

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</p> <p>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><i>s. 127 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>	

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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, 7:45AM

»»

»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 #HereWeJohAgain 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

CC »

»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

CC »

»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 himselfwon't he?«

»»

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

CC »

»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, 8:05AM

CC »

»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

CC »

»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

CC »

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

»»

Me | February 10, 2015, 8:16AM

CC »

»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

CC »

»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

CC »

»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

CC »

»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

CC »

»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 Led | 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

Justice Byrne

From: Justice Atkinson
Sent: Friday, 13 February 2015 3:33 PM
To: Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Henry; Justice Jackson; Justice Martin; Justice McMeekin; Justice Mullins; Justice North; Justice PDMcMurdo; Justice PLYons; Justice Thomas
Subject: FW:
Attachments: 20150213152001107.pdf

Dear colleagues

I have attached the response I intend to send to the Chief Justice with regard to his memorandum today to the Senior Judge Administrator. Please let me know if you have an opinion that you have not already expressed to me about its terms.

Regards
Roslyn

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

From: ricoh@justice.qld.gov.au [mailto:ricoh@justice.qld.gov.au]
Sent: Friday, 13 February 2015 3:20 PM
To: Justice Atkinson
Subject:

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

Scan Date: 13.02.2015 15:20:00 (+1000)
Queries to: ricoh@justice.qld.gov.au

Justice Byrne

From: Justice Atkinson
Sent: Friday, 13 February 2015 4:38 PM
To: Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Henry; Justice Jackson; Justice Martin; Justice McMeekin; Justice Mullins; Justice North; Justice PDMcMurdo; Justice PLYons; Justice Thomas
Subject: FW:
Attachments: 20150213163054751.pdf

Dear colleagues

I sent the memo and this is the reply I have received from the Chief Justice.

Regards

Roslyn

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

From: ricoh@justice.qld.gov.au [mailto:ricoh@justice.qld.gov.au]
Sent: Friday, 13 February 2015 4:31 PM
To: Justice Atkinson
Subject:

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

Scan Date: 13.02.2015 16:30:54 (+1000)
Queries to: ricoh@justice.qld.gov.au

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,

Sche.2/2(1)

Sche.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

Roslynn

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

SEN: 47/373

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 Jackson

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 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
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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 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

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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

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

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

Sch.2/2(1)

Sch.2/2(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.
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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

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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

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