

Letter to The Editor, SMH 15 March 2010

No conspiracy on appointment

The claims regarding the acting appointment of David Lloyd are wrong and had they been put to me I would have categorically and vehemently denied them (“His Honour v vindictiveness”, March 9). My office contacted the *Herald* on Monday to clarify this point but the calls were not returned.

The Chief Justice has authorised me to advise the *Herald* that prior to this issue being ventilated in the media, I had agreed to recommend Mr Lloyd's appointment to Cabinet with effect from 1 July and Mr Lloyd had been informed that this was likely to occur.

Since becoming Attorney General I have actively sought to appoint permanent judges wherever possible – and not use acting judges as permanent substitutes – in order to comply with the High Court's decision in *Forge v ASIC*.

Two new permanent appointments to the Supreme Court are already in train as well as one on short term secondment.

The number of acting judges in the Supreme Court has been reduced by a third, from 15 in 2007 to 10 in 2010, and in the District Court by more than half from 25 in 2007 to 10 in 2010. In 2007, none of the Supreme Court acting appointments were streamlined to come up at the same time in July – now half of them do and it is proposed that wherever possible the rest will follow.

When considering all acting appointments, the principle question is one of ‘need’ and whether the needs of the courts can be met through existing resources. There are other considerations such as timing, compatibility of other activities and an availability to sit.

Mr Lloyd's acting appointment has not been the subject of a Cabinet deliberation, as the *Herald* assumed it had. To suggest that the appointment was rejected because of a judgment unfavourable to Government is patently false and utterly rejected.

John Hatzistergos