SUPREME COURT OF
QUEENSLAND
CHAMBERS OF THE CHIEF JUSTICE

29 March 2015

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Mr Shane Doyle QC
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Dear Mr President

I write to you about the recent public comments regarding my execution of the office of Chief Justice of Queensland.

As you are aware, my preference is for these matters to be discussed and resolved internally within the judiciary and legal profession – as they should be – rather than damaging the institutional reputation of the judiciary through the public airing of grievances.

Given the public comments by some senior members of the legal community in the last week, I feel it appropriate that I write to you, and the President of the Queensland Law Society, to address two of the criticisms, and ask that you forward a copy of this letter to your membership. I will also be providing a copy to my fellow Justices on the Supreme Court of Queensland.

This direct letter to the membership of the legal profession is the most appropriate place for me to respond.

In my opinion, swearing-in and valedictory ceremonies ought to be a time of positive reflection upon the individual's contribution to the legal profession, or judiciary. They are not, in my view, suitable vehicles for the airing of professional or personal grievance. It is inappropriate to use the forum of a court in that way.

It ought to be clear by now to your members that there has, since the day of my appointment, been an organised and co-ordinated campaign by senior, or prominent, members of the legal community to destabilise my discharge of the office of Chief Justice.

I took an oath of office. I take that oath very seriously. I have absolutely no intention of breaking my oath and vacating the office of Chief Justice. I will not be bullied out of judicial office.

Last week, a number of graceless remarks were made by several people about my performance in the office. I do not think it fitting for a judge, any judge, to

respond to these kinds of public character assessments.

In addition to that, an assertion was made that I was failing to sit as a Chief Justice of the Supreme Court should. I do not believe that assertion to be justified.

As is a matter of public record and well known to Registry staff, I have sat for five weeks (three in crime and two in the Court of Appeal) in the calendar year so far.

I am currently scheduled to sit in the Court of Appeal in Brisbane for ten weeks over the next eight months, and two weeks in QCAT during the Supreme Court's winter break.

In addition, you will recall that at my welcome ceremony on 1 August 2014, I emphasised that I intend to be Chief Justice of Queensland, not just Brisbane.

Again, as I have informed the Registry staff, I am currently scheduled to sit in the Trial Division in Roma in the week beginning 4 May, in Townsville the week beginning 27 July, in Toowoomba the week beginning 10 August, in Rockhampton the week beginning 31 August, in Mackay the week beginning 28 September, and in Maryborough the week beginning 9 November.

I intend focusing my Trial Division work in regional Queensland. I hold the view that a Chief Justice ought to place special emphasis upon performing his role throughout the State, not just George Street.

Additionally I intend sitting in the Trial Division in Brisbane on regular occasions – as I have offered to do later this week.

I will, of course, monitor my sitting times from time to time to ensure that they are comparable with the sitting programmes of the other judges; recognising that some different functions need to be performed as Chief Justice.

The second issue to which I wish to respond is the imputation that in some way I exercised, or sought to exercise, my power inappropriately under s 137 of the Electoral Act 1992 (Qld) in the allocation of a judge to the Court of Disputed Returns to hear an anticipated application by the Electoral Commission of Queensland following the recent general election.

This is a gross and offensive slur on my professional integrity.

By s 137 of the Electoral Act, the Queensland Legislature has specifically vested the power and responsibility for constituting the Court of Disputed Returns in the Chief Justice. Since a Judge's meeting in 1995 it has been a practice that two judges are appointed for 12 months in advance, in order of seniority. This practice is convenient in most situations in most years, but is subordinate to the Electoral Act requirements and must yield to the circumstances of the day.

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OF QUEENSLAND

Chambers of the Chief Justice, Supreme Court of Queensland

To: President, Bar Association of Queensland

29 March 2015

A primary purpose of the appointment practice is to ensure the appearance of neutrality. It will not always do that.

Before automatically following a practice or convention, I felt obliged by the words of the legislation to exercise my independent judgment (as is impliedly required by the legislation) and ensure that there was no impediment to the appointment of a judge to hear any such disputed return. Throughout I took advice and counsel from other Chief Justices. I made my appointment in line with the practice on 13 February 2015.

It is time for the campaign of destabilisation to end.

I have appreciated the ongoing support of you and your members but I think the time has come for some plain speaking by the leaders of the legal community who have the best interests of the Supreme Court and the maintenance of the rule of law at heart, and to directly call on those involved to stop the destabilisation.

Professional respect is a two way street. I accept that. I accept there is more that I can do to foster a culture of mutual respect and professionalism. That was the purpose intended by my remarks at the 2014 Christmas greetings.

I recommit myself to the execution of this office with grace, dignity, and most importantly, according to the oath that I have taken to all Queenslanders.

I have written in identical terms to the President of the Queensland Law Society.

Yours sincerely

The Honourable TF Carmody
Chief Justice of Queensland