



AUSTRALIAN BAR ASSOCIATION

MEDIA RELEASE

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Independence of judiciary under threat in Queensland

The President of the Australian Bar Association, Mark Livesey QC, speaking after consultation with all of the independent Bars of Australia, today expressed serious concern about the events surrounding the announcement that Tim Carmody QC DCJ will be the State's next Chief Justice.

“The handling of this matter has seriously called into question the appointment process and judicial independence.”

Livesey QC expressed the ABA's strong support for Queensland Bar Association President, Peter Davis QC, who resigned in protest over the process that led to the appointment of Judge Carmody as Chief Justice of Queensland. On Friday Davis QC explained his belief that what he had said in confidence to the Attorney General and a member of his staff had been passed on inaccurately, and that the Bar's right to issue practising certificates was threatened.

“It is regrettable that Davis QC felt it necessary to resign. His frustration about the process and the threat made to the Bar is understandable. His principled stance is supported by barristers across Australia.”

“It is essential to public confidence in the administration of justice that the process for the appointment of a Chief Justice should ensure that the appointment is made, and is seen to be made, solely on the basis of merit and with complete impartiality.”

The ABA calls on the Executive of the Government of Queensland, and others involved in the process, to give careful consideration to principles well-established across all Australian jurisdictions, and beyond:

- The integrity, reputation and standing of the Courts are paramount.
- The Judiciary must unquestionably be, and be seen to be, independent from the other arms of Government.

The well-accepted practice is that consultation before an appointment, any appointment, is confidential, and kept confidential. Confidentiality ensures that those consulted can speak freely. If the Attorney General is following a different practice, he is yet to say what that new practice is.

“The present position is untenable”, Livesey QC said. “The Attorney General of Queensland must consider whether the breakdown in trust can be repaired – if confidentiality in the judicial appointment process cannot be assured he must reconsider whether he can continue in his position.”

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