

Justice Atkinson

From: Justice Byrne
Sent: Tuesday, 10 February 2015 8:51 AM
To: Justice Atkinson
Subject: FW: What the spokesman said

From: Justice Byrne
Sent: Tuesday, 10 February 2015 8:15 AM
To: Justice Margaret McMurdo; Justice David Jackson (Justice.Jackson@courts.qld.gov.au); Justice Martin; Justice Daubney; Justice Dalton; Justice Boddice; Justice Daubney
Subject: What the spokesman said

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

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

Justice Atkinson

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

Justice John H Byrne AO RFD
Senior Judge Administrator
Supreme Court of Queensland
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-----Original Message-----

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

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

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

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

Tim,

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

John

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Justice Atkinson

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

FYI, Roslyn.

John

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

David, Jean,

The Australian carries a report today that includes:

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

I know nothing of any such statement.

John

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Justice Atkinson

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

Dear David

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

What do you think?

I'll be back on Thursday.

Regards
Roslyn

Justice Atkinson

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

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

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

Dear Chief Justice and Judges,

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

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

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

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

Yours faithfully

David Jackson

Justice Atkinson

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

Can I speak to you:

Roslyn

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

Roslyn

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

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

Regards

David

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

Dear David

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What do you think?

I'll be back on Thursday.

Regards
Roslyn

Justice Atkinson

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

Dear Roslyn

Thank you for taking on the role.

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

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

Hopefully, the meeting will be a short one.

Thanks

Peter

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

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
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
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PO Box 15167
City East 4002
Queensland
Australia.
Phone: 07 3406 2122

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

From: Justice Jackson

Sent: Wednesday, 18 February 2015 10:06 AM

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

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

Yours faithfully

David Jackson

Justice Atkinson

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

Thanks, Ros. I expect to be there.

Regards,

Peter Lyons.

From: Justice Atkinson
Sent: Thursday, 19 February 2015 9:09 AM
To: Justice Jackson; Chief Justice Carmody; Justice A Lyons; Justice Alan Wilson; Justice Applegarth; Justice Boddice; Justice Burns; Justice Byrne; Justice Dalton; Justice Daubney; Justice Douglas; Justice Flanagan; Justice Martin; Justice Mullins; Justice PDMcMurdo; Justice PLYons; Justice Thomas; Justice Henry; Justice McMeekin; Justice North
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I would suggest that Atkinson J, as the Senior Judge not directly involved in the proposed resolutions, should take the Chair.

Yours faithfully

David Jackson

Justice Atkinson

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

Thanks Peter. I'll attend to that.

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

Dear Roslyn

Thank you for taking on the role.

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Tele: +61 7 3247 9216

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

Sent: Wednesday, 18 February 2015 10:06 AM

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

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

Yours faithfully

David Jackson

Justice Atkinson

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

Dear Chief Justice and Judges

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

Regards

Roslyn

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

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

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

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

Justice Atkinson

From: Justice 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

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Justice Atkinson

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

Roslyn thank you for your reply.
David.

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

Dear David

Thank you for your email.

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

“As a preliminary matter, Atkinson J moved:

That the second proposed resolution be put to the vote.

Motion carried”

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

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

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

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

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

Regards

Roslyn

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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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