

Justice MAMcMurdo

From: Justice MAMcMurdo
Sent: Monday, 9 February 2015 11:36 AM
To: Justice Martin; Justice Byrne; Justice Jackson; Justice PDMcMurdo
Subject: RE: Scan - memo 2 February 2015

John - I can attend if you want me to do so.
Margaret

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

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

From: Justice Martin
Sent: Monday, 9 February 2015 9:27 AM
To: Justice Byrne; Justice Jackson; Justice PDMcMurdo
Cc: Justice MAMcMurdo
Subject: RE: Scan - memo 2 February 2015

Lunchtime today?

Glenn

The Hon. Justice Glenn Martin AM
Supreme Court of Queensland
415 George Street
Brisbane
Australia 4000

t +61 7 3247.4385
f +61 7 3224.4217

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

From: Justice Byrne
Sent: Monday, 9 February 2015 9:07 AM
To: Justice Jackson; Justice Martin; Justice PDMcMurdo
Cc: Justice MAMcMurdo
Subject: FW: Scan - memo 2 February 2015

May we please discuss the attached which, despite the date, reached my EA on Friday.

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

CONFIDENTIAL TO THE JUDGES

MINUTES

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

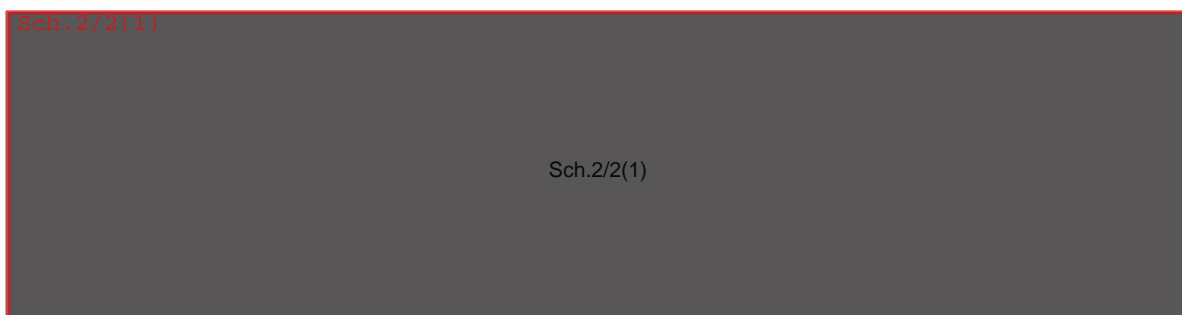
Common Room, 10 February 2015, 9.00 am

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)

s.73(2) not relevant

s.73(2) not relevant

McMURDO P

BYRNE SJA

Justice MAMcMurdo

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 MAMcMurdo

From: Justice Byrne
Sent: Wednesday, 11 February 2015 11:42 AM
To: Justice MAMcMurdo
Cc: Justice Dalton; Justice Boddice
Subject: RE: Supreme Court "Statement"?

Margaret,

Should Julie Steel be asked whether she knows anything about a 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

From: Justice MAMcMurdo
Sent: Wednesday, 11 February 2015 9:58 AM
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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.

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President, Court of Appeal, Supreme Court of Queensland

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Cc: Justice MAMcMurdo; Chief Justice Carmody
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I know nothing of any such statement.

Justice MAMcMurdo

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
Attachments: Minutes - Meeting of Judges from both Divisions of the Court - 10 Feb 2015.doc

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

Justice MAMcMurdo

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

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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 MAMcMurdo

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 Byrne

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

Justice MAMcMurdo

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

Sch.2/2(1)

Sch.2/2(1)

Justice MAMcMurdo

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
Attachments: Draft Resolutions.docx

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 MAMcMurdo

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

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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

Justice MAMcMurdo

From: Justice MAMcMurdo
Sent: Wednesday, 18 February 2015 4:59 PM
To: Justice PDMcMurdo
Subject: FW: Proposed Meeting - 19 February 2015 @ 1:15 pm

FYI

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

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Cc: Justice Holmes; Justice Fraser; Justice Gotterson; Justice Morrison; Justice Philippides
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Subject: Proposed Meeting - 19 February 2015 @ 1:15 pm

Justice MAMcMurdo

From: Justice MAMcMurdo
Sent: Wednesday, 18 February 2015 6:11 PM
To: Justice Holmes; Justice Fraser; Justice Gotterson; Justice Morrison; Justice Philippides
Subject: FW: Proposed Meeting - 19 February 2015 @ 1:15 pm

FYI

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

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David Jackson

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

Justice MAMcMurdo

From: Justice MAMcMurdo
Sent: Friday, 20 February 2015 2:16 PM
To: Justice Holmes; Justice Fraser; Justice Gotterson; Justice Morrison; Justice Philippides
Subject: FW: Response from CJ to resolutions passed by the Trial Division
Attachments: 20150220104900765.pdf

FYI

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

——Original Message——

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:

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 MAMcMurdo

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
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President, Court of Appeal, Supreme Court of Queensland

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Cc: Justice MAMcMurdo; Chief Justice Carmody
Subject: Supreme Court "Statement"?

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John

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Senior Judge Administrator
Supreme Court of Queensland
PO Box 15167
City East Qld 4002
Ph (07) 3247 4282
Fx (07) 3224 4217

Justice MAMcMurdo

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