



From the President

13 June 2014

MY RESIGNATION

Dear Colleague

I will today resign as President of the Bar Association of Queensland.

My resignation is related to the appointment yesterday of Carmody QC DCJ as the State's next Chief Justice. My actions in resigning should not be taken as any personal criticism of the Chief Magistrate.

My concern is with the process which resulted in the appointment. The Government met with me to discuss the appointment of de Jersey CJ's successor. One such meeting occurred on Tuesday 3 June 2014 at Parliament House with the Attorney-General and one of his senior staff. The meeting was said to be confidential. The possible appointment of Judge Carmody was discussed.

By Friday morning (6 June), news was filtering back to me from various sources, including details of what I had discussed with the Attorney-General on Tuesday. Some of that information could only have come from a participant in the meeting. Some of the information was a distortion of what had been said.

An urgent meeting of Bar Council was called for lunchtime on Friday and it was resolved that I ought to write to the Attorney-General, restating the position stated at my meeting with him on the Tuesday. It is not appropriate to disclose the content of that letter, save to say that it did not urge the appointment of Judge Carmody.

Many of you know our colleague Ryan Haddrick. He is a member of John Jerrard Chambers, the former chambers of Judge Carmody and other recent appointees, Magistrates Shearer and Simpson. Haddrick is known as being close to both Judge Carmody and the Attorney-General. Indeed, he acted as Mr Bleijie's Chief of Staff for a period. He was later retained by the State to act as junior counsel assisting the Commission of Inquiry into Child Protection of which Tim Carmody QC (as the Chief Magistrate then was) was commissioner.

On Friday afternoon, Haddrick sent a text message to Bar Council member Mark Plunkett. That text message said "Okay. I have obviously heard what happened at the Bar Council meeting". Plunkett had, in fact, not been at the Bar Council meeting because of another commitment. He texted back to Haddrick to that effect. Haddrick then responded "Common sense needs to prevail. There are two more Supreme Court appointments, three District appointments and about five Magistrates to go this term. I want some of them to be barristers!! and not solicitors!!!".

I have absolutely no reason to believe that Haddrick was speaking on behalf of Judge Carmody.

Plunkett and Haddrick then had a telephone conversation in which Haddrick reiterated what he said in the text message and added that the statutory power of the Bar Association to issue practising certificates could be removed.

Plunkett sent me an email setting all this out, which I then sent on to one of the Attorney-General's advisers, together with a strong objection. I was told, in effect, that what Haddrick had said was untrue and not authorised by the Government.

On Sunday the 8th of June Haddrick rang Plunkett. Haddrick told Plunkett that the appointment of Judge Carmody was a fait accompli and the Bar Association should support the appointment.

On Monday morning in the Courier-Mail there appeared an article concerning Judge Carmody and on Tuesday there appeared in the paper an article concerning a letter that had been written by Sofronoff QC regarding the potential appointment of Judge Carmody. I telephoned Judge Carmody on the Tuesday morning. It is not appropriate for me to disclose the details of the conversation, but it was evident that the judge had been told the substance of the confidential conversations I had had with the Attorney-General concerning him.

As accurately predicted by Haddrick, Judge Carmody's appointment was announced yesterday afternoon.

The Government has said that they consulted widely on the appointment. My sense though is that there was little, if any, support for the appointment within the legal profession and little, or none, within the ranks of sitting Supreme Court judges. Senior figures warned against the appointment and some have spoken out against it since its announcement.

All this culminated in a formal announcement by the Premier and Attorney-General at the Supreme Court Library yesterday. Judge Carmody gave an acceptance speech, and answered some questions where, remarkably, his Honour thought it necessary to tell the audience gathered that he was independent – something no new judge has ever felt it necessary to do.

Throughout the process, I have attempted to ensure the maintenance of the dignity of the courts and protect, not only the office of Chief Justice, but also the office of the Chief Magistrate, and of the courts generally. Of course, it is the institutions which are important, not the personalities.

The Bar Association ought to be involved in the process of appointment of judges. That is done through the President. As I have no faith in the integrity of the process, I cannot engage further in it. I have concluded, with great regret and sadness, that I ought not continue to hold the office of President.

I have been honoured to lead you.

Peter J Davis QC
President