

3 November 2024:

Hi Amber

Would you please be kind enough to have my expression of interest for appointment as Chief Justice withdrawn.

Not only was the fact that I had made an expression of interest widely leaked to the legal profession with the expected financial consequences, the I consider the assessment panel process to be perverted to result in advice to the AG in favour of one particular applicant. The panel involved two people who have clear conflicts of interest which should have precluded both from sitting as part of the panel and considering expressions of interest at all. The circumstances are really no different from the issues that have recently received extensive media coverage regarding Paul Brereton's involvement in decisions not to investigate referrals from the 'Robo Debt' Royal Commission.

I have no difficulties with a fair and transparent assessment process which is free from actual or perceived bias, but which in this instance appears to be pushing for the appointment of one particular person who has expressed interest.

Given the number of Ministers and Heads of Agencies who I have acted for, including in complex matters (including the AG), I consider not even being invited to be interviewed insulting but also confirms (at least in my mind) that some members of the panel have, in effect, decided who they would like to see the AG appoint as Chief Justice and thus the process appears to be being conducted to lead the AG to that inevitable conclusion.

You may recall that many months ago I expressed the view that I was not interested in appointment to the Supreme Court at all, but over time my views changed if I was able to implement significant reforms to the Court (which broadly had tri-partite support). I remain of the view that the Supreme Court requires significant reform, which requires very careful consideration of what is realistically feasible and properly takes into account the views of the other judges of the Court. I do not believe that will be achieved by the person apparently 'chosen' by the assessment panel before interviews are even conducted.

In short, I am not interested in participating in a process which lacks the fundamental philosophy underlying the Judicial Appointment Protocol, namely a fair and transparent assessment process free from actual or perceived bias (& seemingly, or from what I have been told, pre-judgment). To do so has been a pointless exercise on my part.

I would be obliged if you could confirm that my expression of interest has been withdrawn?

In short, I am not prepared to participate in such a process, and given how this one has been conducted, especially with members of the assessment panel being conflicted (such conflicts I assume not having been fully declared), I am unlikely to participate in such a process in the future.

My expression of interest was always predicated on a desire by me to see the Supreme Court operate efficiently for all users of the Court and to ensure that the broader public retains confidence in the Court. I sincerely hope that whoever is ultimately appointed as Chief Justice will be able to achieve that, but I think that some of the nuances that occur in Tasmania, such an outcome to be unlikely. In that regard virtually all the current judges do not have an understanding of how modern superior courts operate (only because they have not been appearing as counsel in such courts). There are some models from both Commonwealth courts (particularly the Federal Circuit and Family Court of Australia) and some larger jurisdictions which would simply not work in the context of the Supreme Court of Tasmania (or the broader Tasmanian judicial system. It is those reforms that I had hoped to assist achieving as Chief Justice.

As always, I am happy to discuss at any time, and I note that I have copied this text to the AG.

Kind regards

Chris