

Solicitor-General resigns – with a parting broadside at Brandis

Written by Michelle Grattan, Professorial Fellow, University of Canberra

Solicitor-General Justin Gleeson has quit, declaring his relationship with Attorney-General George Brandis is “irretrievably broken” and taking a major swipe at his government critics.

Gleeson’s resignation follows their bitter row over Brandis’s order that all requests for the Solicitor-General’s advice must come through his office.

In a toughly-worded letter to Brandis, Gleeson says his decision does not represent “a withdrawal of any position I have taken in relation to matters of controversy between us”, including before the Senate inquiry into the affair.

Gleeson maintains that the Brandis direction, tabled in parliament on May 4, on the new arrangements for requests for advice contravenes the law and was made without the required consultation with him. Brandis claims he was bringing practice into accord with the law and there was consultation.

Gleeson writes that his decision to resign was made with regret “but the best interests of the Commonwealth can be served only when its first and second law officers enjoy each other’s complete trust and confidence within a mutually respectful relationship.

“When such a relationship is irretrievably broken, as is the case here, and each law officer holds a term of office established by the constitution or statute which will not expire in the near future, there must be some resolution to the impasse.

“Noting that you hold office through the will of the people and are responsible to parliament, whereas my commission rests on a decision of the governor-general on advice under a statute, I have determined that I will take the necessary steps to resolve the impasse.”

He stressed his motivation was “solely to further the best interests of the Commonwealth by enabling the restoration of a functional working relationship between the first and second law officers”.

He trusted his decision would “better enable the parliament to make an objective consideration of the issues I have raised undistracted by personalities”. The Senate inquiry reports early next month.

“For the avoidance of any doubt, I also make perfectly plain that I reject absolutely each and every attack and insinuation that has been made in recent times upon me personally, or upon my office, by government members of parliament, including you, in Senate committee processes.

“Equally, my decision is unrelated to any finding the Senate committee may make in favour of or adverse to any person.”

When Gleeson appeared before the inquiry, he received a hard time from government senators, in particular Queensland Liberal Ian Macdonald, who seemed openly contemptuous during his questioning.

Brandis said that “in the circumstances” Gleeson’s resigning “is the proper course of action for him to have taken”. He said he would immediately take steps to identify a replacement to recommend to cabinet. Sources said Gleeson’s letter had come as a surprise.

Shadow Attorney-General Mark Dreyfus said Gleeson’s resignation flowed directly from Brandis’s “disgraceful treatment” of him and his office.

“It is not Mr Gleeson who should have resigned today - it is senator Brandis,” Dreyfus said.

The direction had “limited Mr Gleeson’s ability to do his job”, and then Brandis had “lied to parliament in an attempt to cover up his power-grab”, Dreyfus said. “He has pushed Mr Gleeson out of office to save his own skin.”

“The Commonwealth has lost from its service a great legal mind and one of the most

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experienced constitutional lawyers in this country as its most senior legal adviser.”

Michelle Grattan does not work for, consult, own shares in or receive funding from any company or organisation that would benefit from this article, and has disclosed no relevant affiliations beyond the academic appointment above.

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