

SPECIAL JURISDICTION	PRESENT AND PAST NOMINEES	TERM	MODE OF APPOINTMENT	VACANCY/ACTING
<p>Court of Disputed Returns F63 Action: Agenda Item each December</p>	<p>1996 Moynihan and Shepherdson JJ 1997 Williams and Derrington JJ 1998 de Jersey and Byrne JJ Byrne and Dowsett JJ (or Mackenzie J in absence of Dowsett J – result of de Jersey J being appointed CJ – 1998) 1999 Byrne (or White J) 2000 Fryberg and Helman JJ 2001 Muir and Chesterman JJ 2002 Wilson and Atkinson JJ 2003 Holmes & Philippides JJ 2004 McMurdo & Douglas JJ 2005 Moynihan SJA and Mackenzie J 2006 Byrne J and White J 2007 Fryberg J and Helman J 2007 (30 June) Fryberg J and Muir J (from Nov 07) Fryberg J and Chesterman J 2008 Chesterman J Wilson J</p>	<p>One year 2009 Atkinson J Dutney J 2010 Mullins J Philippides J 2011 P D McMurdo J Douglas J and A Lyons J (carry out the role when Douglas J is away in 2011) 2012 A Lyons J Daubney J 2013 Martin J Applegarth J 2014 P Lyons J Alan Wilson J 2015 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>	

Justice Byrne

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 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

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

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



CHAMBERS OF JUSTICE BODDICE
SUPREME COURT
BRISBANE

MEMORANDUM

To: The Chief Justice
From: Atkinson J
Date: 13 February 2015
Subject: Your Memo to Byrne SJA

I write to you on behalf of all of the judges of the Trial Division of this court to whom I have been able to speak. We wish to inform you that we have complete confidence in Byrne SJA and his performance of his duties as Senior Judge Administrator. He has been acting on behalf of the judges of the Trial Division.

Sch.2/2(1)

Sch.2/2(1)

OFFICE:

Courts of Law
415 George Street
Brisbane

POSTAL:

PO Box 15167
City East
4002

TELEPHONE:

(07) 32479220

FACSIMILE:

(07) 3221 7565

WEB:

www.courts.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,

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

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

BCB_47373 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
Roslynn

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,

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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

Dear Chief Justice and Judges,

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

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

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

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

Yours faithfully

David Jackson

Justice Atkinson

From: Justice Atkinson
Sent: 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

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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.
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

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