

Cameron Woods

From: Cameron Woods
Sent: Thursday, 14 May 2015 9:39 AM
To: Julie Steel
Subject: RE: Chief Justice on Leave

Hi Julie,

I'm not aware of the CJ going on a month's leave. From what I understand, and what is in the CJ's court calendar he has a week "compensating leave" on the week of 1 June, then a few weeks Court of Appeal, then he is scheduled to sit in QCAT for 2 weeks of the Court vacation. Given that he is to sit over the vacation, he then has 2 weeks compensating leave 13 and 20 July (one of the reasons the Church Service is not being held on Monday 13 July), although there are admissions on that day.

http://www.courts.qld.gov.au/data/assets/pdf_file/0003/364323/cj-court-calendar.pdf

As to someone acting while the CJ is on leave, I think section 25 of the Supreme Court of Queensland Act 1991 is relevant:

Temporary judicial office holders

(1) When—

(a) the office of Chief Justice, President of the Court of Appeal or Senior Judge Administrator is vacant; or
(b) the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is, for any reason, unable to discharge the person's office;
the next most senior judge, who is willing, is to act in the office.

(2) When the Chief Justice, the President of the Court of Appeal or the Senior Judge Administrator is on leave or otherwise absent or is, for any other reason, unable to perform all of the ordinary functions of the person's office, the next most senior judge, who is willing, is to perform the functions of the office that the person is unable to perform.

(3) While a judge is performing functions of a more senior judicial office, then, to the extent necessary—

(a) the judge has all the powers and functions of the office; and
(b) this Act and other Acts apply to the judge as if the judge were the holder of the office.

Note—

The same applies if a judge is acting in a more senior judicial office—*Acts Interpretation Act 1954*, section 24B(8).

[s 26]

Supreme Court of Queensland Act 1991

Part 3 The Court of Appeal

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(4) The fact that a judge acts in, or performs functions of, a more senior judicial office is sufficient evidence of the judge's authority to do so.

(5) Anything done by a judge in purporting to act in, or perform functions of, a more senior judicial office is not invalid merely because the occasion for the judge to act in, or perform

functions of, the office had not arisen or had ceased.

Cameron Woods

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From: Julie Steel
Sent: Thursday, 14 May 2015 9:26 AM
To: Cameron Woods
Subject: Chief Justice on Leave

Cameron

It's been suggested to me that the CJ is going on 1 month's leave soon. Do you know if that's right and, if so, when?

In any case, just wanted to confirm that there are no formalities necessary for the next most senior judge (the President?) to act as CJ in his absence. Is that right?

Cheers

Julie

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Rachel Monaghan

From: Rachel Monaghan
Sent: Thursday, 14 May 2015 8:13 AM
To: Tracy Dutton
Cc: Justice MAMcMurdo; Paul Wigley

Importance: High

Tracking:	Recipient	Read
	Tracy Dutton	Read: 14/05/2015 8:53 AM
	Justice MAMcMurdo	
	Paul Wigley	

Dear Tracy,

Please be advised the Chief Justice will be unavailable, due to medical reasons, to preside in court for at least one month commencing from Monday 18 May 2015. Please make the necessary arrangements for the weeks commencing 25 May and 8 June 2015.

Thank you for your assistance.

Kind regards,

Rachel Monaghan
A/Executive Assistant to the
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