

## MEMORANDUM

**To:** Chief Justice  
**From:** Justice Ann Lyons  
**Date:** 4 August 2014      **Our Ref:**      **Your Ref:**  
**Subject:** Criminal Sittings commencing 11 August 2014

In accordance with our usual practice you will shortly receive a Criminal Sittings Memorandum from the Criminal List Manager outlining the matters which are currently listed before you in your 2 week criminal sittings commencing 11 August 2014. In that memorandum you will receive information about the Trials and the Sentences which were allocated to that particular sittings at the Criminal Reviews which are conducted each Friday morning.

As this is your first Criminal Sittings in the Supreme Court I thought I should explain the sittings in a little more detail to you. The usual practice is to commence a sittings with sentences and 590AA hearings and then to list a Trial to follow.

### Week One.

Monday 11 August is allocated to sentences. You will probably be listed either two or three sentences. We previously used to list 6 or 7 sentences a day to Supreme Court judges but since the decision in *R v Barbaro* experience has shown that only 2 or 3 sentences can be dealt with per day. You will find that most prosecutors and defence counsel will provide the cases they will be relying on in advance as well as any voluminous psychologist's reports by the afternoon of the day before sentence.

Tuesday 12 August at this stage has one sentence and a half day 590AA Application listed. In accordance with Practice Direction 4 of 2014 submissions in relation to that application are required to be filed in advance and are already on the file to ensure that you can read the outlines of argument and cases in advance of the application.

Wednesday 13 August is the Exhibition public holiday.

Thursday 14 and Friday 15 have one 590AA application listed for the two days. The estimate was that it would take 3 days but having read the material I am hopeful that it can be dealt with in 2 days leaving the entire second week for the trial. If it does take 3 days the Trial will commence on Tuesday rather than Monday- you will just have to see how it goes.

### Week Two

As your sittings is a short two week sittings you have been allocated as the Number One trial a short 3-4 day attempted murder of *R v Lyons* which can be comfortably accommodated in the second week.

As you will see from the Trial list there are currently a number of other short trials which have also been listed before you all to commence in that week. As you are aware trials are allocated in that way in case the Number One trial falls over. I conducted a Review of your sittings on Friday 1 August and was advised that the Number 1 Trial of *R v Lyons* is proceeding and will be ready to commence on Monday 18 or Tuesday 19 depending on whether the 590AA takes 2 or 3 days.

There are sentences listed for Thursday 21 and Friday 22 August should your trial finish early.

Justice Boddice is listed to sit in the second week and I am proposing that conduct a callover of all the remaining drug trials listed for the second week to ascertain what trials are proceeding and to set them down either during that week if they can be accommodated or in the drug sittings he and I are conducting commencing 1 September. He is otherwise listed in sentences for the entire week.

I trust that gives you sufficient information as to the Sittings.



**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](http://www.courts.qld.gov.au)

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**To:** Lyons J  
**From:** Carmody CJ  
**Date:** 7 August 2014  
**Subject:** Criminal Sittings commencing 11 August 2014

Thank you for explaining what I can expect to deal with in my first criminal sittings. It is very helpful and much appreciated.

TFC

## Justice Byrne

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**From:** Justice Byrne  
**Sent:** Friday, 29 August 2014 4:39 PM  
**To:** DL-Trial Division Judges; Chief Justice Carmody; Chief Judge Wolfe; SC-CrimListManager; CivillistManager; Apn Manager; comcausemanager; supcasemanager  
**Cc:** Justice MAMcMurdo; Angela Karageozis; SJA Executive Assistant  
**Subject:** Draft Calendar - first half 2015  
**Attachments:** Provisional Calendar First Half 2015.xls

I attach a draft of the Calendar for the period Feb - Jul 2015.

Please let me have any comment you wish to make by Thursday, 4 September.

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



SUPREME COURT  
OF QUEENSLAND

# REVISED AGENDA

## TRIAL DIVISION JUDGES' MEETING

3 December 2014, 9.00am

CONFIDENTIAL TO THE JUDGES

For discussion

**1. Apologies**

s.73(2) not relevant

s.73(2) not relevant

**8. Court of Disputed Returns – appointments for 2015**

s.73(2) not relevant

s.73(2) not relevant

## Justice Byrne

---

**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  
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## Justice Byrne

---

**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

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## Justice Byrne

---

**From:** Justice Byrne  
**Sent:** Thursday, 4 December 2014 2:56 PM  
**To:** DL-Supreme Court Judges  
**Subject:** Minutes of Trial Division meeting - 3 December  
**Attachments:** Minutes 3.12.14.doc

Good day,

I attach minutes of the meeting of the Trial Division held yesterday.

Just a reminder that Trial Division judges agreed to send me their consents under s 3ZZAE(1) of the Crimes Act 1914 for forwarding in bulk.

If others wish to do that, I'd take their consents too.

John

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Senior Judge Administrator  
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**SUPREME COURT OF  
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

Your Ref:  
Our Ref: 1.238

16 January 2015

The Honourable Justice J H Byrne AO, RFD  
Chair  
National Judicial College of Australia Council  
C/- Judges' Chambers  
Supreme Court of Queensland  
Queen Elizabeth II Courts of Law  
415 George Street  
BRISBANE QLD 4000

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Dear Justice Byrne

I refer to my letter of 9 September 2014 in respect of nomination of Judges from this court who may wish to attend the next National Judicial Orientation Program to be held in Broadbeach from 21-26 June 2015.

I wish to advise I will not be attending this program.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Carmody', written over the words 'Yours sincerely'.

The Honourable Tim Carmody  
Chief Justice

## Queensland election 2015: Chief Justice Tim Carmody to play role in deciding Ferny Grove

Amy Remeikis

Published: February 10, 2015 - 11:35AM

Chief Justice Tim Carmody will play a role in determining the outcome of the disputed Ferny Grove electoral result.

The Electoral Commission of Queensland has already announced it will refer the Ferny Grove situation to the Court of Disputed Returns, as soon as the writ is returned, to determine if it is a valid result.

Under the Electoral Act, a single judge may "constitute, and exercise all the jurisdiction and powers of" the court, although it is understood two judges are considered preferable.

The Chief Justice may elect to be the single judge, or appoint another Supreme Court judge to act in his place.

A spokesman for Justice Carmody said "he will consider the issue if and when it arises". Justice Carmody was appointed by the Newman Government amid a sea of controversy, with many protesting against what they saw as his close association with the government. He has always maintained his independence.

I will update [@OldGovernor](#) on current situation this morning [#qldpol](#) — Campbell Newman ([@theqldpremier](#)) [February 9, 2015](#)

Both major parties are sweating on the Court of Disputed Returns decision in regards to Ferny Grove, as it could prove an election turner, if it was declared invalid, sparking a by-election.

The Palmer United candidate, Mark Taverner was found to be an undischarged bankrupt and therefore ineligible for standing for office. For the first time in modern political memory, a seat is being disputed before it has been declared, creating what is thought to be a new situation for the court.

If Mr Taverner's votes were found to have affected the election outcome, a by-election could be ordered for the electorate.

The LNP would need to win the by-election to have any hope of governing. That result would leave both parties with 43 seats each, leaving the two Katter MPs, who on Monday released a wish list of 21 demands for their support, with the balance of power.

The list includes key Katter Australian Party policy platforms - such as an ethanol mandate, road upgrades and an inland highway and the removal of flying foxes - as well as electorate sweeteners like a Mt Isa copper smelter and the banning of 100 per cent fly-in-fly-out mining projects.

"Let's not pussyfoot around, let's get in there and that's why we're setting up this action council, this is why we're working to make this happen," Mr Knuth said on Monday.

The MPs have not announced who they would support, but are tipped to be leaning towards the LNP.

On the current expected result, Labor would have 44 seats to the LNP's 42. With the support of Sunshine Coast independent Peter Wellington, Annastacia Palaszczuk could form government, if the Governor agrees, but the LNP, under Lawrence Springborg, is putting up resistance, claiming the caretaker government should continue until the Ferny Grove situation is resolved.

"All we are saying is that it is very, very unclear at this stage if there is a way forward because whatever happens one way or the other, Ferny Grove is going to be crucial in deciding whether one side or the other is going to be able to sustain a majority in the government," Mr Springborg said.

Ms Palaszczuk said she was ready to visit Government House as soon as the results were officially declared.

"I have been very calm over the last week since the last election. We only have a few more days to go, but I am up for the challenge," she said.

"I am confident that I am forming government in this state and I want to thank the people of Queensland for the support they have shown me during the election campaign and I will make sure I live up to their expectations each and every day."

But that could still be days away – a spokesman for the Electoral Commission said it hoped to have all seats declared by the end of the week, but said it was "unlikely" counting in all electorates would be finalised by Tuesday, as previously thought. Chief Justice Carmody will play a role in determining the outcome of the disputed Ferny Grove electoral result.

*This story was found at: <http://www.brisbanetimes.com.au/queensland/queensland-election-2015-chief-justice-tim-carmody-to-play-role-in-deciding-ferny-grove-20150209-13a5fw.html>*

»The corruption in Qld is blatant and in your face.«

»«

Candy | February 10, 2015, 7:20AM

»«

»With the innuendo of the association that Justice Carmody has with the LNP it would not be in his best interest to reside over such a case, because if it was found to be in favour of the LNP. Can you imagine the legal precedent this could cause to happen within the justice system. More interesting time ahead for Queensland.«

»«

Mike D | February 10, 2015, 7:25AM

»«

»Carmody to play a role?? And who is going to keep the chief justice honest and impartial? His track record is hardly brilliant so far, is it?!«

»«

Chris R | February 10, 2015, 7:31AM

»«

»With Carmody's involvement I can see this going all the way to the High Court.«

»«

chas | forest lake February 10, 2015, 7:41AM

»«

»Borg - the tribe has spoken. You are the weakest link. You are not the Premier.«

»«

Borg 3.0 | February 10, 2015, 7:46AM

»«

»The chickens are going to come home to roost for the LNP now for sure. Carmody will now pay them back for his elevation to the top.«

»«

sCOTTY p | bRISBANE February 10, 2015, 7:51AM

»«

»Given Tim Carmody's controversial appointment by the LNP, he should not be the sole judge to interpret the legal matters in regard to the result in Ferny Grove.«

»Before a bi-election is called the preference flows from the disqualified candidate need to be counted separately to determine the final 2 party preferred effect that his standing had on the final result. Even though he received 985 1st preference votes, the 2nd, and 3rd preferences will have flowed to either Labor or LNP. It is only where he received a 1st preference only and no further preferences were on the ballot paper that the final 2PP result can not be determined. Labor is currently 414 votes ahead of the LNP. So if the disqualified candidate received less than 414 1st preferences only and no further preferences were on the ballot paper then the final result is not in dispute.«

»«

Glynn | Ferny Grove February 10, 2015, 7:53AM

»«

»Well you can't accuse the LNP of not having foresight :( «

»We really are in #HereWeJahAgain territory, instead of a Gerrymander we have gaming of the system itself to ensure you stay in power, no wonder Springborg was so confident yesterday. I could not work that out, been reading all the Constitutional experts in regard to the Electoral Act in Qld & didn't see how Springborg could carry on with his Caretaker Govt forever type line. Guess we know now :(«

»Can almost guarantee now that there will be a by-election in Ferny Grove - even though most experts say would not be required - and anyone want to take odds that by-election will be delayed as long as possible to LNP have chance to do a "OMG chaos & uncertainty" campaign to ensure they take that seat, as we know, punters get scared easily...«

»Oh well, maybe next election we can get some 'Accountability' in Queensland :(«

»«

Noely | Sunshine Coast February 10, 2015, 7:57AM

»«

»Based on current counting the elected member will be Labor's Mark Furner. Mr Furner will have the rights and privileges of all duly elected members of parliament.«

»Resolving the Ferny Grove matter could take several months based on past Court of Disputed Returns cases, and there is nothing to stop a new government being formed in the mean time.«

»Professor Graeme Orr's book "The Law of Politics: Elections, Parties and Money in Australia" (Federation Press, 2010) tells us "It is fundamentally important to understand that the challenge is to the outcome of the election. That is, while the argument may be about the process of the election - the campaign, the polling or the counting - it is only the result of the election that can formally be challenged by petition."«

»The petitioner has to show that an error in the election process would have affected the result on the balance of probabilities.«

»So why is it taking all this week to count a few hundred votes?«

»«

Candy | February 10, 2015, 8:01AM

»«

»Let's hope whatever happens it is transparent. Given the circumstances around Carmody's appointment it appears the stench of the Newman government may linger a while longer. Surely an honorable man would remove himself from such proceedings given the gravity of them.«

»«

Mrfunbro | February 10, 2015, 8:01AM

»Carmody could almost clear the air if he sides with Labor on this one. He would instantly be seen by Labor as fair and unbiased, and the LNP would not have an argument as they hand picked him.  
It will be interesting to wait and watch the next chapter of this wonderful soap opera.«

Scotty | February 10, 2015, 8:02AM

»So, the CJ will now have a role to play in deciding an issue of intense interest to the LNP. Presumably ( hopefully), he will understand that the apprehension of bias would disqualify him from sitting on this issue himself. ...won't he?«

And Here We Are.. | Logan February 10, 2015, 8:04AM

»If Ferry Grove is declared for Labor then Anastacia along with the support of the ALP clone Wellington is entitled to govern. The LNP is looking increasingly desperate and is showing an unbecoming aversion to gracefully accept that they lost the election. It is more a case of Lawrence clutching on to the keys than Anna trying to snatch them.«

observer | February 10, 2015, 8:06AM

»I can feel some Labor whinging coming on already. Anna and here acolytes are already preparing to whinge about how they "were robbed" ahead of any by-election, notwithstanding they were clearly outpolled by the LNP.«  
»Now they are preparing to say they "were robbed" by the Chief Justice. Oh dear, how pathetic.«

Anchises | February 10, 2015, 8:08AM

»No not at all , this political appointment should excuse himself from the matter , and really resign from the position«

John | Wynnum February 10, 2015, 8:13AM

»You bewdy. Let the loopy lefties conspiracy theories begin !«

Me | February 10, 2015, 8:18AM

»If Carmody is the residing judge, then it will be a 'politically biased' result. He is an LNP appointee, held in contempt by his peers. Any decision he makes will be controversial.«

Jim | Labrador February 10, 2015, 8:19AM

»It's worth noting that a former Labor Senator who has analyzed the QLD election reckons the Campbell Newman factor dragged every LNP candidate down by about 5%, so without Campbell Newman the LNP is likely to win the Ferry Grove by election comfortably.«  
»No wonder Labor is panicking about getting in to government as soon as possible, so they can pull as many dirty tricks as possible to try and reverse the inevitable.«

Me | February 10, 2015, 8:22AM

»If Carmody has any integrity or respect for the role he shouldn't be in as it is he will appoint someone else.«

Liam | Windsor February 10, 2015, 8:24AM

»These Katter fools are wrong with the ethanol. It shouldn't be used in a marine environment as it allows moisture to gain easy access into the fuel. If 10% ethanol is added to all fuel it will only be a matter of time before some one gets caught out and requires rescuing possibly putting many lives at risk.  
It also doesn't have the same bang for the buck. Fuel consumption goes up and the cost of filling up the family car will be a burden on struggling families«

col | February 10, 2015, 8:25AM

»If the Palmer United candidate, Mark Taverner was an ineligible candidate I would hope that the people of Queensland would be able to recover the cost of any by election from the Palmer United party since they failed in their duty to provide a legitimate candidate. (Obviously Mark Taverner can't be sued as he is an undischarged bankrupt and I assume has no money.)«

coldturkey | Brisbane February 10, 2015, 8:44AM

»»

»We should do away with preferences. Make it easier to count, and the first person past the post wins. Not a person that does not have the majority of votes winning, and then getting votes from people who effectively get multiple votes. You chose ONE person to vote for...if that person does not make it then the person who the MAJORITY have voted for gets in.  
Much fairer way. One person one vote.«

»»

NickB | Brisbane February 10, 2015, 8:49AM

»»

»According to his peers, what would that idiot know about a decision on Ferny Grove, he was appointed as a LNP PUPPET.«

»»

Jockboy | February 10, 2015, 8:51AM

»»

»Its time for Carmody to repay Newman for his appointment by finding in favour of the LNP. LNP corrupt to the end.«

»»

chris | qld February 10, 2015, 8:59AM

»»

»If the people of Ferny Grove have to go to a by-election because a candidate did not disclose all the required information, then shouldn't all the costs incurred from his actions be paid by either him or his party. Why should the tax payer foot the bill for the costs of a by-election and why couldn't the people of Ferny Grove claim damages from the party for their time and costs? Maybe its time to sue Clive.«

»»

bjp | February 10, 2015, 9:05AM

»»

»Appointed by LNP Newman, Carmody will be protecting his own job as well as the Qld LNP. Biased decision - in my opinion, you bet it will be. How low will the LNP go to cling to power? More dirty tricks from the LNP. Queenslanders are sick and tired of the LNP trying to pull the wool over our eyes !«

»»

Annoyed | Brisbane February 10, 2015, 9:05AM

»»

»Tim Carmody should disqualify himself from any role the Court of Disputed Returns may play in this. He needs to do this because of the political and legal outcry over his appointment, and therefore the Court needs not only to be impartial, but seen to be impartial.«

»»

The Lad | 4340 February 10, 2015, 9:06AM

»»

»Carmody: the whole state is watching you along with a substantial part of the nation. If you perform for your puppetmaster you are done.«

»»

drovers cat | an alleyway February 10, 2015, 9:11AM

»»

»You would let a judge tainted by his association with the LNP to rule on the Ferny Grove Election result? No, no no..... I would rather a bi-election than that. When (sorry if) he ruled in favour of the LNP, no one would accept the result except for the LNP. This is what is wrong with the LNP, cronyism and favours for friends.«

»»

Brissy | February 10, 2015, 9:13AM

»»

»Exactly the problem everybody foresaw at the time.  
Luckily the Katter boys are on to it, and added an enquiry into corruption on their wishlist.  
So maybe we will not have to vote twice but three times. Second time when Carmody orders a by-election and a third time when the corruption enquiry decides his appointment was flawed and his decision for the by-election was invalid.  
Best thing Carmody can do, is to remove himself from the process, if he does not want to give his old masters any grief.«

»»

Guust Flater | Ferny Grove electorate February 10, 2015, 9:25AM

**CONFIDENTIAL TO THE JUDGES**

**MINUTES**

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

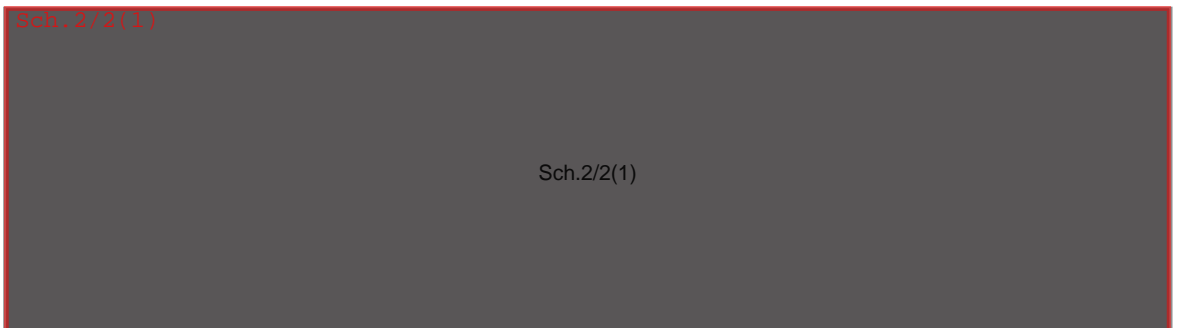
**Common Room, 10 February 2015, 9.00 am**

**Chairs**           McMurdo P and Byrne SJA

**Attendees**       Fraser JA  
                      Holmes JA  
                      Gotterson JA  
                      Philippides JA  
                      Atkinson J  
                      Mullins J  
                      P McMurdo J  
                      Douglas J  
                      A Lyons J  
                      Daubney J  
                      Martin J  
                      McMeekin J (by telephone)  
                      P Lyons J  
                      Boddice J  
                      Dalton J  
                      Henry J (by AV link)  
                      Jackson J  
                      Thomas J  
                      Flanagan J  
                      Burns J

**Apology**         North J

**1.     Court of Disputed Returns**



Sch.2/2(1)

Sch.2/2(1)

73(2) not relevant

73(2) not relevant

McMURDO P

BYRNE SJA



## Justice Byrne

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**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  
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**CHANGES TO THE SUPREME COURT TRIAL DIVISION CALENDAR**

**FIRST HALF 2015 – VERSION 7**

**ISSUED 11 FEBRUARY 2015**

<b>WEEK BEGINNING</b>	<b>DELETIONS</b>	<b>INSERTIONS</b>	<b>JUDGE</b>
9 February 15	Leave 10/2	Leave 10/2 Non-Court Duties	CJ
23 February 15	Judgments & Admin	Non-Court Duties	CJ
2 March 15		Non-Court Duties	CJ
9 March 15		Non-Court Duties	CJ
16 March 15	Judgments & Admin	Non-Court Duties	CJ
30 March 15	Judgments & Admin	Non-Court Duties	CJ
20 April 15	Judgments & Admin	Non-Court Duties	CJ
27 April 15	Judgments & Admin	Non-Court Duties	CJ
18 May 15	Judgments & Admin	Non-Court Duties	CJ
25 May 15	Judgments & Admin	Non-Court Duties	CJ



**SUPREME COURT OF  
QUEENSLAND**

CHAMBERS OF THE CHIEF JUSTICE

**MEMORANDUM**

**To:** Dalton J  
**From:** Carmody CJ  
**Date:** 13 February 2015  
**Subject:** The Court of Disputed Returns

Queen Elizabeth II Courts of Law  
415 George Street  
Brisbane QLD 4000  
PO Box 15167  
City East QLD 4002  
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[www.courts.qld.gov.au](http://www.courts.qld.gov.au)

---

Dear Jean,

Please find attached a copy of my note to Boddice J.

Thank you for your help.

A handwritten signature in black ink, appearing to be 'JC' or similar initials.

**Chief Justice**



COPY

Queen Elizabeth II Courts of Law  
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Brisbane QLD 4000  
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**MEMORANDUM**

**To:** Boddice J  
**From:** Carmody CJ  
**Date:** 13 February 2015  
**Subject:** Section 137 *Electoral Act* 1992 (Qld)

I refer to previous correspondence and discussions about this subject.

ss. 27(1)

Sch.2/2(1)

Please make all necessary arrangements.

Chief Justice

## Justice Jackson

---

**From:** Justice Jackson  
**Sent:** Wednesday, 18 February 2015 5:48 AM  
**To:** Justice McMeekin; Justice North; Justice Henry  
**Subject:** Proposed Meeting on 19 February 2014 at 1:15pm  
**Attachments:** Draft Resolutions.docx

Dear Duncan, David and James,

Sch. 2/2(1)

Sch.2/2(1)

I propose to arrange a meeting of the Judges tomorrow, during the luncheon adjournment period, to consider the resolutions on the attached draft. As the subject of the resolutions directly concerns the Chief Justice and the SJA, I propose that the next senior Judge, Atkinson J if she is available, convene and chair the meeting.

I was able to personally discuss my proposal with each of the Judges of the Trial Division in Brisbane yesterday afternoon, except for Burns J and Thomas J. I will attempt to speak to each of them this morning. I will also call each of you to discuss it. I also propose to approach the Chief Justice this morning, to inform him of my proposal and to invite him to participate.

Regards

David Jackson

## Justice Jackson

---

**From:** Justice Jackson  
**Sent:** Wednesday, 18 February 2015 9:23 AM  
**To:** Justice Atkinson  
**Subject:** RE:  
**Attachments:** Draft Resolutions.docx

Rosylyn

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 Jackson

---

**From:** Justice Jackson  
**Sent:** Wednesday, 18 February 2015 9:28 AM  
**To:** Justice Thomas  
**Subject:** Proposed Meeting on 19 February at 1:15 pm  
**Attachments:** Draft Resolutions.docx

Dear David

I propose to arrange a meeting of the Judges tomorrow, during the luncheon adjournment period, to consider the resolutions on the attached draft. As the subject of the resolutions directly concerns the Chief Justice and the SJA, I propose that the next senior Judge, Atkinson J if she is available, convene and chair the meeting.

I was able to personally discuss my proposal with each of the Judges of the Trial Division in Brisbane yesterday afternoon, except for Burns J and yourself. I have spoken this morning to McMeekin J and Henry J. I also propose to approach the Chief Justice this morning, to inform him of my proposal and to invite him to participate.

Regards

David Jackson  
3008 8735

## Justice Douglas

---

**From:** Justice Douglas  
**Sent:** Wednesday, 18 February 2015 10:33 AM  
**To:** Justice Jackson  
**Subject:** RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

David – I'm due to be at an ACU Senate meeting in Sydney tomorrow but that meeting should be finished by 1:15 pm our time and I could ring in.

I may not be able to go down to Sydney if my jury hasn't returned anyway.

I'll make inquiries about the number to ring in on if I am down there.

Kind regards,

JSD

---

**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 Jackson

---

**From:** Justice Jackson  
**Sent:** Wednesday, 18 February 2015 11:31 AM  
**To:** Justice Alan Wilson  
**Subject:** RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Alan

Thanks. I hope this all ends in the least bad way.

Regards

David

---

**From:** Justice Alan Wilson  
**Sent:** Wednesday, 18 February 2015 10:13 AM  
**To:** Justice Jackson  
**Subject:** Re: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear David,

No need to contact me about the proposed resolutions, the spirit and intendment of which I wholly support.

Will either attend the meeting in person, or appoint a proxy.

Regards,  
Alan W

---

**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,

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 Jackson

---

**From:** Justice MAMcMurdo  
**Sent:** Wednesday, 18 February 2015 4:36 PM  
**To:** Justice Jackson  
**Subject:** RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Thanks David

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

**From:** Justice Jackson  
**Sent:** Wednesday, 18 February 2015 3:23 PM  
**To:** Justice MAMcMurdo  
**Subject:** RE: Proposed Meeting - 19 February 2015 @ 1:15 pm

Margaret

In my view, there is no reason why the Court of Appeal Judges should not do so, in particular about Resolution 1 or Resolution 2. However, I have consulted all the Judges of the Trial Division and the Chief Justice so far on the basis that those I had invited were the Judges of the Trial Division and the Chief Justice. I did so because I was concerned that if there were any dispute about Proposed Resolutions 1 or 2 some of the Judges of Appeal may be concerned as to whether they should participate. Perhaps mistakenly, I took the view that there might not be enough time to resolve any question of that kind.

At this time, I have invited all the Judges of the Trial Division and the Chief Justice for the meeting at 1:15 pm tomorrow and spoken to each of those Judges and the Chief Justice of my reasons for doing so (except for North J who was unavailable and Wilson J who I have communicated with by email). I should add that I informed the Chief Justice that I had communicated with the members of the Trial Division (except for North J) and did not mention any involvement of the members of the Court of Appeal.

Regards

David Jackson

**From:** Justice MAMcMurdo  
**Sent:** Wednesday, 18 February 2015 11:39 AM  
**To:** Justice Jackson  
**Cc:** Justice Holmes; Justice Fraser; Justice Gotterson; Justice Morrison; Justice Philippides  
**Subject:** FW: Proposed Meeting - 19 February 2015 @ 1:15 pm

Dear David

The first two resolutions you propose are plainly relevant to the whole of the Court. It is arguable that the matters in the third and fourth resolutions are linked to the matters raised by first two resolutions. Is there some reason why the Court of Appeal judges should not attend this meeting?

Best wishes

Margaret

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 Jackson

---

**From:** Justice Jackson  
**Sent:** Thursday, 19 February 2015 10:05 AM  
**To:** Justice North  
**Subject:** Today's Meeting

David

I am sorry we have had a bit of telephone tag. I tried to call back a few minutes ago but you were out.

You may not have much background for Resolutions 1 and 2.

Sch.2/2(1), Sch.4/3/3, s.49(1)

Sch.2/2(1), Sch.4/3/3, s.49(1)

As to 4, in my view, it requires no explanation.

I discussed the resolutions and situation in general with the CJ yesterday and our meeting was cordial and appropriate. He said he did not think he would come to the meeting but appreciated that I had come to see him and had invited and asked him to come to the meeting.

I will see you over the video at 1:15.

Regards

David Jackson

## Justice Byrne

---

**From:** Justice Atkinson  
**Sent:** Tuesday, 24 February 2015 11:34 AM  
**To:** Justice Byrne  
**Subject:** FW: Minutes 19 Feb 2015

FYI.

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 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](mailto: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](mailto:justice.atkinson@courts.qld.gov.au)

## Justice Byrne

---

**From:** Kelly Morseu  
**Sent:** Tuesday, 10 March 2015 3:23 PM  
**To:** Justice Holmes; Justice Gotterson; Justice Morrison; Justice Philippides; Justice Byrne; Tracy Dutton; Paul Wigley  
**Subject:** Court of Appeal Calendar - First Half of 2015  
**Attachments:** Memo 6.3.15 CJ to Pres re CoA calendar first half of 2015.pdf; Memo 10.3.15 President to CJ re CoA Calendar - first half of 2015.pdf

Dear All

Please find attached for your information:

1. Memorandum dated 6 March 2015 from the Chief Justice to the President regarding the Court of Appeal Calendar – First Half of 2015.
2. Memorandum dated 10 March 2015 from the President to the Chief Justice in reply to the above memorandum.

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](mailto:kelly.morseu@justice.qld.gov.au)  
w: [www.courts.qld.gov.au](http://www.courts.qld.gov.au)



Judges on Boards and Tribunals  
As at 26 November 2014

SPECIAL JURISDICTION	PRESENT AND PAST NOMINEES	TERM	MODE OF APPOINTMENT	VACANCY/ACTING
Judges' Committee  Action: December Agenda item	2002 Davies JA Holmes J 2003, 2004 Jerrard JA Muir J 2005, 2006, 2007, 2008, 2009, 2010 Keane JA Chesterman J 2010, 2011, 2012 Chesterman JA and Applegarth J 2012, 2013 Holmes JA and Applegarth J 2014 Gotterson JA Philippides J	2 years finite	Agenda item for December Judges' meeting.	

**Justice Boddice**

---

**From:** Justice Byrne  
**Sent:** Monday, 2 February 2015 9:28 AM  
**To:** Justice Boddice  
**Cc:** Justice Dalton  
**Subject:** FW: Court of Disputed Returns

-----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

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 Moylhan 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 &amp; Philippides JJ 2004 McMurdo &amp; Douglas JJ 2005 Moylhan 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 Duthey 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 Aplegarth J 2014 P Lyons J Alan Wilson J 2015 Bodice 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>	<p>-</p>

## Chief Justice Carmody

---

**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

## Chief Justice Carmody

---

**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

## Chief Justice Carmody

---

**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 DL 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

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](mailto:Justice.Daubney@courts.qld.gov.au)

## Chief Justice Carmody

---

**From:** Justice Byrne  
**Sent:** Wednesday, 11 February 2015 11:54 AM  
**To:** Chief Justice Carmody  
**Cc:** Justice MAMcMurdo  
**Subject:** Minutes - Meeting of Judges from both Divisions of the Court - 10 Feb 2015  
**Attachments:** Minutes - Meeting of Judges from both Divisions of the Court - 10 Feb 2015.doc

Tim,

You already have the attached minutes.

May I draw your attention in particular to paragraph 5.

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 11:45 AM  
**To:** DL-Supreme Court Judges  
**Subject:** : Minutes - Meeting of Judges from both Divisions of the Court - 10 Feb 2015

Good day,

Attached are minutes of the meeting of the Divisions yesterday.

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



## Chief Justice Carmody

---

**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 MAMcMurdo  
**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](mailto:justice.atkinson@courts.qld.gov.au)

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

From: [ricoh@justice.qld.gov.au](mailto: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](mailto:ricoh@justice.qld.gov.au)

## Chief Justice Carmody

---

**From:** Justice Atkinson  
**Sent:** Tuesday, 24 February 2015 11:31 AM  
**To:** DL-Supreme Court Judges  
**Subject:** Reply to memo by Chief Justice  
**Attachments:** Memo to CJ from Atkinson and Jackson JJ dated 23 Feb 2015.doc

Dear colleagues

For the sake of completeness I enclose a copy of the memo sent by Jackson and I to the Chief Justice yesterday in reply to his memo to us of 20 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](mailto:justice.atkinson@courts.qld.gov.au)

## Chief Justice Carmody

---

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

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](mailto:justice.atkinson@courts.qld.gov.au)

## Chief Justice Carmody

---

**From:** Justice Byrne  
**Sent:** Monday, 14 July 2014 10:14 AM  
**To:** Chief Justice Carmody  
**Subject:** Calendar  
**Attachments:** 20140714092209564.pdf; Draft Calendar Carmody CJ.xls

Tim,

I attach:

1. The Calendar de Jersey CJ had proposed for himself for the second half of this year;
2. A proposal, modelled on de Jersey CJ's draft, which you might consider.

The proposal differs from de Jersey CJ's model in a few respects. The most important is moving to Civil in the week commencing 1 September so that Applegarth J can get a Judgment Writing week that week.

Once you have decided, please let me know so that, as discussed, your Calendar (like de Jersey CJ's always was), can be published.

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

WEEK BEGINNING	REMARKS	de JERSEY CJ
14-Jul-14		CA
21-Jul-14		CA
28-Jul-14		CA
4-Aug-14		JUDGMENTS & ADMIN
11-Aug-14		CRIME
18-Aug-14		CRIME
25-Aug-14		CRIME
1-Sep-14		JUDGMENTS & ADMIN
8-Sep-14		JUDGMENTS & ADMIN
15-Sep-14		TOWNSVILLE
22-Sep-14		JUDGMENTS & ADMIN
29-Sep-14		CIVIL
6-Oct-14		CIVIL
13-Oct-14		CIVIL
20-Oct-14		JUDGMENTS & ADMIN
27-Oct-14		APPLICATIONS
3-Nov-14		APPLICATIONS
10-Nov-14		JUDGMENTS & ADMIN
17-Nov-14		CA
24-Nov-14		CA
1-Dec-14		CA
8-Dec-14		JUDGMENTS & ADMIN
15-Dec-14		JUDGMENTS & ADMIN
22-Dec-14		SUMMER BREAK
29-Dec-14		SUMMER BREAK
WEEK BEGINNING		

# SUPREME COURT TRIAL DIVISION

14 JULY 2014 to 30 JANUARY 2015

WEEK BEGINNING	REMARKS	CJ
14-Jul-14	CHURCH SERVICE 14/7	JUDGMENTS & ADMIN
21-Jul-14		JUDGMENTS & ADMIN
28-Jul-14	GOVERNOR SWEARING-IN 29/7 P.M.	JUDGMENTS & ADMIN
4-Aug-14		JUDGMENTS & ADMIN
11-Aug-14	ROYAL QLD SHOW DAY 13/8	CRIME
18-Aug-14		CRIME
25-Aug-14		JUDGMENTS & ADMIN
1-Sep-14		CIVIL
8-Sep-14		JUDGMENTS & ADMIN
15-Sep-14		TOWNSVILLE
22-Sep-14		JUDGMENTS & ADMIN
29-Sep-14		CIVIL
6-Oct-14	LABOUR DAY 6/10	CIVIL
13-Oct-14		CIVIL
20-Oct-14		JUDGMENTS & ADMIN
27-Oct-14		APPLICATIONS
3-Nov-14		APPLICATIONS
10-Nov-14	G20 - Brisbane Judges' Seminar 10- 11/11 Public Holiday Brisbane Only 14/11	
17-Nov-14		COURT OF APPEAL
24-Nov-14		COURT OF APPEAL
1-Dec-14		COURT OF APPEAL
8-Dec-14		JUDGMENTS & ADMIN
15-Dec-14		JUDGMENTS & ADMIN
22-Dec-14		
29-Dec-14		
5-Jan-15		
12-Jan-15		
19-Jan-15		
26-Jan-15		
WEEK BEGINNING	REMARKS	CJ

## Chief Justice Carmody

---

**From:** Justice Henry  
**Sent:** Monday, 28 July 2014 10:41 AM  
**To:** Chief Justice Carmody  
**Subject:** RE: Circuit to Cairns

Okay thanks Tim.

Re your interest in assisting other circuits: I am comfortable covering the circuits I have put in my draft, although if you are keen to take one of them (of which the two weeks crime/civil in Mackay week commencing Easter Tues 7 April is a logical choice) I really do not mind. In any event in Duncan's absence and even allowing for what David and I are covering in our draft calendars there will remain plenty of other weeks to be covered at Rocky and Bundaberg (ie Rocky three weeks crime commencing 23 Feb and Bundaberg three weeks Crime/Civil commencing 16 March) which John will be looking to allocate.

For the moment it is probably simplest if I submit my draft calendar as is, premised as discussed on you doing a week in crime in Cairns in the week commencing 18 May, and it can readily be altered depending on any arrangements you want to make with John re circuits. I will keep you posted re the Ball arrangements as they come to hand.

Also, I neglected to mention that the NQLA (the combined association of the respective individual associations of Mackay/Townsville/Cairns) Annual Conference is on at Hamilton Island Fri 29-Sun 31 May. You might want to pencil that into your diary - you will inevitably be invited (Paul generally did the opening welcome session on the Friday morning and networked his way about the troops for the balance of the conference).

Regards,  
Jim

Justice JD Henry  
40398907

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

**From:** Chief Justice Carmody  
**Sent:** Monday, 28 July 2014 8:58 AM  
**To:** Justice Henry  
**Subject:** RE: Circuit to Cairns

Dear Jim,

Happy to come up in the first half of 2015 whenever suits you. Sitting in crime is probably best (and safest) option for me. Also keen to sit for a week in applications in the week before the Ball in May. And attend as Belle of the Ball. The 18th May, 2015 is my 59th birthday.

Also really happy to share lesser circuits eg Mackay, Bundaberg, Mt Isa with you and other regional Judges as and when it suits you. I want to be the Chief Justice of and for all of Queensland not just Brisbane.

All the best Jim.  
Regards  
Tim

The Honourable Judge Tim Carmody QC  
Chief Magistrate  
Brisbane Magistrates Court  
363 George Street  
Brisbane QLD 4000  
Ph: 3247 4599

Fax: 3109 9665

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

From: Justice Henry

Sent: Friday, 25 July 2014 1:06 PM

To: Chief Justice Carmody

Subject: Circuit to Cairns

Dear Tim,

Given your recent note's reference to visiting Cairns in due course, it is serendipitous that I am in the process of preparing my draft calendar for the first half of next year to submit to John Byrne. I am interested in knowing whether you are inclined to circuit to Cairns in the first half of next year.

To the extent that past patterns may provide some guide, and as you may in any event know:

1. In the past Paul as CJ circuted to Cairns once a year to preside in court for a week and attend lunch/cocktails/dinner as the case may be with branches of the profession. This exercise in "flying the flag" and, through presence, acknowledging the importance of our local profession in this decentralised state was well appreciated by the local profession. No previous CJ had such a pattern, their visits were much rarer.
2. During that week he would sit in either crime or civil but generally preferred crime because the odds were higher of a case definitely running. He preferred I did not sit at all in Cairns that week so that he could be seen to shoulder a full load, eg doing the morning applications (I do civil applications from 9.15 every Weds and Fri with applications days about every second Friday) and other short matters before the trial each day. On occasion I would be absent from Cairns on circuit in the week of his visit.
3. He varied over the years as to whether he came in the first half of the year rather than the second. This year he was here in May, which will have sated the profession's expectation of a CJ annual visit for this year.

Unless you are particularly concerned to make a trip before year's end a circuit in the first half of next year looms as a reasonable time-frame. It would also make some sense in respect of my likely workload in the first half of next year.

Duncan McMeekin [REDACTED] during much of the first half of next year and I will cover some of the Mackay Circuit Court load ordinarily shared between him and David North. I have one such circuit in the fortnight commencing 11 May 2015. The first week of that circuit is law week. I will return home for the middle weekend of that circuit for our local annual law ball, the Carbolic Smokeball, on 16 May 2015. A possibility which may appeal to you is for you to circuit to Cairns in the week commencing 18 May 2015. That way you could fly up on the preceding weekend and go to our ball which myself, Philpo, et al will be attending. Also your presence presiding in the ensuing week would help reduce too big a build up of applications while I am away. This is just a suggestion. I appreciate you may prefer some other time.

Attached is my present draft calendar, with you tentatively scheduled for the week commencing 18 May. Would you let me know whether that would suit or whether you particularly favour any other time-frame and what it is?

Regards,  
Jim

The Honourable Justice J D Henry  
Supreme Court of Queensland  
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## Chief Justice Carmody

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**From:** Marcus Leonard  
**Sent:** Monday, 28 July 2014 11:48 AM  
**To:** Justice Byrne  
**Cc:** CivilListManager; Chief Justice Carmody; Shelley Vasen  
**Subject:** RE: Additional Civil capacity

Good morning Judge

Thank you - I will talk to the list manager and supervisor to see put together a plan to have some matters listed.

I will keep you posted with how we are going.

Thanks  
Marcus

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Marcus Leonard  
Senior Registrar  
Team Leader, Civil Jurisdiction

Supreme, District and Land Courts Service Department of Justice and Attorney-General PO Box 15167 City East Q  
4002

(P) 07 3247 4301

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

From: Justice Byrne  
Sent: Friday, 25 July 2014 3:43 PM  
To: Marcus Leonard  
Cc: CivilListManager; Chief Justice Carmody  
Subject: Additional Civil capacity

Marcus,

The Chief Justice is to sit in Civil in the 3 weeks commencing 29 September.

This additional capacity will only be helpful if used.

Please do what you can to encourage lawyers seeking trial dates to take advantage of the additional capacity.

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

## Chief Justice Carmody

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**From:** SC-CrimListManager  
**Sent:** Monday, 4 August 2014 2:21 PM  
**To:** Chief Justice Carmody  
**Cc:** Associate Carmody CJ  
**Attachments:** 11.08 - Chief Justice - sittings memo.doc; 11.08 - Chief Justice Trials.pdf

Good afternoon Chief Justice.

Please find attached a copy of your sittings memo for week commencing 11 August 2014.

Please note, parties have been advised that the number 1 trial will commence on 18 or 19 August at the conclusion of the pre-trial application of HEALY.

There are further drug matters listed and it is proposed that His Honour Justice Boddice conduct a callover of those matters to determine which are likely to proceed.

Regards,

Glenda Dudley

Supreme Court Criminal List Manager | Criminal Registry | Level 2 | QEII Courts of Law Complex | 415 George Street | Brisbane Qld 4000 | PO Box 15167 | City East Qld 4002

Ph: 3247 5847

E: SC-CrimListManager@justice.qld.gov.au

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