

THE AUSTRALIAN BAR ASSOCIATION



ABA Secretariat
Level 5
205 William Street
Melbourne Victoria 3000
Telephone (03) 9225 6570
Fax (03) 9225 6068
Email mail@austbar.asn.au

20 June 2014

The Editor
The Australian

Dear Sir

Response to *The Australian*

Chris Merritt's article in *The Australian* on 20 June 'Nicholson has Tim Carmody's back' misrepresents the Australian Bar Association's position on the appointment of Judge Tim Carmody as Queensland's next Chief Justice.

The article states that the ABA has 'distanced' itself from criticism of Judge Carmody that has been made by Queensland lawyers - and judges. The article implies that the ABA supports the appointment of the Chief Magistrate as Queensland's next Chief Justice.

The ABA's primary concern has been with the seriously flawed process leading up to the appointment being announced, and the apparent breaches of confidentiality in the consultation process that have been involved. The Queensland legal profession - and judiciary - are best placed to comment on the merits of the appointment itself. However, the widespread lack of professional and institutional support for the appointment, and the perceived public and close relationship between the Chief Magistrate and the Government, raise serious concerns for the independence of, and respect for, the Queensland judiciary.

Finally, it is wrong to suggest that the Australian Bar Association agrees in any way with the view that there should be no further debate on the topic. The ABA has consistently maintained that there should be a public discussion about the seriously flawed judicial appointment process undertaken in this case.

Yours sincerely

A handwritten signature in blue ink that reads 'Mark Livesey'.

Mark Livesey QC
President