

26 November 2014

Chief Justice

It is usual at a December meeting of Judges each year to appoint Judges to the Court of Disputed Returns, it is usually the next two Judges in order of seniority per the following suggested agenda item:

"Appointments to the Court of Disputed Returns

Court of Disputed Returns (composition not publicized)

s. 127 Electoral Act

Judges decided November 1995 to select two Judges each calendar year. The two most senior Judges who have not recently heard a case in this Court should be listed Judges.

Senior Judge of the two will have the primary responsibility to sit.

Appointments necessary for 2015: presently P Lyons J and A Wilson J.
Next in seniority Boddice J and Dalton J"

Also the Judges' Committee is sometimes an agenda item in December, but that may not be necessary as Gotterson JA and Philippides J are recent appointments – see attached extract from document "Judges on Board and Tribunals.

I wonder if you wish to place the item/s on the Trial Division Judges' meeting agenda? Or whether you wish to seek Judges' agreement by email?

Thank you
Marie

Marie

✓
Therese
2

**CONFIDENTIAL TO THE JUDGES
MINUTES OF TRIAL DIVISION JUDGES' MEETING**

3 December 2014

s.73(2) not relevant

s.73(2) not relevant

Item 8 – Court of Disputed Returns – appointments for 2015

Boddice J and Dalton J are proposed for the Court of Disputed Returns next year.



COURT OF APPEAL

Minutes of Meeting

Of the Judges of the Court of Appeal, Supreme Court of Queensland
Held on Wednesday, 3 December 2014 at 9.00am
in the Court of Appeal Conference Room

Present: The President
Holmes JA
Muir JA
Fraser JA
Gotterson JA
Morrison JA

s.73(2) not relevant

s.73(2) not relevant

s.73(2) not relevant

s.73(2) not relevant

- 10. Appointment to Court of Disputed Returns. Memo to Chief Justice from his Executive Assistant.**

Noted.

s.73(2) not relevant

s.73(2) not relevant

Justice Atkinson

From: Justice Byrne
Sent: Tuesday, 10 February 2015 1:15 PM
To: Justice Atkinson
Subject: FW: Court of Disputed Returns

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

-----Original Message-----

From: Justice MAMcMurdo
Sent: Wednesday, 3 December 2014 5:37 PM
To: Justice Byrne; Chief Justice Carmody
Cc: Marie Bergwever; Justice Dalton; Justice Boddice
Subject: RE: Court of Disputed Returns

The Court of Appeal judges are also happy with that course, Tim.
Margaret

-----Original Message-----

From: Justice Byrne
Sent: Wednesday, 3 December 2014 4:40 PM
To: Chief Justice Carmody
Cc: Marie Bergwever; Justice MAMcMurdo; Justice Dalton; Justice Boddice
Subject: Court of Disputed Returns

Tim,

At the meeting of the Trial Division on 3 December, it was proposed that the two judges who might be nominated pursuant to s.137(3) of the Electoral Act 1992 to constitute the Court of Disputed Returns for 2015 are Boddice J and Dalton J, with Boddice J having primary responsibility to sit and Dalton J to sit if Boddice J cannot.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Andrea Suthers

To: Justice Fraser; Justice Atkinson; Justice Martin; Justice Applegarth
Cc: Justice MAMcMurdo
Subject: Broadcasting Court Proceedings Committee

Attachments: 20150115110221252.pdf

Handwritten:
Sent
11.20 am
15/1/15



2015011511022125
2.pdf (52 KB)

Good morning Judges

I am advised by the CJ's EA that you are members of this committee. The President has asked me to fwd a copy of the CJ's memo to her (attached) and her reply (below).

"Dear Tim

My EA forwarded your memo to me by email yesterday.

As you know I am on leave until 4 February as are most if not all of the other members of the committee.

I am content to chair the committee as you request. I will convene a meeting at the earliest convenient time upon my return from leave. It is unlikely the committee's report on this important matter for the Court and the people of Queensland will be finalised by mid-March but we will do our best to expedite it. I will, of course, keep you informed as to its progress.

Best wishes

Margaret"

(I think the date of return from leave is a typo.) The President has also asked me to arrange a meeting of the committee. Some suggested times: 3 Feb 9.15 am/4.15 pm; 5 Feb 9.15am/4.15 pm; 6 Feb 1.15 pm; 9 Feb 9.15 am/4.15 pm. Please let me know which of these times might suit? Thank you.

Andrea

Andrea Suthers

Executive Assistant to the Hon Justice M A McMurdo AC President | Court of Appeal |
Supreme Court of Queensland P O Box 15167, City East Qld 4002

415 George Street, Brisbane, Qld 4000
t... +61 7 3247 9214 | f... +61 7 3247 9232

e... andrea.suthers@justice.qld.gov.au

w... www.courts.qld.gov.au



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

MEMORANDUM

To: McMURDO P
From: CARMODY CJ
Date: 23 December 2014
Subject: Broadcasting Court Proceedings Committee

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

Dear Margaret

Regrettably, I find that time pressures and other demands mean that I cannot devote the time necessary to chair this committee.

Accordingly, I would be grateful if you or your nominee would assume that responsibility.

I envisage the committee reporting to me with recommendations by mid March 2015.

A handwritten signature in black ink, appearing to be 'Tim Carmody'.

The Hon Tim Carmody
Chief Justice

From: Justice MAMcMurdo
Sent: Thursday, 5 February 2015 11:27 AM
To: Chief Justice Carmody
Cc: Justice Fraser; Justice Atkinson; Justice Martin; Justice Applegarth
Subject: Broadcasting Court Proceedings Committee

Dear Tim, as you requested I have convened a meeting of the committee for tomorrow at 1.15 pm. I am currently preparing the agenda. Can you provide the terms of reference for the committee's consideration and pass onto me any material you wish the committee to consider.

Best wishes
Margaret

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland



**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

Queen Elizabeth II Courts of Law
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PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

MEMORANDUM

To: President, Court of Appeal
From: Carmody CJ
Date: 6 February 2015 *Arrived 6/2/15 After the meeting*
Subject: Broadcasting Court Proceedings

This Committee was set up at the all Supreme Court Judges Meeting on 24 September 2014.

I wrote to you on 23 December 2014 asking you or your nominee to assume the responsibility of chair which you were content to do.

Thank you for yesterday's email informing me that you have now convened a Committee meeting for lunchtime today.

You have asked me for terms of reference for the Committee to consider.

It would be best for the Committee itself to consider and to propose terms of reference for my approval.

In that regard the well-researched 2008 work "Audio-Visual Coverage of Courts" by Western Australian academic Daniel Stepniak will be a helpful guide to the issues and potential solutions.

Another early action the Committee should take is to draft a timeline of milestone dates for me to consider and approve e.g. issues paper, discussion paper, interim/final report and recommendations.

Thank you.

All the best,

The Chief Justice

COURT OF APPEAL

CHAMBERS OF THE PRESIDENT

MEMORANDUM

TO: CARMODY CJ

**FROM: PRESIDENT
JUSTICE FRASER
JUSTICE ATKINSON
JUSTICE MARTIN
JUSTICE APPLGARTH**

DATE: 9 FEBRUARY 2015

**RE: ELECTRONIC PUBLICATION OF COURT PROCEEDINGS
COMMITTEE**

Supreme Court of Queensland
415 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

PH +61 7 3247 9212
FX +61 7 3247 9232
www.courts.qld.gov.au

Thank you for your memo of 6 February 2015, which the President received after last Friday's meeting of the Electronic Publication of Court Proceedings Committee.

A sub-committee for the consideration of broadcasting of court proceedings was established at a meeting of the judges of the Supreme Court on 24 September 2013 with us as members and you as Chair. You convened an inaugural meeting for 15 December 2014 but later cancelled it without rescheduling.

You note that you wrote to the President on 23 December 2014 asking her or her nominee to assume responsibility of Chair. She agreed to take on that responsibility. The President did not receive your request until 15 January 2015 when her Executive Assistant returned from leave. She immediately set about convening a meeting of the Committee at the first available opportunity.

Thank you for referring us to the 2008 work of Daniel Stepniak. The Committee is considering that publication, together with a large body of more recent publications.

As soon as a draft issues paper is prepared, the Committee will bring it to a meeting of the judges for their consideration.

Best wishes,

The Honourable Justice Margaret McMurdo AC
President, Court of Appeal
Supreme Court of Queensland

SPECIAL JURISDICTION	PRESENT AND PAST NOMINEES	TERM	MODE OF APPOINTMENT	VACANCY/ACTING
<p>Court of Disputed Returns F63 Action: Agenda Item each December</p>	<p>1996 Moynihan and Shepherdson JJ 1997 Williams and Derrington JJ 1998 de Jersey and Byrne JJ Byrne and Dowsett JJ (or Mackenzie J in absence of Dowsett J – result of de Jersey J being appointed CJ – 1998) 1999 Byrne (or White J) 2000 Fryberg and Helman JJ 2001 Muir and Chesterman JJ 2002 Wilson and Atkinson JJ 2003 Holmes & Philippides JJ 2004 McMurdo & Douglas JJ 2005 Moynihan SJA and Mackenzie J 2006 Byrne J and White J 2007 Fryberg J and Helman J 2007 (30 June) Fryberg J and Muir J (from Nov 07) Fryberg J and Chesterman J 2008 Chesterman J Wilson J</p>	<p>One year 2009 Atkinson J Dutney J 2010 Mullins J Philippides J 2011 P D McMurdo J Douglas J and A Lyons J (carry out the role when Douglas J is away in 2011) 2012 A Lyons J Daubney J 2013 Martin J Applegarth J 2014 P Lyons J Alan Wilson J 2015 Boddice J Dalton J</p>	<p>s. 127 <i>Electoral Act</i> Judges decided Nov. 1995 to select 2 Judges each calendar year. The 2 most senior judges who have not recently heard a case in this Court should be listed Judges. Senior Judge of the two will have the primary responsibility to sit.</p>	



**SUPREME COURT OF
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

Received 11/2/15
@ 2:35pm.
Amorson.

MEMORANDUM

To: President, Court of Appeal
From: Carmody CJ
Date: 11 February 2015
Subject: Broadcasting Court Proceedings

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

Thank you for your memorandum of 9 February 2015.

In the last paragraph you say that the Committee will bring a draft issues paper to a meeting of judges.

Before that happens the Committee is required to propose terms of reference for my consideration and approval and provide me with a timeline.

Thank you.

All the best,

The Chief Justice

Justice Atkinson

From: Justice Byrne
Sent: Wednesday, 11 February 2015 9:48 AM
To: Justice Atkinson
Subject: FW: Supreme Court "Statement"?

FYI, Roslyn.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

From: Justice Byrne
Sent: Wednesday, 11 February 2015 8:47 AM
To: Justice Boddice; Justice Dalton
Cc: Justice Margaret McMurdo; Chief Justice Tim Carmody (ChiefJustice.Carmody@courts.qld.gov.au)
Subject: Supreme Court "Statement"?

David, Jean,

The Australian carries a report today that includes:

"A statement from the Supreme Court said the "constitution of the Court of Disputed Returns is a matter for the Chief Justice under the Electoral Act. He will consider the issue if and when it arises".

I know nothing of any such statement.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Justice Atkinson

From: Justice Daubney
Sent: Wednesday, 11 February 2015 2:02 PM
To: Justice Byrne
Cc: DL-Trial Division Judges; Justice MAMcMurdo
Subject: Report in today's Australian

John,

I refer to the report in today's "Australian" (p 4) in which it is said: "A statement from the Supreme Court said the 'constitution of the Court of Disputed Returns is a matter for the Chief Justice under the Electoral Act. He will consider the issue if and when it arises'."

Is it known whether a statement was publicly issued which purported to be made on behalf of "the Supreme Court", and if so who issued that statement?

The last time I looked, I am a member of the Supreme Court and I certainly did not authorise the issuing of such a statement. Nor did any of our colleagues with whom I have spoken.

A clarification would be much appreciated.

Kind regards,
Martin

HON JUSTICE MARTIN DAUBNEY



Queen Elizabeth II Courts of Law
415 George Street
Brisbane 4000
Australia

T: +61 (0)7 3247 929
E: Justice.Daubney@courts.qld.gov.au

Justice Atkinson

From: Justice Byrne
Sent: Wednesday, 11 February 2015 2:16 PM
To: Justice Daubney
Cc: DL-Trial Division Judges; Justice MAMcMurdo; Chief Justice Carmody
Subject: RE: Report in today's Australian

Martin,

I do not know who, if anyone, was responsible for the statement.

I shall copy this response to the Chief Justice in case he may know the facts and respond to your concerns.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

From: Justice Daubney
Sent: Wednesday, 11 February 2015 2:02 PM
To: Justice Byrne
Cc: DL-Trial Division Judges; Justice MAMcMurdo
Subject: Report in today's Australian

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Is it known whether a statement was publicly issued which purported to be made on behalf of "the Supreme Court", and if so who issued that statement?

The last time I looked, I am a member of the Supreme Court and I certainly did not authorise the issuing of such a statement. Nor did any of our colleagues with whom I have spoken.

A clarification would be much appreciated.

Kind regards,
Martin

HON JUSTICE MARTIN DAUBNEY



Queen Elizabeth II Courts of Law
415 George Street
Brisbane 4000
Australia

T: +61 (0)7 3247 929

E: Justice.Daubney@courts.qld.gov.au

Justice Atkinson

From: Justice Byrne
Sent: Wednesday, 11 February 2015 5:15 PM
To: DL-Trial Division Judges
Cc: Justice MAMcMurdo; Chief Justice Carmody
Subject: FW: Rockhampton Circuit commencing 23 February 2015
Attachments: 20150211170305340.pdf

Good day,

I attach the Chief Justice's response to the email below.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

From: Justice Byrne
Sent: Wednesday, 11 February 2015 1:48 PM
To: Chief Justice Tim Carmody (ChiefJustice.Carmody@courts.qld.gov.au)
Cc: Justice Boddice; Justice Dalton; Justice McMeekin; Justice MAMcMurdo
Subject: Rockhampton Circuit commencing 23 February 2015

Tim,

Sch.2/2(1)

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Justice Atkinson

From: Justice Atkinson
Sent: Wednesday, 18 February 2015 2:22 AM
To: Justice Jackson

Dear David

Sch. 4/3/3 Sch.4/3/3 I think we probably need to informally discuss your proposed resolutions with as many of our colleagues as possible and then call a meeting either of the trial division (without Byrne J) or of the whole court to discuss and vote on them.

What do you think?

I'll be back on Thursday.

Regards
Roslyn

Justice Atkinson

From: Justice Jackson
Sent: Wednesday, 18 February 2015 10:06 AM
To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm
Attachments: Draft Resolutions.docx

Dear Chief Justice and Judges,

As most of you are aware (and my apologies to those with whom I have not been able to raise the question personally yesterday afternoon or this morning) I am proposing that there be a meeting of Judges to consider proposed resolutions in accordance with the draft that I attach. I propose that the meeting be at 1:15 pm tomorrow in the Judges' Meeting Room. That will enable the regional Judges to attend by video or audio link, if they are available.

I have not yet spoken to the Chief Justice, Justice Wilson, Justice North or Justice Thomas, but will seek to meet with or talk to them asap.

However, I did not consider that I could defer nominating the time for the meeting any later as you all have your own arrangements. In my view, something must be done immediately about the current situation in respect of proposed resolutions 3 and 4, and resolutions 1 and 2 are of such general importance that they should not be put off. Secondly, I am aware that some of the most important participants are otherwise engaged next week.

I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

From: Justice Atkinson
Sent: Wednesday, 18 February 2015 12:23 PM
To: Justice Jackson
Subject: Re: Proposed Meeting - 19 February 2015 @ 1:15 pm

You have acted with great courage and integrity David. And the reaction to your email?
Roslyn

From: Justice Jackson
Sent: Wednesday, 18 February 2015 10:05:58 AM
To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear Chief Justice and Judges,

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I have not yet spoken to the Chief Justice, Justice Wilson, Justice North or Justice Thomas, but will seek to meet with or talk to them asap.

However, I did not consider that I could defer nominating the time for the meeting any later as you all have your own arrangements. In my view, something must be done immediately about the current situation in respect of proposed resolutions 3 and 4, and resolutions 1 and 2 are of such general importance that they should not be put off. Secondly, I am aware that some of the most important participants are otherwise engaged next week.

I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

From: Justice Atkinson
Sent: Wednesday, 18 February 2015 5:13 PM
To: Justice Jackson
Subject: Re:

Can I speak to you:

Roslyn

From: Justice Jackson
Sent: Wednesday, 18 February 2015 9:23:29 AM
To: Justice Atkinson
Subject: RE:

Roslyn

I have spoken to all our colleagues on the Trial Division, except North J who has not yet responded to my message or call, and Thomas J who I am following up this morning. All are generally in favour of the resolutions. Two think resolution 2 is unnecessary.

I propose that the meeting be tomorrow at 1:15 pm and chaired by you as the senior Judge of the Trial Division who is not the subject of any of the proposed resolutions.

Regards

David

From: Justice Atkinson
Sent: Wednesday, 18 February 2015 2:22 AM
To: Justice Jackson
Subject:

Dear David

Sch. 4/3/3 Sch.4/3/3 I think we probably need to informally discuss your proposed resolutions with as many of our colleagues as possible and then call a meeting either of the trial division (without Byrne J) or of the whole court to discuss and vote on them.

What do you think?

I'll be back on Thursday.

Regards
Roslyn

Justice Atkinson

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear colleagues

I agree that we should meet to discuss the proposals. The meeting time of 1.15 today appears to suit most. I accept that in the circumstances I will have to chair the meeting. Accordingly could you let me know if you are unable to attend.

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice Jackson
Sent: Wednesday, 18 February 2015 10:06 AM
To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear Chief Justice and Judges,

As most of you are aware (and my apologies to those with whom I have not been able to raise the question personally yesterday afternoon or this morning) I am proposing that there be a meeting of Judges to consider proposed resolutions in accordance with the draft that I attach. I propose that the meeting be at 1:15 pm tomorrow in the Judges' Meeting Room. That will enable the regional Judges to attend by video or audio link, if they are available.

I have not yet spoken to the Chief Justice, Justice Wilson, Justice North or Justice Thomas, but will seek to meet with or talk to them asap.

However, I did not consider that I could defer nominating the time for the meeting any later as you all have your own arrangements. In my view, something must be done immediately about the current situation in respect of

proposed resolutions 3 and 4, and resolutions 1 and 2 are of such general importance that they should not be put off. Secondly, I am aware that some of the most important participants are otherwise engaged next week.

I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

From: Justice Applegarth
Sent: Thursday, 19 February 2015 9:16 AM
To: Justice Atkinson
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear Roslyn

Thank you for taking on the role.

I will be able to attend. May I suggest that to ensure that the meeting gets off to a smooth start that video-links to Cairns and Townsville are established and secured, and before the meeting assembles someone ensures that there are no strangers in any courtroom that Jim or David may be using.

I will be in the middle of a summing-up, and if the meeting goes long after 2.30 pm, I will have to leave. I will give my proxy to someone: provisionally Alan Wilson, but will confirm this if and when I have to leave the meeting.

Hopefully, the meeting will be a short one.

Thanks

Peter

Justice Peter Applegarth
Supreme Court of Queensland
Tele: +61 7 3247 9216

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
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Dear colleagues

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Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122

Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice Jackson

Sent: Wednesday, 18 February 2015 10:06 AM

To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North

Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm

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I have not yet spoken to the Chief Justice, Justice Wilson, Justice North or Justice Thomas, but will seek to meet with or talk to them asap.

However, I did not consider that I could defer nominating the time for the meeting any later as you all have your own arrangements. In my view, something must be done immediately about the current situation in respect of proposed resolutions 3 and 4, and resolutions 1 and 2 are of such general importance that they should not be put off. Secondly, I am aware that some of the most important participants are otherwise engaged next week.

I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

From: Justice PLYons
Sent: Thursday, 19 February 2015 9:32 AM
To: Justice Atkinson
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Thanks, Ros. I expect to be there.

Regards,

Peter Lyons.

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
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Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice Jackson
Sent: Wednesday, 18 February 2015 10:06 AM
To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
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I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

From: Justice Atkinson
Sent: Thursday, 19 February 2015 10:01 AM
To: Justice Applegarth
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Thanks Peter. I'll attend to that.

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice Applegarth
Sent: Thursday, 19 February 2015 9:16 AM
To: Justice Atkinson
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear Roslyn

Thank you for taking on the role.

I will be able to attend. May I suggest that to ensure that the meeting gets off to a smooth start that video-links to Cairns and Townsville are established and secured, and before the meeting assembles someone ensures that there are no strangers in any courtroom that Jim or David may be using.

I will be in the middle of a summing-up, and if the meeting goes long after 2.30 pm, I will have to leave. I will give my proxy to someone: provisionally Alan Wilson, but will confirm this if and when I have to leave the meeting.

Hopefully, the meeting will be a short one.

Thanks

Peter

Justice Peter Applegarth
Supreme Court of Queensland
Tele: +61 7 3247 9216

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Subject: RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear colleagues

I agree that we should meet to discuss the proposals. The meeting time of 1.15 today appears to suit most. I accept that in the circumstances I will have to chair the meeting. Accordingly could you let me know if you are unable to attend.

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice Jackson

Sent: Wednesday, 18 February 2015 10:06 AM

To: Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Atkinson; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Jackson; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North

Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear Chief Justice and Judges,

As most of you are aware (and my apologies to those with whom I have not been able to raise the question personally yesterday afternoon or this morning) I am proposing that there be a meeting of Judges to consider proposed resolutions in accordance with the draft that I attach. I propose that the meeting be at 1:15 pm tomorrow in the Judges' Meeting Room. That will enable the regional Judges to attend by video or audio link, if they are available.

I have not yet spoken to the Chief Justice, Justice Wilson, Justice North or Justice Thomas, but will seek to meet with or talk to them asap.

However, I did not consider that I could defer nominating the time for the meeting any later as you all have your own arrangements. In my view, something must be done immediately about the current situation in respect of proposed resolutions 3 and 4, and resolutions 1 and 2 are of such general importance that they should not be put off. Secondly, I am aware that some of the most important participants are otherwise engaged next week.

I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

CONFIDENTIAL TO THE JUDGES

MINUTES

TRIAL DIVISION JUDGES' MEETING

JUDGES' MEETING ROOM

19 February 2015

Chair Atkinson J

Attendees Byrne SJA
Mullins J
P McMurdo J
Douglas J
A Lyons J
Daubney J
Martin J
Applegarth J
P Lyons J
Wilson J
Boddice J
Dalton J
North J (by AV link)
Henry J (by AV link)
Jackson J
Thomas J (by telephone)
Flanagan J
Burns J

Apologies McMeekin J

Atkinson J opened the meeting at 1:15 pm.

Jackson J proposed four resolutions, the terms of which had been notified to the Chief Justice and the Judges of the Trial Division by email on the previous morning.

Boddice J indicated that he abstain from voting on Resolution 2 given its terms and Byrne SJA indicated that he would leave the meeting when Resolution 3 and Resolution 4 were being considered and decided.

Resolution 1

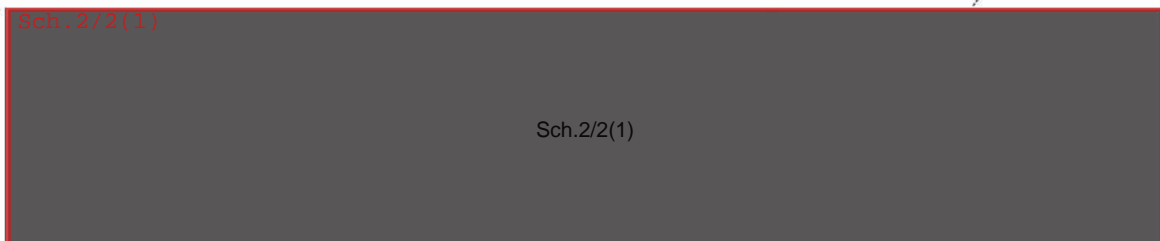
Jackson J spoke to the following proposed resolution, and discussion ensued.

That the Judges of the Trial Division affirm the appropriateness of the existing protocol for appointing the Judges who will constitute the Court of Disputed Returns, which exists to avoid any question of bias or partiality in the appointment process.

Motion carried unanimously.

Resolution 2

Jackson J spoke to the following proposed resolution, and discussion ensued.



As a preliminary matter, Atkinson J moved:

That the second proposed resolution be put to the vote.

Motion carried

Further discussion ensued before Atkinson J put the second proposed resolution to a vote

Motion carried unanimously.

Notice to the Chief Justice and President

All present agreed that a copy of the resolutions passed at this meeting be provided to the Chief Justice and the President, and Atkinson J and Jackson J were authorised to do so.

As there was no further business, the meeting was closed at 2:30 pm,

Atkinson J



**QUEENSLAND
COURTS**
CHAMBERS OF THE PRESIDENT

MEMORANDUM

TO: Carmody CJ

FROM: President Court of Appeal, Fraser JA, Atkinson J, Martin J, Applegarth J

DATE: 20 February 2015

RE: ELECTRONIC PUBLICATION OF COURT PROCEEDINGS COMMITTEE

Brisbane Supreme Court
QEII Courts of Law Complex
415 George Street
Brisbane QLD 4000

PO Box 15167
City East QLD 4002

PH (07) 3247 9214
FX (07) 3247 9232
www.courts.qld.gov.au

We refer to your memo of 11 February 2015.

The committee was established by all the Judges and will therefore report to all the Judges. You were to chair the committee but you resigned. We will do the work of the committee as expeditiously as our judicial duties allow. We do not accept that we are required to propose terms of reference for your consideration and approval and to provide you with a time line. We will keep you and the other Judges fully informed of our progress.



**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

MEMORANDUM

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

To: President, Court of Appeal, Fraser JA, Atkinson J, Martin J, Applegarth J

From: Carmody CJ

Date: 20 February 2015

**Subject: Electronic Publication of Court Proceedings Committee Memorandum
20 February 2015**

Please yourselves.



The Chief Justice

Justice Atkinson

From: Justice Atkinson
Sent: Friday, 20 February 2015 1:02 PM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
Cc: Justice McMurdo
Subject: FW:
Attachments: 20150220104900765.pdf

Dear Chief Justice and Judges

I attach a memo sent to Jackson J and me as a result of our giving the resolutions passed at our meeting yesterday to the Chief Justice.

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

-----Original Message-----

From: ricoh@justice.qld.gov.au [mailto:ricoh@justice.qld.gov.au]
Sent: Friday, 20 February 2015 10:49 AM
To: Justice Atkinson
Subject:

This E-mail was sent from "JP40914" (Aficio MP 5001).

Scan Date: 20.02.2015 10:49:00 (+1000)
Queries to: ricoh@justice.qld.gov.au

Justice Atkinson

From: Justice MAMcMurdo
Sent: Friday, 20 February 2015 2:57 PM
To: Justice Atkinson
Subject: FW: Supreme Court "Statement"?

FYI

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland

From: Justice MAMcMurdo
Sent: Wednesday, 11 February 2015 9:58 AM
To: Justice Byrne; Justice Boddice; Justice Dalton
Cc: Chief Justice Carmody
Subject: RE: Supreme Court "Statement"?

John – I know nothing of such statement. It does not accord with our long established practice with which those who practise in this area of the law are familiar. I think the statement should be corrected.
Margaret

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland

From: Justice Byrne
Sent: Wednesday, 11 February 2015 8:47 AM
To: Justice Boddice; Justice Dalton
Cc: Justice MAMcMurdo; Chief Justice Carmody
Subject: Supreme Court "Statement"?

David, Jean,

The Australian carries a report today that includes:

"A statement from the Supreme Court said the "constitution of the Court of Disputed Returns is a matter for the Chief Justice under the Electoral Act. He will consider the issue if and when it arises".

I know nothing of any such statement.

John

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Justice Atkinson

From: Justice North
Sent: Wednesday, 25 February 2015 9:21 AM
To: Justice Atkinson
Subject: RE: Minutes 19 Feb 2015

Roslyn thank you for your reply.
David.

From: Justice Atkinson
Sent: Tuesday, 24 February 2015 11:25 AM
To: Justice North
Subject: RE: Minutes 19 Feb 2015

Dear David

Thank you for your email.

The minutes of the meeting which I sent to you yesterday, under the heading Resolution 2, record that:

“As a preliminary matter, Atkinson J moved:

That the second proposed resolution be put to the vote.

Motion carried”

I recall that you voted against that procedural motion. The minutes accurately record that motion as being carried but do not say that it was carried unanimously.

I took a separate vote on each of the proposed Resolutions 1 to 4 and I asked each of those who attended by video link or telephone how they voted. The votes were compiled by the minute taker and noted by at least one other Judge.

As to Resolutions 1 to 4, no one at the meeting voted against any of those motions. There were some Judges who abstained on resolutions.

I understand that the conventional way of recording a resolution where there are no votes cast against it is as carried unanimously: see for example, Renton, *Guide for Meetings and Organisations*, 6 ed, vol 2, par [8.20].

Thanks you for your response. I hope that this clarifies the matter for you.

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.

Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

From: Justice North
Sent: Monday, 23 February 2015 4:46 PM
To: Justice Atkinson
Subject: RE: Minutes 19 Feb 2015

Roslyn

The document you circulated does not accord with my recollection of the meeting.

I abstained from one motion and voted against at least one other. I only recall that one motion was carried unanimously.

David.

From: Justice Atkinson
Sent: Monday, 23 February 2015 4:31 PM
To: DL-Supreme Court Judges
Subject: FW: Minutes 19 Feb 2015

I attach minutes of the meeting of the trial division held on 19 February 2015.

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

Justice Atkinson

From: Justice Martin
Sent: Tuesday, 3 March 2015 3:24 PM
To: Justice Atkinson; Justice Byrne; Justice Daubney; Justice Jackson
Subject: Chief justice Carmody taken off court calendar showing him to be least active | Australia news | The Guardian

<http://www.theguardian.com/australia-news/2015/mar/03/chief-justice-carmody-taken-off-court-calendar-showing-him-to-be-least-active>

Justice Atkinson

From: Justice MAMcMurdo
Sent: Friday, 6 March 2015 2:29 PM
To: Justice Atkinson; Justice PDMcMurdo; Justice Boddice
Subject: FW: Court of Appeal Calendar - First Half of 2015
Attachments: Memo from CJ 5.3.15 re CoA calendar first half of 2015.pdf; Memo 5.3.15 CoA Calendar Changes - First Half of 2015.pdf

FYI

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland

From: Kelly Morseu
Sent: Friday, 6 March 2015 2:06 PM
To: Justice MAMcMurdo
Subject: FW: Court of Appeal Calendar - First Half of 2015

FYI Judge

From: Kelly Morseu
Sent: Friday, 6 March 2015 12:23 PM
To: Justice Cate Holmes (Justice.Holmes@courts.qld.gov.au); Justice Gotterson; Justice Morrison; Justice Philippides; Justice Byrne; Justice North; Justice Henry
Cc: Tracy Dutton; Paul Wigley
Subject: Court of Appeal Calendar - First Half of 2015

Dear All

Please find attached an exchange of memoranda between the Chief Justice and the President as follows :

1. Memo 5.3.15 from Chief Justice to President re Court of Appeal calendar - first half of 2015 and
2. Memo 5.3.15 from President to Chief Justice re Court of Appeal calendar – first half of 2015

Kindest regards

Kelly Morseu
A/Executive Assistant to the Hon Justice M A McMurdo AC
| Court of Appeal | Supreme Court of Queensland PO Box 15167, City East
| QLD 4002 | 415 George Street, Brisbane QLD 4000
| t: +61 7 3247 9214
| f: +61 7 3247 9232
email: kelly.morseu@justice.qld.gov.au
w: www.courts.qld.gov.au

Justice Atkinson

From: Justice MAMcMurdo
Sent: Tuesday, 10 March 2015 3:18 PM
To: Justice Applegarth; Justice Atkinson; Justice Martin; Justice PDMcMurdo; Justice PLYons; Justice Douglas; Justice Boddice; Justice Alan Wilson; Justice A Lyons
Subject: FW: Memo to Chief Justice 10.3.15 re Court of Appeal Calendar & previous memo from CJ 6.3.15
Attachments: 20150310144040236.pdf

FYI part 2 - my memo is a response to The CJ's memo which follows.
Best wishes
Margaret

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland

CONFIDENTIAL TO THE JUDGES

MINUTES

**MEETING OF THE JUDGES OF BOTH DIVISIONS
OF THE COURT**

Common Room, 10 March 2015, 9.00 am

Chairs McMurdo P and Byrne SJA

Attendees Carmody CJ
 Holmes JA
 Gotterson JA
 Morrison JA
 Philippides JA
 Atkinson J
 Mullins J
 P McMurdo J
 Douglas J
 A Lyons J
 Daubney J
 Martin J
 P Lyons J
 Wilson J
 Boddice J
 Dalton J
 North J (by video link)
 Jackson J
 Thomas J
 Flanagan J
 Burns J

Apologies Fraser JA
 McMeekin J
 Applegarth J
 Henry J

s.73(2) not relevant

s.73(2) not relevant

s.73(2) not relevant

s.73(2) not relevant

7. Other Business

Sch.2/2(1)

Sch.2/2(1)

McMURDO P

BYRNE SJA

Rec'd 16/3
at 8:45am



**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

MEMORANDUM

To: President, Court of Appeal
Cc: Ms T Dutton and Mr P Wigley
From: Carmody CJ
Date: 13 March 2015
Subject: Admissions – 16 and 17 December 2015

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

As I am unavailable to sit in Admissions on Wednesday 16 and Thursday 17 December 2015 I invite you to preside in my absence.

If you could please confirm your availability.

Thank you.

All the best,

A handwritten signature in black ink, appearing to be 'CJ' with a flourish.

Chief Justice



**SUPREME COURT OF
QUEENSLAND**
CHAMBERS OF THE CHIEF JUSTICE

Rec'd 16/3
at 8:45am.

MEMORANDUM

To: President, Court of Appeal
Cc: Ms T Dutton and Mr P Wigley
From: Carmody CJ
Date: 13 March 2015
Subject: Admissions – 1 June 2015

Queen Elizabeth II Courts of Law
415 George Street
Brisbane QLD 4000
PO Box 15167
City East QLD 4002
PH 61 7 3247 4279
FX 61 7 3247 4206
www.courts.qld.gov.au

I wish to confirm, as per a file note from Marie Bergwever of 17/12/14, your availability to sit in Admissions on Monday 1st June 2015 in my absence.

Thank you.

All the best,

A handwritten signature in black ink, appearing to be 'AJ'.

Chief Justice

Justice Atkinson

From: Justice Atkinson
Sent: Monday, 16 March 2015 5:07 PM
To: Justice MAMcMurdo
Subject: RE: Chief Justice's Court of Appeal calendar 2015

Margaret

Sch.4/3/, s.49(1)

Sch.4/3/, s.49(1)

Regards

Roslyn

The Hon Justice Roslyn Atkinson AO
Supreme Court of Queensland
415 George Street
Brisbane.
PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122
Facsimile: 07 3229 9568
Email: justice.atkinson@courts.qld.gov.au

-----Original Message-----

From: Justice MAMcMurdo
Sent: Monday, 16 March 2015 10:55 AM
To: Justice Holmes; Justice Fraser; Justice Gotterson; Justice Morrison; Justice Philippides
Cc: Justice Byrne; Justice Atkinson
Subject: FW: Chief Justice's Court of Appeal calendar 2015

FYI

The Hon Justice Margaret McMurdo AC
President, Court of Appeal, Supreme Court of Queensland

-----Original Message-----

From: SDC_COA_Sec_RICOHMP161SPF
Sent: Monday, 16 March 2015 9:16 AM
To: Justice MAMcMurdo
Subject:

This E-mail was sent from "JP42360" (Aficio MP 161).

Scan Date: 16.03.2015 09:15:35 (+1000)
Queries to: SDC_COA_Sec_RICOHMP161SPF

Justice Atkinson

From: Justice Byrne
Sent: Friday, 20 March 2015 3:48 PM
To: Chief Justice Carmody; Justice MAMcMurdo; Chief Judge O'Brien; DL-Trial Division Judges; bondj@qldbar.asn.au
Cc: Angela Karageozis; Lyn Klein; Associate Byrne SJA
Subject: Draft Calendar - Jul 2015 - Jan 2016
Attachments: Provisional Calendar Second Half 2015.xlsx

I attach a draft of the Calendar for the second half of this year and into the 2016 Summer Break.

Please let me have any comment you wish to make concerning it by Wednesday, 25 March.

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Rachel Monaghan
A/Executive Assistant to the
Honourable T F Carmody Chief Justice
Supreme Court of Queensland
Level 16, Queen Elizabeth II Courts of Law
415 George Street, Brisbane, QLD, 4000
(PO Box 15167, City East, QLD, 4002)
Telephone: +61 7 3247 4279 | Facsimile: +61 7 3247 4206
Email: Rachel.Monaghan@justice.qld.gov.au

From: Associate DouglasJ
Sent: Wednesday, 25 March 2015 3:20 PM
To: Rachel Monaghan; Associate MAMcMurdoP
Cc: Kelly Morseu; Associate Carmody CJ
Subject: RE: Chief Justice's availability - Week commencing 30 March 2015

Dear Rachel

Justice Douglas would like to pass on his thanks. His Honour will keep the offer in mind, however will not know whether assistance will be needed in applications until the particular day.

Anne – If the President takes up the Chief Justice's offer for any particular day, could you please let me know?

Kind regards

Jarrold Jolly
Associate to the Hon Justice J.S. Douglas
Supreme Court of Queensland
Ph: +61 7 3247 4286
Fax:+61 7 3221 7565
Email: associate.douglasj@courts.qld.gov.au

From: Rachel Monaghan
Sent: Wednesday, 25 March 2015 3:07 PM
To: Associate MAMcMurdoP; Associate DouglasJ
Cc: Kelly Morseu; Associate Carmody CJ
Subject: Chief Justice's availability - Week commencing 30 March 2015

Dear Anne and Jarrod,

The Chief Justice has asked me to advise the President and Justice Douglas that His Honour is available for Court of Appeal or Applications relief on Tuesday (following Justice Bond's swearing in); Wednesday and Thursday of next week.

If you could please advise your Judge of the Chief Justice's availability.

If you could please email Chris and myself with any reply/details . Thank you for your assistance.

Kind regards,

Rachel Monaghan
A/Executive Assistant to the
Honourable T F Carmody Chief Justice
Supreme Court of Queensland
Level 16, Queen Elizabeth II Courts of Law
415 George Street, Brisbane, QLD, 4000
(PO Box 15167, City East, QLD, 4002)
Telephone: +61 7 3247 4279 | Facsimile: +61 7 3247 4206
Email: Rachel.Monaghan@justice.qld.gov.au