissible against him or Ms Trad at any criminal trial for the offence of misconduct in relation to public office.
318. Compelled evidence (such as hearings and directed interview evidence) cannot be used against the witness in any criminal or disciplinary matter.
319. Ms Trad's defence to such a charge could be expected to be that, while she had a preference for Candidate 3 to be appointed and had made that fact widely known, including to some panel members, she was unaware until later told that Mr Stewart had unilaterally amended the report in order to change Candidate 3's status from "*not appointable*" to being ranked below the other two candidates.

<sup>152</sup> Ms Palaszczuk hearing 7 September 2020, pp. 13-15.

<sup>153</sup> See paragraph 88 of this report.

320. While it is Mr Stewart's evidence Ms Trad brought pressure to bear upon Mr Stewart, there is no evidence she pressured other panel members who signed off on the amended report.
321. In the CCC's view, there are difficulties with proving beyond reasonable doubt that Ms Trad acted dishonestly, which is required to prove the offence of misconduct in relation to public office or any other criminal offence. It is clear from Mr Stewart's evidence, she exercised her influence and applied pressure on Mr Stewart which had the effect of changing Candidate 3's status. Despite Mr Stewart stating he changed his mind in relation to Candidate 3 being a meritorious candidate, the fact remains, this candidate would not be the subject of the Premier's decision making, if she had not received a materially misleading report.
322. There is no doubt that the other panel members should have carefully considered the entirety of the final report before putting their signature to it. If they did, they would have realised that the chair had unilaterally changed the unanimous opinion of the panel that Candidate 3 was not appointable. They may then have had the opportunity to request Mr Stewart's reasons for having done so and to have discussed with him whether they shared his view or maintained their original view that Candidate 3 was not appointable.
323. While the other panel members should have read the final report in its entirety, one can readily understand why they did not do so. It is also understandable why they were entitled to expect that, had Mr Stewart made such a fundamental change to their conclusion, he would have brought it to their attention for further discussion.
324. Mr Stewart maintained in his evidence that he revisited Candidate 3's CV and qualifications and came to the conclusion that he was appointable. However, Mr Stewart's amendments of the final report did not simply reflect his own change of heart, it purported to represent the unanimous conclusion of the entire panel without having ever sought to confirm with them that that was so.
325. Mr Stewart's conduct in this respect falls well below that to be expected of the State's most senior public servant given it resulted in a materially misleading report.
326. In the CCC's view, there are difficulties with proving beyond reasonable doubt that Mr Stewart acted dishonestly. Although not admissible against him in any criminal trial, his explanation given at his hearing cannot be completely ignored when assessing the sufficiency of the evidence.
327. It must be remembered that the use by the CCC of its coercive hearing powers is a necessary investigative tool when trying to ascertain the facts behind a complaint of corruption. The evidence gathered during such a coercive hearing cannot be used against witnesses who give evidence, but can be used to gather evidence derivatively and can be a useful tool strategically in building a case against corrupt individuals.
328. Mr Stewart's explanations during his hearing, although unconvincing in the CCC's view, could not be discounted sufficiently for there to be reasonable prospects of success in launching a prosecution.
329. Accordingly, with careful consideration and thorough assessment of the admissible evidence, it has been determined to not charge either Ms Trad or Mr Stewart in relation to their behaviour.
330. For completeness, we note that we consulted with the Director of Public Prosecutions, who concurred with our assessment that there is insufficient evidence to support a prosecution of criminal charges.



331. In so far as corrupt conduct is concerned, as previously indicated, for elected officials, such as Ms Trad, conduct cannot be corrupt conduct unless it constitutes a criminal offence. As indicated, there are no reasonable prospects of a successful prosecution against Ms Trad.
332. In summary, notwithstanding the comments in this report, the CCC does not recommend prosecution of any criminal charges against Ms Trad. In the CCC's view, there is insufficient evidence to support a prosecution because:
- some of the evidence gathered in the investigation is not admissible in any criminal trial;
  - some matters, such as any dishonesty on Ms Trad's part, are unlikely to be proved beyond reasonable doubt; and
  - of the availability of defences.
333. For public servants, the definition of corrupt conduct extends to conduct which would, if proved, be a disciplinary breach providing reasonable grounds for terminating the person's services. In the CCC's view, there is sufficient evidence to refer Mr Stewart's conduct to a decision maker to consider commencing disciplinary action.
334. At the time the investigation concluded, Mr Stewart remained as Director-General of DPC and we referred the evidence relevant to his behaviour to the Premier for her consideration of appropriate disciplinary action on 31 March 2021.
335. The CCC examined a number of witnesses (on oath or affirmation) in relation to this investigation during September 2020 and October 2020. These witnesses included high-ranking Queensland public servants.
336. At the hearing, the Presiding Officer told each witness words to this effect:
- the hearing happens in secret, and this means that you cannot pass onto anyone else what happens in these proceedings, including what questions you're asked, what answers you give, and anything you might be shown or asked to listen to. If you were to do this, you may be committing an offence under the Crime and Corruption Act 2001 for which you could be prosecuted.*<sup>154</sup>
337. It was, therefore, extremely disappointing that during the investigation, the CCC ascertained some witnesses, including some high-ranking Queensland public servants, had discussed the hearings and evidence with other persons.
338. Section 202(1)(a) of the CC Act states that a person must not, without the CCC's written consent or contrary to the CCC's order, publish "an answer given, or document or thing produced, at a commission hearing, or anything about the answer, document or thing". The CCC did consider prosecution proceedings against witnesses who discussed evidence given at the hearing.
339. However, the evidence the CCC had in relation to contraventions of section 202(1)(a) of the CC Act was intercepted telephone call evidence obtained under the authority of the *Telecommunications (Interception and Access) Act 1979 (Cth)* (the TIA Act). That Act does not allow the CCC to use that evidence to investigate or prosecute an offence under section 202(1)(a) of the CC Act.<sup>155</sup>
340. The TIA Act also prevents such evidence being used to discipline senior public servants in Queensland.

154 Public Service Commission Chief Executive hearing 22 September 2020, p. 4.

155 The TIA Act does, however, allow that evidence to be used in a report on a corruption investigation – see sections 5 (definition of 'permitted purpose' and 67.

- 341.** Contravening section 202(1)(a) can result in CCC investigations being compromised. At best, it was an unfortunate lapse in good judgement for those involved. At worst, it was a dishonest attempt to interfere in an investigation.
- 342.** At the time of writing this report, the CCC is considering whether to make a submission to the Attorney-General regarding legislative amendment to make available lawfully intercepted information for offences such as the one referred to above.



## Chapter 10

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### Appointment of chief executives: A merit-based process?

343. It has been demonstrated in this report that Ms Trad inappropriately interfered with the selection process and Mr Stewart amended Candidate 3's status in order to change his suitability for appointment. That position, regardless of what process of recruitment and selection is chosen, is unacceptable.
344. This chapter, however, examines the process that is used to recruit chief executives and whether this is suitable.
345. Section 27(1) of the PS Act provides that the selection, under the Act, of an eligible person for an appointment as a public service employee must be based on merit alone (the merit principle). This applies to chief executive positions, such as the Under Treasurer position.
346. Section 28 of the PS Act provides that, in applying the merit principle, the following must be taken into account:
- a. the extent to which the person has abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to the carrying out of the duties in question;
  - b. if relevant—
    - (i) the way in which the person carried out any previous employment or occupational duties; and
    - (ii) the extent to which the person has potential for development.
347. Section 29 of the PS Act allows for directives to be issued regarding how selection under the merit principle must be carried out. The Public Service Commission has published Directive 12/20 – Recruitment and selection<sup>156</sup>, which recently replaced a similar directive which was in force during the process that is the subject of this report. Both directives, although having application to the vast majority of the Queensland public service, specifically exclude (excluded) application to the recruitment and selection of chief executives.
348. So, what is a merit-based process when it comes to chief executives (including Under Treasurers) in the Queensland public service? Is it a process designed to deliver the best person for the job?
349. The CCC asked the Principal Consultant, "Does the merit principle mean anything to you as a former HR practitioner?" He said that it did and was asked to explain it. He responded:
- ... in a simple fashion it would be that the person most suitable for the role is selected um but within that ah a principle is like everyone that's assessed is assessed through a consistent and, and, and identical fashion. Um that um all of the enquiry is relevant to the performance of the role that people are not assessed on anything that's not material to success in the role. Um and that ah people have an equal opportunity for consideration. Um I think that'd be the main things that come to my mind.*

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156 [https://www.forgov.qld.gov.au/system/files/documents/directive-12-20-recruitment-and-selection\\_0.pdf?v=1600914369](https://www.forgov.qld.gov.au/system/files/documents/directive-12-20-recruitment-and-selection_0.pdf?v=1600914369), accessed on 25 February 2021.



350. The CCC then asked:

*Alright, is it correct to say that the usual way of applying the merit principle when you're searching for a person to fill a role is to arrive at a set of key capabilities or selection criteria, however you want to describe them, which are obviously relevant to the role and which then enable candidates to be assessed against those capabilities or criteria to inform a decision about who is the best person for the job?*

351. The Principal Consultant agreed that that was right, and was asked "Would you approach it in any other way?". He replied, "No"<sup>157</sup>.

352. The Public Service Commission Chief Executive was asked, in the context of this matter, whether, in his view, "meritorious" and "suitable" were the same thing. He responded:

*In-in the sense of getting, of my act, they have to be appointed against a merit principle, so if they're meritorious, then they meet that principle. If that means that they're then suitable, that's a question for the Premier when it comes to the matter of fit. That's why she would look at candidate A, candidate B, look at the strengths of each, potentially meet with them to consider and then make a decision, or get information, from wherever she wants to get information to determine her final position. So suitability is often a matter of fit in that scenario you've described. For me, any one of those are suitable ... Because they're meritorious ... But does it mean when I look at a group of meritorious candidates that I would select the one that the Premier would select or indeed that you would select, cos your criteria, your context, may be different.*

353. The CCC then asked the Public Service Commission Chief Executive, "What's the point of having a selection panel then in the first place?". He responded:

*To test the field, to understand that these jobs are not unique to an individual, they can be done by several people. These people, have we assessed these criteria, um demonstrate they are meritorious and can be considered. The question then becomes which one fits best for the organisation at that time and I've talked before about, is it a reform agenda, is it a business as usual, is it, whatever the, the context in which these people are being appointed. Ah I – I – I need to emphasis, I don't think, as I said before, there's an appreciation of just how co– difficult these jobs are, in complex they are, in terms of adjusting and adapting, all ways to the government of the day, the minister of the day. So the time and place of those people being deemed appointable by the Premier, would be different at any point in time. Now we've had COVID and the impact that's had on government. Any recruitment process is going forward the lens by which the con– or the context in which a Premier might appoint, would be driven around this issue of efficiency. Savings, that would be more important, ah most important thing for the government in that time, than it, than currently would have been back in, last year.<sup>158</sup>*

157 Principal Consultant hearing 4 September 2020, pp 57-58.

158 Public Service Commission Chief Executive hearing 22 September 2020, p. 47.

354. Mr Stewart was asked questions about “merit-based” processes and said “... *merit-based means testing the market and seeing who’s there, but taking account of what it says in the Public Service Act.*” He was then asked, “*When you say ‘testing the market’, is it – does it go as far as, um, taking into consideration what the views are of the selection panel?*”. He responded:
- So, a selection panel is a part of the process, but at the end of the day, the appointment of a Director-General, under the Public Service Act, is via Executive Council. So, it is the decision of the Premier who she appoints. But, yes, you know, I – a selection panel is a part of seeing who is available in the marketplace.*<sup>159</sup>
355. Mr Stewart was also asked how he saw the relationship between the minister and the appointee being factored into that appointment. He said:
- ... my observation, you know, being pragmatic and, you know, having a long experience in these places, in government, you know, one of the key factors is organisational fit, is, you know, yes, person having qualifications, ability to deliver, track record, history, um, you know, experience, qualifications. But I believe one of the key things is organisational fit...*<sup>160</sup>
356. The CCC asked a number of witnesses about the importance of organisational fit and a chief executive having a good relationship with the minister. These qualities, not surprisingly, were considered to be very desirable in a chief executive. The CCC’s investigation found that, in practice, these were matters considered by the Premier in relation to a number of applicants considered meritorious by a panel, and escalated to her for consideration.
357. The Public Service Commission Chief Executive was asked, in his experience, the extent to which the relevant minister has input. He said:
- ... that’s a matter for the Premier. Um, there’s – when I recruited for the – wasn’t the first 15, it was the next round of 6, I actually went and met with each of the ministers who had had experience in the portfolio, and I talked to them about the qualities they would look for, given their experience in the portfolio, that they think we, as a panel, should consider as we reviewed the applicants. Um, that’s another input to the panel in terms of getting a better understanding, particularly with people who know the portfolio; in that case, the ministers. Um, and, ah, they’ve invariably been very helpful in terms of emphasising particular policy areas and – and – and suggesting how the panel might look at a field of applicants.*
358. He said the sort of person a minister might be looking for varied with the job. He went on to say:
- ... what that does for the panel, it helps scope ah the interview processes and then providing advice, we can emphasise where we see strengths in those particular areas for the Premier to consider. Um, and then she may – and I know that she has on occasions spoken to the relevant minister when she’s been given some choices to say, “So, these are the ones that panel’s recommending”, and that would help influence her decision.*<sup>161</sup>

159 Mr Stewart hearing 17 September 2020, pp. 13-14.

160 Mr Stewart hearing 17 September 2020, p. 14.

161 Public Service Commission Chief Executive hearing 22 September 2020, p. 12.

359. Chief executives (including Directors-General and the Under Treasurer) have many functions under the PS Act, and also role-specific functions, which require important qualities and capabilities. The qualities, although not necessarily specified, sought in a chief executive include a shared understanding with the minister of what it takes to deliver on the priorities of the relevant portfolio, demonstrated ability to do so and a commitment to work with the minister in the best interests of the people of Queensland. A person who possesses these qualities is likely to be able to work well and have a good relationship with their minister. This person is also likely to be a good organisational fit.
360. These qualities could be incorporated into the recruitment and selection process from the start, ensuring they are amongst matters assessed by the panel. This would ensure the matters could be appropriately documented, ensuring transparency. It would also mean that the panel could, having regard to matters including those legitimate factors that are important to the Premier and relevant minister, make a recommendation about who is the best person for the position. Of course, the Premier may disagree with this. If that were the case, transparency could be maintained by a statement of reasons being prepared by the Premier regarding the reasons for her ultimate decision. This further reduces the risk of cronyism, or the perception of cronyism.
361. The current process, as discussed above, means that potentially a number of candidates are escalated to the Premier for consideration. If the current process works as it should (and does not miscarry), “meritorious” candidates emerge from a process conducted by a panel, with the merit of each of those candidates being supported by a selection report. However, after that point, there is currently no obligation on the Premier to give reasons for the preferred choice. This leaves a question in relation to why a panel is appointed in the first place.
362. The CCC makes the following observations:
- A promise to fill important public service positions using merit-based processes sounds impressive and must be acknowledged to be a good start. But the devil is in the detail. The Premier and the Government should be clear about what process is being used. If, having considered the issue carefully, they consider that the current process is appropriate and upholds Westminster principles<sup>162</sup> relating to the independence of the Queensland public service, they should tell the public that and explain the process.
  - The Premier, the ultimate decision maker, did not provide a statement of reasons in relation to the process. The CCC notes that there was no legal obligation on her to do so and did not detect any impropriety on the Premier’s part. However, the fact remains that, due to there being no requirement to document the reasons for her decision, there was a lack of transparency, particularly where the most meritorious candidate identified by the panel was not appointed. The appointment process would be significantly improved if there was a requirement for the decision maker to record reasons for their decision.
363. It must be observed that the current process for recruitment and selection of Queensland public service chief executives creates a corruption risk in that it fails to preclude inappropriate interference. It failed in this way in relation to this matter and is not reflective of the government’s commitment to a merit-based process.
364. The process for the recruitment and selection of the Under Treasurer miscarried.
365. It is instructive to note the position in New Zealand, a jurisdiction underpinned by the same Westminster principles that underpin the Queensland system of government, and the relationship between the political government and the public service.<sup>163</sup>

<sup>162</sup> An investigation into allegations relating to the appointment of a school principal, Chapter 6.

<sup>163</sup> It is noted that Panel Member 2 raised the New Zealand model in his evidence on 26 October 2020.



366. The relevant legislation in New Zealand is currently the *Public Service Act 2020* (NZ PS Act).
367. The Public Service Commissioner<sup>164</sup> is the head of the Public Service Commission and is also the head of the New Zealand Public Service<sup>165</sup>. One of the general functions of the Public Service Commissioner is to “act as the employer of public service chief executives, including by appointing chief executives ...”.<sup>166</sup> The Public Service Commissioner must act independently, although that is subject to the involvement of certain other individuals in matters such as the appointment of chief executives.<sup>167</sup> A person who directly or indirectly solicits or attempts to improperly influence the Public Service Commissioner, in relation to decisions such as appointment decisions, commits an offence.<sup>168</sup>
368. The NZ PS Act is quite prescriptive when it comes to the process to appoint a public service chief executive.<sup>169</sup> The Public Service Commissioner must inform the Minister for the Public Service and the minister with responsibility for the relevant department of a vacancy or impending vacancy, and invite those ministers to identify any matters that the chairperson of the panel must take into account when selecting the person to be recommended for appointment. The panel must consist of two people from the Public Service Commission, including the Public Service Commissioner or a Deputy Commissioner as the chairperson. The panel must also consist of one or more people appointed by the Public Service Commissioner after consulting the minister with responsibility for the relevant department.
369. The panel, having regard to the requirements of the NZ PS Act relating to merit-based appointments and diversity and inclusiveness, must examine applicants for the position, seek advice from other sources that the panel deems relevant, and deliberate on which applicant is to be recommended for appointment. After the panel’s deliberations, the chairperson must decide which applicant is to be recommended to the Minister for the Public Service for appointment. The Minister for the Public Service must refer the chairperson’s recommendations to the Governor-General in Council. The Governor-General in Council does not have to accept the chairperson’s recommendation – if he/she does, the recommended person is subsequently appointed; if the Governor-General does not accept the recommendation, he/she can direct that another person be appointed.<sup>170</sup>
370. The CCC considers that the advantages the New Zealand process has over the current Queensland process include transparency, certainty, fairness and independence from the political government of the day. Further, it reduces the degree of political influence. Of course, the New Zealand model is not the only model and the CCC does not necessarily say it is the best model. It is raised for consideration and by way of comparison.

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164 Who is appointed by the Governor-General on the recommendation of the Prime Minister after the Prime Minister has consulted with the leader of each political party represented in the House of Representatives – NZ PS Act, s. 42.

165 NZ PS Act, s. 43(1).

166 NZ PS Act, s. 44(d)(i).

167 NZ PS Act, s. 45.

168 NZ PS Act, s. 103(1).

169 NZ PS Act, Schedule 7.

170 The procedure under the NZ PS Act is similar, although not identical, to the procedure that applied under the recently repealed *State Sector Act 1988* (NZ).



## Chapter 11

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### Conclusion and recommendations

371. The CCC is not the arbiter of whether political promises are kept. The important point to be made is that the current process is far from ideal in that it lacks transparency, lacks certainty, lacks fairness, and is vulnerable to political influence.
372. As the CCC said in its report, *An investigation into allegations relating to the appointment of a school principal*<sup>171</sup>, concerns regarding the fairness and transparency of public sector recruitment processes, and the undermining of those processes by political influence, do not exist in a vacuum. They exist within a context of traditions, conventions, principles, legislation and community expectations within a Westminster-based system.

#### Recommendation 1

373. The CCC recommends that the Queensland Government considers changing the current process to increase transparency, certainty and fairness, and remove any political influence or perception of political influence (except for the ability of the Premier and relevant minister to nominate relevant applicant strengths, capabilities, experience, qualifications etc. at the commencement of the process). For example, the Government needs to determine what is acceptable practice. It should state whether a panel should (a) escalate suitable candidates using a specific order of merit or (b) simply provide a list of candidates suitable for appointment from which the Premier can choose.

#### Recommendation 2

374. The CCC recommends that, regardless of what process is used for the recruitment and selection of Queensland public service chief executives, the effective decision maker (currently the Premier) records their reasons in a statement of reasons. For example, if in scenario (a) above, the Premier determines their choice of candidate is number 3 on the order of merit, instead of 1, a statement of reasons should document why the panel's recommendation was not accepted. Similarly, in scenario (b), the Premier would need to record a statement of reasons for her choice if she is simply provided with a list of suitable candidates.

#### Recommendation 3

375. The CCC recommends that, regardless of what process is used, all participants who play a part in decision making or the making of recommendations ensure that conflicts of interest are declared and appropriately managed, and that the details of the conflicts and management strategies are documented. Participants should also declare if they have no conflicts of interest, and ensure that is documented.

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171 An investigation into allegations relating to the appointment of a school principal, Chapter 1.



**Recommendation 4**

376. The CCC recommends that, regardless of what process is used, the Queensland Government ensures that the details of the process used, including the role and decision-making or other responsibilities of participants in the process, is made clear to the public and that any changes made to the process from time to time are also made clear.
377. The CCC notes we have previously recommended mandatory induction and awareness training in our report titled *An investigation into allegations relating to the appointment of a school principal* for ministers, their key advisers, Directors-General and their Deputies to ensure all parties are clear on expectations, responsibilities and accountabilities in effective and ethical public service system leadership.<sup>172</sup> This training could also deliver system awareness and individual accountability training to ministers, their senior staff and Directors-General.

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<sup>172</sup> *An investigation into allegations relating to the appointment of a school principal*, Chapter 6.



## Annexure 1 Submissions

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## Annexure 2: Third draft of selection report

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**From:** Dave Stewart  
**Sent:** Wednesday, 21 November 2018 9:36 AM  
**To:** [Principal Consultant of Recruitment Agency]  
**Subject:** <no subject>  
**Attachments:** Selection Report - Under-Treasurer 201118.docx

Dave Stewart  
Director-General  
Office of the Director-General  
Department of the Premier and Cabinet  
[REDACTED]  
[REDACTED]

## Selection Report

Veronica Cornie

Under-Treasurer, Treasury Queensland

### Application Details

Total Applications: 10

Longlisted: 5

Interviewed at shortlist: 3

### INTERVIEWS

Candidates interviewed 30 October and 12 November, 2018

[Candidate 1]

[Candidate 3]

[Candidate 2]

### Assessment strategies

- Assessment of written applications (consisting of CV and covering letter) by [Recruitment Agency]
- Longlisting by Panel
- Behavioural interviewing and report completed by [Recruitment Agency] on longlisted candidates
- Short-listing by Panel
- Referee checks on all shortlisted candidates by [Recruitment Agency]
- Selection Panel interview, including a presentation and response to structured questions

The initial line of questioning/enquiry at interview was based on a contemporary issue impacting of Queensland and other state governments in relation to the Commonwealth education policy and funding reforms. The scenario was provided to candidates ahead of interview. Candidates were provided with a number of policy and thought pieces to allow the Panel to test the candidate's understanding of a key challenges confronting Queensland following the reforms, and especially the impact on the State budget. Other budgetary context was provided, including other discussion on pressures such as GST, health and homelessness funding.

In relation to the enquiries made of candidates, they were asked to:

- Consider describe the key policy challenges and opportunities
- Discuss the implication on the State budget, especially the Commonwealth's policy position
- Discuss strategies and advice Treasury would formulate for government; and
- Describe tactically what other measures would be provided to deal with the budget challenges, in light of other intersections on budgetary pressure points, trends and strategies priorities.

\_\_\_\_\_

Other questions considered describing their vision for Treasury, leadership, relationships and motivations for the role.

**Tertiary qualifications (Bachelor Degree level and above) have been confirmed for all longlisted candidates with the issuing institutions**

**Criminal history consents obtained from each of the shortlisted candidates**

[illegible]

3



Merit assessment	
Name	[Candidate 3]
Overview	[Candidate 3] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Merit Assessment	<p>[Candidate 3's] response to the scenario at interview was less developed than the other two candidates, with research largely reflecting anecdotal conversations and isolated individual examples. Whilst <u>his response</u> it improved throughout the interview, his early 'story-telling' style of communication failed to give sufficient import to the significant matters being considered—reflecting a <u>mis-judgement on [Candidate 3's] part on how to approach the interview.</u></p> <p>The Panel was left with the conclusion that <u>[Candidate 3] did not necessarily grasp the complexity of the issues for which he was proposing simple, ad hoc and non-systemic solutions. Again, this is because of [Candidate 3's] recent experience which was delivery focussed.</u></p> <p><u>He did not present to the Panel as someone who is well suited to working in a role responsible for complex policy matters, such as are encountered in central agencies.</u></p> <p>The focus which [Candidate 3] offered on supporting small business was considered to be a strength, but his vision for the sector was less clear. The Panel was also impressed by the influencing example he provided in respect of the rapprochement between Brisbane City Council and the State Government over public transport solutions in the inner city, <u>although he did not appear to grasp the nuances associated with Treasury operating across government agencies.</u></p>
Conclusion	<u>[Candidate 3] has had working relationships across government and has a good understanding of many of the challenges and reforms required in Queensland. The Panel was considered to be a leader better suited to a delivery environment, as opposed to one such as Treasury where complex matters of policy need to be considered and resolved. He was ranked below the other two candidates. Consequently he was considered not appointable.</u>

#### Comparative Assessment

[Candidate 1] ranked above and [Candidate 2], and [Candidate 3] was ranked below the other two candidates, were both considered appointable.

[Candidate 1] offers a contemporary understanding of the role of Treasury, good familiarity with the process of policy development, a clear understanding of the fiscal environment and the challenges and opportunities, and a broad career which adds layers of perspectives which will prove valuable in this key leadership role. His leadership style will provide the balance of collaboration, and when required the strength to hold firm and challenge the thinking of agencies. Furthermore his strategic focus, analytical capability, proactive approach and calm persona, will all suit the effective performance of this role.

[Candidate 2] offers deep experience and credibility in the commercial/corporate sector and capital markets, which will aid his engagement external to government, and enable Queensland Treasury to re-position its profile within the Queensland economy. His prior exposure to the Queensland Government is an important counter-point to his more recent commercial exposure, but given the time elapsed since he departed the public sector, [Candidate 2] will require time to adjust to the role of Treasury today and re-acquaint his thinking with the policy matters he will face.

[Candidate 3] was very successful in managing his former department and achieved many reforms and developed considerable relationships across government. He has a very good understanding of the Queensland government.

Whilst both candidates offer a blended public/private sector background, [Candidate 1] is the preferred candidate as he brings significantly more currency of understanding across policy matters and the operations of government. Consequently he is recommended for appointment as Under-Treasurer.

#### Panel endorsement

Dave Stewart (Panel Chair)  
Director-General, Department of the Premier and Cabinet  
Date: /11/18

[Panel Member 3]

Date: /11/18

[Panel Member 2]

Date: /11/18

[Panel Member 1]

Date: /11/18

## Annexure 3: Selection material provided to the Premier

PREMIER'S BRIEFING NOTE Director-General		Tracking No. TF/18/15120
To: THE PREMIER		Approved / Not Approved / Noted
Date: 5 December 2018		Premier .....
Subject: Appointment of Under Treasurer, Queensland Treasury		Date .....
		Date Action Required by: .....
		Requested by: .....
		(if appropriate)

**RECOMMENDATION**

It is recommended that the Premier:

- Note the selection panel for the role of Under Treasurer (UT), Queensland Treasury (QT) considers three candidates are suitable for appointment on merit: [Candidate 1], [Candidate 2] and [Candidate 3];
- Indicate your preferred candidate for appointment from these meritorious candidates; and
- Note an Executive Council Minute seeking Governor in Council approval for the appointment will be progressed for your consideration once a preferred candidate is identified.

**KEY ISSUES**

- An open merit recruitment process for the role of UT, QT commenced in August 2018, with interviews of three (shortlisted) of the 10 (total) applicants conducted on 30 October and 12 November 2018.
- The selection panel for the role consisted of:
  - Dave Stewart, Director-General (D-G), Department of the Premier and Cabinet (DPC) (panel chair);
  - [Panel Member 3]
  - [Panel Member 2]
  - [Panel Member 1]and
- The panel's selection report is at Attachment 1.
- The panel considered [Candidate 1] and [Candidate 2] the more suitable candidates. [Candidate 1] was ranked well above [Candidate 2] and [Candidate 3] was ranked below the other two candidates.
- The panel agreed that [Candidate 1] offers a contemporary understanding of the role of QT, good familiarity with the process of policy development, a clear understanding of the fiscal environment and the challenges and opportunities, and a broad career which adds layers of perspectives which will prove valuable in this key leadership role. He possesses a balanced collaborative engagement leadership style, and when required, the strength to hold firm and challenge the thinking of agencies. Furthermore, his leadership presence, strategic focus, analytical capability, proactive approach and calm persona, will all suit the effective performance of this role. [Candidate 1] was assessed by the panel as offering the capacity to bring a fresh set of eyes to the role, given his networks have been focussed in the NSW public and private sectors. The panel viewed him as clearly the strongest candidate, well ahead of the other candidates, clearly capable of performing the role of UT, and fully capable of making the transition to the Queensland public sector – especially

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Area: Executive Recruitment and Contracts (ERC), PSC  
Telephone: [Redacted]

noting his recognition that focussing on relationships is the key to a successful transition.

- [Candidate 1] is currently [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [Candidate 1's] resume is at Attachment 2.

- The panel agreed that [Candidate 2] offered an appropriate vision for the role of QT, and clearly possesses the intellectual capability and breadth of exposure required to perform the role of UT. He offers deep experience and credibility in the commercial/corporate sector and capital markets, which will aid his engagement external to government, and enable QT to re-position its profile within the Queensland economy. His prior exposure to the Queensland Government is an important counter-point to his more recent commercial exposure but given the time elapsed since he departed the public sector, [Candidate 2] will require time to adjust to the role of QT today and in turn to develop credibility with stakeholders across the Queensland Government and with other jurisdictions. With a strong blend of commercial acumen and public sector understanding, the panel considered [Candidate 2] as meritorious and suitable for appointment.

- [Candidate 2] is currently [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [Candidate 2's] resume is at Attachment 3.

- The panel agreed that [Candidate 3] has a very good understanding of the Queensland government and the Queensland community, particularly Local Government, through his leadership of the Department of Infrastructure, Local Government and Planning (DILGP) and the Queensland Reconstruction Authority (QRA). He has developed significant working relationships across government and has a good understanding of many of the challenges and reforms required in Queensland. [Candidate 3's] response to the scenario at interview was less developed than the other two candidates, with research largely reflecting anecdotal conversations and isolated individual examples. The focus which [Candidate 3] offered on supporting small business was considered to be a strength, but his vision for the public sector overall was less clear. The panel was impressed by the influencing example he provided in respect of the rapprochement between Brisbane City Council and within the State Government over public transport solutions in the inner city. With [Candidate 3's] recent experience, which has primarily been delivery and relational focussed, the panel considered him as a leader better suited to a delivery rather than a fiscal policy environment. He was ranked below the other two candidates.

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Contracts (ERC), PSC  
Telephone: [REDACTED]

**PREMIER'S BRIEFING NOTE**  
*Director-General*

Tracking No. TF/18/15120

- o [Candidate 3] is currently [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [Candidate 3's] resume is at

**Attachment 4.**

- Criminal history and personal probity checks have been completed on the three meritorious candidates and no issues were identified. Higher educational qualifications of these candidates have also been verified.
- Once identified, an offer will be made to the preferred candidate consistent with the current appointment directives and guidelines.
- Mercer's work value assessment recognises the UT, QT as a Chief Executive Band 1 appointment with a remuneration range of \$633,421 to \$791,750 p.a. (maximum). The central agencies of DPC and QT are the only two departments in Band 1.

Comments (Premier or DG)

Dave Stewart  
Director-General

Action Officer: [REDACTED]  
Area: Executive Recruitment and  
Contracts (ERC), PSC  
Telephone: [REDACTED]

## Selection Report

### Vacancy details

Under-Treasurer, Treasury Queensland

### Application Details

Total Applications: 10

Longlisted: 5

Interviewed at shortlist: 3

### INTERVIEWS

#### Candidates interviewed 30 October and 12 November, 2018

[Candidate 1]

[Candidate 3]

[Candidate 2]

### Assessment strategies

- Assessment of written applications (consisting of CV and covering letter) by [Recruitment Agency]
- Longlisting by Panel
- Behavioural interviewing and report completed by [Recruitment Agency] on longlisted candidates
- Short-listing by Panel
- Referee checks on all shortlisted candidates by [Recruitment Agency]
- Selection Panel Interview, including a presentation and response to structured questions

The initial line of questioning/enquiry at interview was based on a contemporary issue impacting on Queensland and other state governments in relation to the Commonwealth education policy and funding reforms. The scenario was provided to candidates ahead of interview. Candidates were provided with a number of policy and thought pieces to allow the Panel to test the candidate's understanding of the key challenges confronting Queensland following the reforms, and especially the impact on the State budget. Other budgetary context was provided, including pressures on GST, health and homelessness funding.

Candidates were asked to:

- Describe the key policy challenges and opportunities
- Discuss the implications on the State budget, especially the Commonwealth's policy position
- Discuss strategies and advice Treasury would formulate for government; and
- Describe tactically what other measures would be provided to deal with the budget challenges, in light of other intersections on budgetary pressure points, trends and strategies priorities.

[REDACTED]

Candidates were also asked to consider the Queensland Government's Future State Strategy, especially creating jobs in a strong economy.

Other questions encompassed describing their vision for Treasury, leadership, relationships, motivations for the role, and their views on debt management.

**Pre-employment checks**

Tertiary qualifications (Bachelor Degree level and above) have been confirmed for all longlisted candidates with the issuing institutions

Criminal history consents obtained from each of the shortlisted candidates

Merit assessment	
Name	[Candidate 1]
Overview	[Candidate 1] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
	[Candidate 1] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Merit Assessment	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

<p><b>Conclusion</b></p>	<p>[Candidate 1] was assessed by the Panel as the candidate with the strongest understanding of all elements of the role and presented as a well credentialed candidate for the role of Under-Treasurer, possessing a balanced collaborative engagement style, and offering the capacity to bring a fresh set of eyes to the role, given his networks have been focussed in the NSW public and private sectors..</p> <p>The Panel viewed him well ahead of the other candidates, clearly capable of performing the role, and fully capable of making the transition to the Queensland public sector – especially noting his recognition that focussing on relationships is the key to a successful transition.</p> <p>He had the most contemporary background professionally, well developed leadership and engagement skills, and displayed an executive presence and judgement well beyond those of other shortlisted candidates.</p>
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Merit assessment	
Name	[Candidate 3]
Overview	[Candidate 3]

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<b>Merit Assessment</b>	<p>[Candidate 3's] response to the scenario at interview was less developed than the other two candidates, with research largely reflecting anecdotal conversations and isolated individual examples. Whilst his response improved throughout the interview, his early 'story-telling' style of communication failed to give sufficient import to the significant matters being..</p> <p>The Panel was left with the conclusion that [Candidate 3] did not necessarily grasp the complexity of the issues for which he was proposing simple, ad hoc and non-systemic solutions – reflecting [Candidate 3's] recent experience which has primarily been delivery and relational focussed.</p> <p>The focus which [Candidate 3] offered on supporting small business was considered to be a strength, but his vision for the public sector overall was less clear. The Panel was also impressed by the influencing example he provided in respect of the rapprochement between Brisbane City Council and within the State Government over public transport solutions in the inner city. He also had significant relationships and understanding of Queensland's regional focus from his time as CFO and leading the QRA</p>
<b>Conclusion</b>	<p>[Candidate 3] has had working relationships across government and has a good understanding of many of the challenges and reforms required in Queensland. The Panel considered him as a leader better suited to a delivery rather than a fiscal policy environment. He was ranked below the other two candidates, particularly based on his performance at interview. .</p>

#### Comparative Assessment

[Candidate 1] and [Candidate 2] were considered the more suitable candidates. [Candidate 1] was ranked well above [Candidate 2] and [Candidate 3] was ranked below the other two candidates.

[Candidate 1] offers a contemporary understanding of the role of Treasury, good familiarity with the process of policy development, a clear understanding of the fiscal environment and the challenges and opportunities, and a broad career which adds layers of perspectives which will prove valuable in this key leadership role. His leadership style will provide the balance of collaboration, and when required the strength to hold firm and challenge the thinking of agencies. Furthermore his leadership presence, strategic focus, analytical capability, proactive approach and calm persona, will all suit the effective performance of this role, and place him as clearly the strongest candidate.

[Candidate 2] offers deep experience and credibility in the commercial/corporate sector and capital markets, which will aid his engagement external to government, and enable Queensland Treasury to re-position its profile within the Queensland economy. His prior exposure to the Queensland Government is an important counter-point to his more recent commercial exposure, but given the time elapsed since he departed the public sector, [Candidate 2]

[REDACTED]

will require time to adjust to the role of Treasury today and re-acquaint his thinking with the policy matters he will face.

[Candidate 3] was very successful in managing his former department and the QRA and achieved many reforms and developed considerable relationships across government. He has a very good understanding of the Queensland government and the Queensland community, particularly Local Government.





## Panel endorsement

**Dave Stewart (Panel Chair)**  
Director-General, Department of the Premier and Cabinet  
Date: /11/18

[Panel Member 3]

Date: /11/18

[Panel Member 2]

Date: /11/18

[Panel Member 1]

Date: /11/18

**SENSITIVE**



## Crime and Corruption Commission

QUEENSLAND

### Contact details

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📠 07 3360 6333

### More information

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