

Kennealy, Grant

From: Murrell, Helen
Sent: Tuesday, 2 December 2014 6:33 PM
To:
Cc: Kennealy, Grant
Subject: RE: Eastman

Dear Tony,

That is great news.

I will ask Grant Kennealy, the Acting Registrar, to contact you tomorrow to discuss remuneration, travel, accommodation, reading time etc.

Your appointment as an Acting Justice will have to go through Cabinet. I believe that the last Cabinet meeting for the year is on 16 December.

Once your appointment has been confirmed, there should be no difficulty in moving the mention to 11 or 12 February.

✓ We can also provide a hard copy of the Martin Report. Meanwhile, I think that you can still access it electronically through our website.

Do you have a short CV that I can provide to the Attorney for the purpose of Cabinet considering your appointment?

Best wishes,

Helen

From: .
Sent: Tuesday, 2 December 2014 4:54 PM
To: Murrell, Helen
Subject: Re: Eastman

Dear Helen

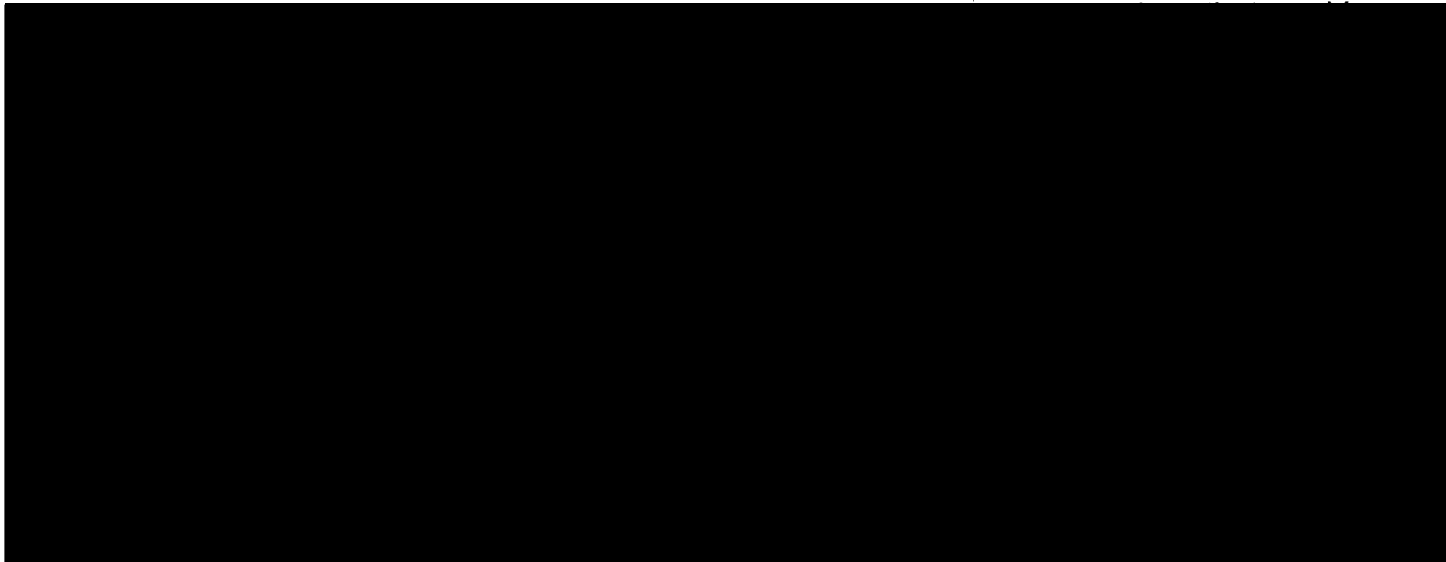
I am very happy to take on the Eastment matter . this is subject to a satisfactory arrangement being negotiated re remuneration, travel, accommodation, reading time etc. in this regard, could you put me in touch with whoever deals with these things.

i shall have a look at my diary tomorrow and contact you with a firm range of dates. so far as the feb mention is concerned, the 11th or 12th would be better than the 4th for me. Will confirm this tomorrow
 Brad Hazard's Chief of Staff tells me there should be no problem from the LRC point of view
 preliminary reading would entail ,i suspect , Brian Martin's decision, any decisions of your Court (including the original sentencing decision) and a copy of the trial judge's summing up,if available
 regards tony

On 02/12/2014, at 10:05 AM, Murrell, Helen wrote:

Tony,

I thought that it would be useful to send you my email address.



Best wishes,

Helen

Chief Justice Helen Murrell

Supreme Court of the ACT

Tel: 02 6207 1568 | Fax: 02 6207 1530

chiefjustice.murrell@act.gov.au

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Glover, Annie

From: Linda_Murphy@agd.nsw.gov.au
Sent: Tuesday, 2 December 2014 8:31 AM
To: Glover, Annie
Subject: RE: FW: Your visit to the ACT

Good morning Annie

Here are the contact details for Mr Whealy:

Unfortunately, we don't have any other suggestions for a possible Judge for this case. There are very few retired criminal Judges who appear to be available for something like this.

I will send through later this morning my proposed revisions to the notes you prepared of my visit in late October.

Kind regards

Linda

Linda Murphy | CEO and Principal Registrar | Supreme Court of New South Wales

Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000
GPO Box 3 Sydney NSW 2001 | DX 829 Sydney
Tel: +61 2 9230 8097 | Email: Linda_Murphy@agd.nsw.gov.au

From: "Glover, Annie" <Annie.Glover@act.gov.au>
To: "Linda_Murphy@agd.nsw.gov.au" <Linda_Murphy@agd.nsw.gov.au>,
Date: 01/12/2014 10:43 AM
Subject: RE: FW: Your visit to the ACT

Many thanks Linda – much appreciated

Things are very hectic here too – that time of year.

Plus we have just received notice that DPP are pursuing the re-trial of Eastman (charged with murdering Assistant Police Commissioner Winchester about 20 years ago – was convicted, imprisoned for 19 years, recently had the conviction set aside) – all resident judges are disqualified for varying reasons from presiding over the trial or the preliminary applications.

So, whilst I am emailing you, the Chief justice was thinking of contacting The Hon. Anthony Whealy (I'm not sure if I have his name spelt correctly) – we understand he is recently retired. Would you have a contact for him please Linda?

If you are aware of any other good criminal trial judges recently retired or about to retire, could you let me know.

Thank you so much Linda

Best wishes

Annie

Regards

Annie Glover

Acting Courts and Tribunal Administrator |

ACT Law Courts and Tribunal Administration |

Phone: 6205 5275 |email: annie.glover@act.gov.au

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[attachment "Consultation Report - Principal Registrar Supreme Court NSW.docx" deleted by Linda Murphy/SCO/NSW_AG]

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Kennealy, Grant

From: Curley, Gaeleen
Sent: Wednesday, 3 December 2014 10:17 AM
To: Kennealy, Grant
Subject: RE: Acting Judge information

Hi Grant

As new travel provide is now in place, wording could be changed to

Gaeleen Curley, the Supreme Court listing clerk can book flights for you if required. Contact Gaeleen.curley@act.gov.au or Ph. 02 62071219. Should you wish to book you own flights, reimbursement can be arranged for their cost. Acting Judges are entitled to travel business class.

Gaeleen

Gaeleen Curley
 List Clerk | ACT Supreme Court
 Ph 02 62071219 | Fax 02 6205 4859

From: Kennealy, Grant
Sent: Wednesday, 3 December 2014 8:24 AM
To: Curley, Gaeleen
Subject: Acting Judge information

Hi Gaeleen – this is an email previously sent to Acting Judges back in July 2014. Do I need to amend (see part highlighted in red). I have checked with Corinne and the figures haven't changed. Thank you. Grant

Dear Judge,

Congratulations on your appointment as Acting Judges to the ACT Supreme Court. Annie Glover, the Registrar of the Supreme Court has asked me to contact you about pay, accommodation and other appointment issues.

Pay

I have attached some of the paperwork you need to complete to ensure that we can pay you. In addition you will need to fill in a tax file declaration which you can pick up from any post office, or we can post one to you if you prefer. Unfortunately this form cannot be e-mailed to you.

Please fill in these forms and return them to me via e-mail and mail at GPO Box 370, Canberra, ACT, 2601. Once I have received them I will forward them to payroll for processing.

The Listing Clerk will advise payroll of the days you work at the end of each week.

The current per diem pay rate for acting judges is \$1,793.48 plus super.

Travel and Accommodation

The current daily rate of travel allowance for Canberra for Judges is \$413. The manager of the Courts Finance Unit, Corinne Appleby, who can be contacted at corinne.appleby@act.gov.au needs to be advised about the days you wish to claim travel allowance. The amount will differ depending on whether you have travelled to Canberra for work or completed some work at home.

It is often more convenient for you to arrange and pay for your own accommodation out of this allowance which includes three meals and an incidentals amount of \$169 leaving \$244 of the daily amount towards accommodation. You will need to provide Corinne with the bank account details for the account where you want the travel allowance and any other expense reimbursements to be deposited. Payroll will also seek these details from you separately for the purposes of your pay.

The court can organise an accommodation booking if you would prefer. If the court pays for the accommodation directly the daily travel allowance will be reduced by the accommodation proportion or the amount of the accommodation whichever is the lesser amount. Please let me know if you would like the court to arrange this for you.

The Territory is in the process of changing over to a new travel service provider. Gaeleen Curley, the Supreme Court listing clerk will be attending training on Monday to understand how arrangements will work for air travel and will be in touch with you once she has that information. Should you wish to book your own flights, reimbursement can be arranged for their cost. Acting Judges are entitled to travel business class.

If a reimbursement is required for own vehicle usage the rates are: zero to 1.6litre engine capacity - 63 cents per kilometre; above 1.6 litres to 2.6 litre engine capacity - 74 cents per kilometre and over 2.6 litre engine capacity - 75 cents per kilometre. Corinne can provide the form that needs to be completed for these claims if needed.

Security passes, computer logons, car parking, robes

Security passes and computer access have been arranged for you. The EA to the Registrar, Irene Brown has the passes and the associates have details for your computer access. They will be provided to you on your day of arrival. Car parking has been arranged under the Magistrates Court building which is next door to the Supreme Court. Robes will be arranged by Irene.

Please contact me if you have any questions.

Kind Regards

Alison Purvis | Courts and Tribunal Administrator |
ACT Law Courts and Tribunal Administration |
Phone: 6205 5275 | email: alison.purvis@act.gov.au

Kennealy, Grant

From: Kennealy, Grant
Sent: Wednesday, 3 December 2014 11:12 AM
To:
Cc: Murrell, Helen; Glover, Annie
Subject: Acting Judge information
Attachments: acting_judge_payment_form (2).docx; Standard_Choice_Form.pdf.pdf.pdf; Superannuation_Docs.rtf.rtf.rtf

Dear Judge,

I refer to your recent discussions with Chief Justice Helen Murrell. The Chief Justice has asked me to contact you about pay, accommodation and other appointment issues subject to the formalities associated with the appointment proceeding.

Pay

I have attached some of the paperwork you need to complete to ensure that we can pay you. In addition you will need to fill in a tax file declaration which you can pick up from any post office, or we can post one to you if you prefer. Unfortunately this form cannot be e-mailed to you.

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Hard copy of the report of the Board of Inquiry

We will arrange to forward a hard copy of the report to you. Would you please provide an address for us to send the report.

Please do not hesitate to contact me if you have any questions.

Kind Regards

Grant Kennealy
A/g Registrar
ACT Supreme Court

ph: 02 6207 1197

fax: 02 6205 4860

email: grant.kennealy@act.gov.au

Kennealy, Grant

From: Alderson, Karl
Sent: Wednesday, 3 December 2014 2:07 PM
To: Murrell, Helen
Cc: Glover, Annie; Kennealy, Grant
Subject: RE: Anthony Whealy CV

Helen

Thank you for providing this so quickly. We will give this paramount priority to get the Cabinet paperwork through to the AG and are well placed for the appointment to be finalised this year.

Karl

From: Murrell, Helen
Sent: Wednesday, 3 December 2014 11:48 AM
To: Alderson, Karl
Cc: Glover, Annie; Kennealy, Grant
Subject: FW: Anthony Whealy CV

Karl,

Anthony Whealy is prepared to hear the Eastman stay application and any other preliminary/interlocutory matters. As you will see, he is impeccably qualified. Would you please advance his appointment?

Helen

From: Anna.Williams@agd.nsw.gov.au [<mailto:Anna.Williams@agd.nsw.gov.au>]
Sent: Wednesday, 3 December 2014 10:44 AM
To: Murrell, Helen
Subject: Anthony Whealy

Dear Chief Justice

Tony Whealy has asked me to forward the attached bio for your attention.

Anna

Anna Williams | NSW Law Reform Commission | Department of Justice
 Level 13, Swire House, 10 Spring Street, Sydney NSW 2000. AUSTRALIA
 GPO Box 5199 SYDNEY 2001 | DX 1227 SYDNEY. AUSTRALIA
anna_williams@agd.nsw.gov.au | Tel 61 2 8061 9272 | Fax 61 2 8061 9376

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Kennealy, Grant

From:
Sent: Thursday, 11 December 2014 10:55 AM
To: Kennealy, Grant
Subject: Re: Acting Judge information

Dear Grant

Thank you for the material you sent me

I shall send you the completed docs on Monday if that's ok

Regards
Anthony Whealy

Sent from my iPhone

On 3 Dec 2014, at 11:12 am, Kennealy, Grant <Grant.Kennealy@act.gov.au> wrote:

Dear Judge,

I refer to your recent discussions with Chief Justice Helen Murrell. The Chief Justice has asked me to contact you about pay, accommodation and other appointment issues subject to the formalities associated with the appointment proceeding.

Pay

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Hard copy of the report of the Board of Inquiry

We will arrange to forward a hard copy of the report to you. Would you please provide an address for us to send the report.

Please do not hesitate to contact me if you have any questions.

Kind Regards

Grant Kennealy
A/g Registrar
ACT Supreme Court

ph: 02 6207 1197
fax: 02 6205 4860
email: grant.kennealy@act.gov.au

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<acting_judge_payment_form (2).docx>

<Standard_Choice_Form.pdf.pdf.pdf>

<Superannuation_Docs.rtf.rtf.rtf>

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 4:31 PM
To: Murrell, Helen; Refshauge, Richard; Glover, Annie
Subject: Eastman - update
Attachments: RE: Urgent - Acting Judge for Eastman

I have contacted the court administrators or Supreme Court registrars in all jurisdictions other than NSW. I have attached an example of the email I sent.

So far I have received the following responses:

- Victoria – request referred to the Acting Chief Justice
- SA – request referred to the Chief Justice
- Qld – no response yet.
- NT – is available from 13 July () and would be happy to accept an appointment.
- Tasmania – No current judges are available.

Their two most recently retired Judges who may be available are the

- WA – unable to assist
- Federal Court – no response yet.

I will keep you updated as further responses are received.

I have also spoken with Legislation, Policy and Programs at the JACS Directorate who will alert the Attorney's office and the Cabinet Office about the need for an urgent appointment of an Acting Judge. They will progress the necessary documentation as soon as we are in a position to recommend possible appointments.

Regards

Philip

Philip Kellow
 Principal Registrar
 ACT Law Courts and Tribunal
 Telephone: (02) 6207 1054
 Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 5:36 PM
To: Field, Julie; Reimers, Katherine
Subject: Eastman

Julie

By way of a quick update, we are contacting other jurisdictions about possible judges or recently retired judges who might be available. We have not asked NSW given the potential association with Adams J.

I confirm that you will forewarn the AG and Cabinet Office that a request for the appointment of an Acting Judge will be made as soon as we can identify suitable people for consideration.

Regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Glover, Annie
Sent: Wednesday, 10 June 2015 12:41 PM
To: Kellow, Philip
Subject: RE: judge for the Eastman matter

Sorry

Matters have been listed for 9/7/15 for legal privilege and PII claims in regard to subpoenaed material. On 10/7/15 Judge was going to have training for the use of elaw The stay application was set to commence 13 July and is expected to run for 2 weeks, although I would allow 3 weeks just in case of side issues. You would need to allow time to write the judgment – up to 1 month, maybe, depending on the person.

There is also the reading/preparation time, again depending on the Judge.

Thank you

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 12:36 PM
To: Glover, Annie
Subject: RE: judge for the Eastman matter

Can you give me the current dates for the stay hearing?

Philip

From: Glover, Annie
Sent: Wednesday, 10 June 2015 12:23 PM
To: Kellow, Philip
Subject: judge for the Eastman matter

Philip

Refshauge J has requested if you could please seek out any retired/just about to be retired judges from VIC Supreme Court or from the Federal Court who have had criminal trial experience, that would be most helpful.

I think we need to avoid NSW as it is likely that any Judge we pick will have sat with Adams J as well, which was the issue for Whealy AJ.

Judge also suggested that you might be able to use your contacts/counterparts in QLD, WA, TAS, NT, SA to see if there are any retired/just about to be retired Supreme Court judges that might also fit the bill.

Thank you Philip.

Kind regards

Annie Glover

Registrar |

Supreme Court of the ACT |

ACT Court of Appeal |

Phone: (02) 62071197 | email: annie.glover@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 4:21 PM
To: Burgess, Julie-Anne (CAA)
Subject: RE: Urgent - Acting Judge for Eastman

Thanks

From: Burgess, Julie-Anne (CAA) [<mailto:Julie-Anne.Burgess@courts.sa.gov.au>]
Sent: Wednesday, 10 June 2015 4:10 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge for Eastman

Philip

I have sent this to the Chief Justice – will get back to you ASAP.

J-A

Julie-Anne Burgess
State Courts Administrator / Chief Executive
Courts Administration Authority, SA
Telephone: (08) 8226 0101

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 12:23 PM
To: Burgess, Julie-Anne (CAA)
Subject: Urgent - Acting Judge for Eastman

Dear Julie-Anne

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

Interlocutory hearings have been listed for 9 July 2015 to deal with legal privilege and PII claims in regard to subpoenaed material.

The stay application is currently listed for hearing from 13 to 27 July 2015 with the possibility of a further week if required. The hearing will be conducted using electronic materials (an 'etrial') supported by eLaw, and training for the judge has been scheduled for 10 July.

There will also be provision for reading/preparation time, and for time to write the judgment.

I was wondering whether you could suggest any judges or former judges who might be suitable. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

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Callow, Lauren

From: Connolly, Jim (SCT) [Jim.Connolly@supremecourt.tas.gov.au]
Sent: Wednesday, 10 June 2015 1:48 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge for Eastman

Dear Philip

Being a small court of only 6 judges, I couldn't suggest any of our current Judges would be made available for this acting appointment.

The two most recently retired Judges who may be available are:

-

Let me know if you need any more details.

Kind regards

Jim

Jim Connolly
Registrar
Supreme Court of Tasmania
Salamanca Place
HOBART TAS 7000

GPO Box 167

Ph: (03) 6165 7451
Fax: (03) 6223 7816

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 12:56 PM
To: Connolly, Jim (SCT)
Subject: Urgent - Acting Judge for Eastman

Dear Jim

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

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Callow, Lauren

From: Paul.Dore@supremecourt.vic.gov.au
Sent: Wednesday, 10 June 2015 1:39 PM
To: Kellow, Philip
Subject: Re: Urgent - Acting Judge for Eastman

Hi Philip

I have forwarded your email to Supreme Court of Victoria's Acting Chief Justice Maxwell. He may reply directly to you, your Chief Justice or through me. I will follow up with him to make every effort to meet your end of the week deadline.

Cheers

Paul Dore
Acting Chief Executive Officer

Supreme Court of Victoria
4/436 Lonsdale Street
Melbourne VIC 3000
Telephone: 03 9603 9387
Mobile
Web: supremecourt.vic.gov.au

"Kellow, Philip" < Philip.Kellow@act.gov.au > 10/06/2015 12:58	To	" paul.dore@courts.vic.gov.au " < paul.dore@justice.vic.gov.au >,
	cc	
	Subject	Urgent - Acting Judge for Eastman

Dear Paul

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This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

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Our organisation respects the privacy of individuals. For a copy of our privacy policy please go to our website or contact us.

Callow, Lauren

From: Chris Cox [Chris.Cox@nt.gov.au]
Sent: Wednesday, 10 June 2015 2:29 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge of Eastman

Follow Up Flag: Flag for follow up
Flag Status: Completed

Philip

Sorry – this should say not available to start on the 13th but available soon thereafter.....

Chris Cox

Director of Courts and Tribunals
 Department of the Attorney-General and Justice (NT)
 Notary Public
 Telephone: (08) 8999 6112
 Facsimile: (08) 8999 5512
 Address: Supreme Court Building, State Square, Darwin NT 0800
 Postal: GPO Box 3946, Darwin NT 0801
 Email: chris.cox@nt.gov.au

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From: Chris Cox
Sent: Wednesday, 10 June 2015 1:48 PM
To: 'Kellow, Philip'
Subject: RE: Urgent - Acting Judge of Eastman

Philip

is available but not until 13 July – . If you can move the hearing back a week or thereabouts he would be more than happy to accept an appointment (assuming we get the necessary approvals at our end).

Chris Cox

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 Department of the Attorney-General and Justice (NT)
 Notary Public
 Telephone: (08) 8999 6112
 Facsimile: (08) 8999 5512
 Address: Supreme Court Building, State Square, Darwin NT 0800
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the NT Criminal Code. No representation is made that this email is free of viruses. Virus scanning is recommended and is the responsibility of the recipient.

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 12:22 PM
To: Chris Cox
Subject: Urgent - Acting Judge of Eastman

Dear Chris

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

Interlocutory hearings have been listed for 9 July 2015 to deal with legal privilege and PII claims in regard to subpoenaed material.

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There will also be provision for reading/preparation time, and for time to write the judgment.

I was wondering whether you could suggest any judges or former judges who might be suitable. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

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Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 3:32 PM
To:
Subject: RE: Urgent - Acting Judge of Eastman

Thanks Ray

From:
Sent: Wednesday, 10 June 2015 3:27 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge of Eastman

Hi Phil

Unfortunately I've got to give a "Nil response". We have a recent resignation but that judge has gone to a full-time Commissioner role for the state's Corruption and Crime Commission. Another is about to resign on the 23rd of this month but he is currently overseas in France on leave so I can't confirm his willingness to be available until he returns later this month.

**Executive Director
Court and Tribunal Services**

Department of the Attorney General, 26 St Georges Terrace, PERTH WA 6000

phone:

| web: www.dotag.wa.gov.au

"Our future – modernised court and tribunal services – accessible to all"

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 10:52 AM
To:
Subject: Urgent - Acting Judge of Eastman

Dear

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

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Kind regards

Philip

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philip.kellow@act.gov.au

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Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 4:28 PM
To: Warwick Soden
Subject: Urgent - Acting Judge for Eastman

Dear Warwick

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Additional Judge or Acting Judge to hear the stay application.

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I was wondering whether you could suggest any judges or former judges who might be suitable – preferably non-NSW given the potential connections with the Eastman litigation. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 10 June 2015 12:51 PM
To: Julie Steel
Subject: Urgent - Acting Judge of Eastman

Dear Julie

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

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I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: @courts.sa.gov.au]
Sent: Thursday, 11 June 2015 3:53 PM
To: Kellow, Philip
Subject: FW: Urgent - Acting Judge for Eastman

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Completed

To Mr Kellow

Chief Justice Kourakis has enquired of the Supreme Court Judges of South Australia if they would be interested in assisting but unfortunately there are no offers.

Executive Assistant to the Chief Justice

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 12:23 PM
To: Burgess, Julie-Anne (CAA)
Subject: Urgent - Acting Judge for Eastman

Dear Julie-Anne

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

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I was wondering whether you could suggest any judges or former judges who might be suitable. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Telephone: (02) 6207 1054

Mobile:

philip.kellow@act.gov.au

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Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:38 AM
To: Glover, Annie
Cc: Refshauge, Richard; Murrell, Helen
Subject: Fwd: Urgent - Acting Judge for Eastman

Annie

I have to be away from the office this afternoon. Could you call the
advice below?

after 2.30pm per the

Thanks

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

Begin forwarded message:

From: [@fedcourt.gov.au](mailto:Philip.Kellow@act.gov.au)>
Date: 11 June 2015 11:32:02 am AEST
To: "Philip.Kellow@act.gov.au" <Philip.Kellow@act.gov.au>
Subject: Urgent - Acting Judge for Eastman

UNCLASSIFIED

Hi Philip

I refer to your email to Heather Baldwin.

I spoke to _____ to ask if his details could be given to you. He is happy for you
to telephone him at _____. He was on the point of going out when I called, but
said he would be home by 2.30 pm, if you wanted to talk to him today.

Regards

| Executive Assistant to The Honourable Justice Reeves |
Federal Court of Australia | PO Box 13084, George Street Post Shop, Brisbane Qld 4003 |

 Please consider the environment before printing this email.

Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:15 AM
To: heather.baldwin@fedcourt.gov.au
Subject: Fwd: Urgent - Acting Judge for Eastman

Hi Heather

Do you have contact details for the former [redacted] ? See below for background to this request.

Kind regards

Philip

Philip Kellow
 Principal Registrar
 ACT Law Courts and Tribunal

Sent from my iPhone

Begin forwarded message:

From: Warwick Soden <Warwick.Soden@fedcourt.gov.au>
Date: 11 June 2015 9:13:19 am AEST
To: "philip.kellow@act.gov.au" <philip.kellow@act.gov.au>
Subject: FW: Urgent - Acting Judge for Eastman

UNCLASSIFIED

Hi Phillip

See below, for your information.

Warwick

From: Angela Josan
Sent: Wednesday, 10 June 2015 5:28 PM
To: Warwick Soden
Subject: Urgent - Acting Judge for Eastman

UNCLASSIFIED

Of most recent retirees I would suggest [redacted] remembering that [redacted] has the SC of Vic background too.

Otherwise [redacted] J have all been pretty active in retirement too.

What are [redacted] doing these days?

I don't think we could spare any current judge for the purpose – but that is the NOR Team's department in any event.

Hope this helps.

Regards
Angela

Angela Josan | National Appeals Registrar
Federal Court of Australia | Owen Dixon Commonwealth Law Courts Building | 305 William Street, Melbourne
Victoria 3000
T. 03 8600 3293 | M | Angela.Josan@fedcourt.gov.au | www.fedcourt.gov.au

From: Warwick Soden
Sent: Wednesday, 10 June 2015 5:15 PM
To: Angela Josan
Subject: FW: Urgent - Acting Judge for Eastman

UNCLASSIFIED

Hi Angela

See below. Any thoughts. I did think of _____, but there is a “no” NSW request.

Warwick

From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 4:28 PM
To: Warwick Soden
Subject: Urgent - Acting Judge for Eastman

Dear Warwick

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I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

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Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:36 AM
To:
Subject: Re: Urgent - Acting Judge for Eastman

Thanks

It will probably be the Supreme Court Registrar (Annie Glover) who calls.

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

On 11 Jun 2015, at 11:32 am, [@fedcourt.gov.au](mailto:)> wrote:

UNCLASSIFIED

Hi Philip

I refer to your email to Heather Baldwin.

I spoke to The [redacted] to ask if his details could be given to you. He is happy for you to telephone him [redacted]. He was on the point of going out when I called, but said he would be home by 2.30 pm, if you wanted to talk to him today.

Regards

| Executive Assistant to The Honourable Justice Reeves |
Federal Court of Australia | PO Box 13084, George Street Post Shop, Brisbane Qld 4003 |
Tel: (07) 3248 1172 | Fax: (07) 3248 1146 | Email: ea.reevesj@fedcourt.gov.au

 Please consider the environment before printing this email.

Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 11 June 2015 12:10 PM
To: Heather Baldwin
Subject: RE: Urgent - Acting Judge for Eastman

Thanks Heather

From: Heather Baldwin [<mailto:Heather.Baldwin@fedcourt.gov.au>]
Sent: Thursday, 11 June 2015 11:32 AM
To: Kellow, Philip
Subject: Re: Urgent - Acting Judge for Eastman

Hi Philip

I have asked _____ to contact you.

Sent from my iPad

On 11 Jun 2015, at 11:15 am, Kellow, Philip <Philip.Kellow@act.gov.au> wrote:

Hi Heather

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Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

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Date: 11 June 2015 9:13:19 am AEST
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Subject: **FW: Urgent - Acting Judge for Eastman**

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Hope this helps.

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Angela

Angela Josan | National Appeals Registrar

Federal Court of Australia | Owen Dixon Commonwealth Law Courts Building | 305 William Street, Melbourne
Victoria 3000

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| Angela.Josan@fedcourt.gov.au | www.fedcourt.gov.au

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Subject: FW: Urgent - Acting Judge for Eastman

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Warwick

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Philip

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Callow, Lauren

From: Paul.Dore@supremecourt.vic.gov.au
Sent: Thursday, 11 June 2015 6:23 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge for Eastman

Hi Philip

Acting Chief Justice Chris Maxwell and I spoke earlier today.

He advises that we are unable to put forward a suggestion to assist by way of putting a name forward, as we currently have 2 judges of appeal sitting in our trial division, a limited number of reserve judges already actively engaged and no immediately identifiable, recently retired judge.

Justice Maxwell asked me to suggest to you, if you have not already thought to do so, that you may wish to consider

For your advice.

Paul Dore

Acting Chief Executive Officer

Supreme Court of Victoria
 4/436 Lonsdale Street
 Melbourne VIC 3000
 Telephone: 03 9603 9387
 Mobile:
 Web: supremecourt.vic.gov.au

"Kellow, Philip" <Philip.Kellow@act.gov.au> 10/06/2015 16:20	To	"Paul.Dore@supremecourt.vic.gov.au" <Paul.Dore@supremecourt.vic.gov.au>,
	cc	
	Subject	RE: Urgent - Acting Judge for Eastman

Thanks Paul

From: Paul.Dore@supremecourt.vic.gov.au [<mailto:Paul.Dore@supremecourt.vic.gov.au>]
Sent: Wednesday, 10 June 2015 1:39 PM
To: Kellow, Philip
Subject: Re: Urgent - Acting Judge for Eastman

Hi Philip

I have forwarded your email to Supreme Court of Victoria's Acting Chief Justice Maxwell. He may reply directly to you, your Chief Justice or through me. I will follow up with him to make every effort to meet your end of the week deadline.

Cheers

Paul Dore

Acting Chief Executive Officer

Supreme Court of Victoria
 4/436 Lonsdale Street
 Melbourne VIC 3000

Telephone: 03 9603 9387
 Mobile:
 Web: supremecourt.vic.gov.au

"Kellow, Philip" < Philip.Kellow@act.gov.au > 10/06/2015 12:58	To	< paul.dore@courts.vic.gov.au > < paul.dore@justice.vic.gov.au >,
	cc	
	Subject	Urgent - Acting Judge for Eastman

Dear Paul

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

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Kind regards

Philip

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Our organisation respects the privacy of individuals. For a copy of our privacy policy please go to our website or contact us.

Callow, Lauren

From: Glover, Annie
Sent: Friday, 12 June 2015 10:58 AM
To: Kellow, Philip
Cc: Murrell, Helen; Refshauge, Richard
Subject: RE: Eastman - update

Philip

I have just spoken with Refshauge J.

He has spoken with the . He said he might be interested.

Judge has asked that you firstly see if the is available (Judge thinks he would be good).

Then, can you please contact the to give him information about the conditions of his appointment (when he can bring his wife etc), without of course confirming anything.

Thank you for your assistance Philip.

Judge is going to try in the meantime to make some discrete inquiries about the

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Friday, 12 June 2015 9:46 AM
To: Refshauge, Richard; Murrell, Helen; Glover, Annie
Subject: RE: Eastman - update

I have now received advice from the Vic Supreme Court and the SA Supreme Court that they are not able to assist.

Annie – have you been able to speak with the ?

Regards

Philip

From: Refshauge, Richard
Sent: Thursday, 11 June 2015 11:38 AM
To: Kellow, Philip
Subject: RE: Eastman - update

Sorry, Philip – I now remember that he retires soon, but has not yet! In any event, I also remember that he had some dealings with Eastman in some earlier proceedings and so should perhaps be discounted.

Richard

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:14 AM
To: Refshauge, Richard
Cc: Murrell, Helen; Glover, Annie
Subject: Re: Eastman - update

is a current judge and hasn't been suggested but we could follow up.

I will see if I can track down contact details for .

Philip

Philip Kellow
 Principal Registrar
 ACT Law Courts and Tribunal

Sent from my iPhone

On 11 Jun 2015, at 10:54 am, Refshauge, Richard <Richard.Refshauge@act.gov.au> wrote:

What about ? He served on the Supreme Court before appointment.

Can you follow up to see where we might contact to see if he is available?

From: Kellow, Philip
Sent: Thursday, 11 June 2015 10:36 AM
To: Refshauge, Richard
Cc: Murrell, Helen; Glover, Annie
Subject: Re: Eastman - update

The Federal Court has advised that none of its current judges are likely to be available.

Retired Federal Court judges who might be considered include

.

Philip

Sent from my iPad

On 11 Jun 2015, at 12:51 am, Refshauge, Richard <Richard.Refshauge@act.gov.au> wrote:

Hi Helen

Yes,. I do know well. He is a good man and has been a judge for a long time – very experienced. In the NT, much of the work is crime, so he would be experienced at that. I would like to just toss over in my mind whether he would be the right man for the job.

Richard

From: Murrell, Helen
Sent: Wednesday, 10 June 2015 7:28 PM
To: Kellow, Philip
Cc: Refshauge, Richard; Glover, Annie
Subject: Re: Eastman - update

Thanks, Philip, very helpful.

Richard, do you know [redacted] ? Or do you know anyone who knows him? Perhaps you could ring [redacted] and ask his opinion.

Helen

Sent from my iPad

On 10 Jun 2015, at 2:30 pm, Kellow, Philip <Philip.Kellow@act.gov.au> wrote:

I have contacted the court administrators or Supreme Court registrars in all jurisdictions other than NSW. I have attached an example of the email I sent.

So far I have received the following responses:

- Victoria – request referred to the Acting Chief Justice
- SA – request referred to the Chief Justice
- Qld – no response yet.
- NT – [redacted] is available from 13 July ([redacted]) and would be happy to accept an appointment.
- Tasmania – No current judges are available.

[redacted] Their two most recently retired Judges who may be available are

- WA – unable to assist
- Federal Court – no response yet.

I will keep you updated as further responses are received.

I have also spoken with Legislation, Policy and Programs at the JACS Directorate who will alert the Attorney's office and the Cabinet Office about the need for an urgent appointment of an Acting Judge. They will progress the necessary documentation as soon as we are in a position to recommend possible appointments.

Regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

<mime-attachment>

Callow, Lauren

From: Glover, Annie
Sent: Friday, 12 June 2015 12:12 PM
To: Appleby, Corinne
Cc: Kellow, Philip
Subject: FW: Eastman - update

Corinne

Can you please send me a copy of the conditions of appointment of an Acting Judge. I am unaware of all of these. Need to include under what circumstances he can include his wife in travel etc. and pay of course.

Thank you

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Friday, 12 June 2015 11:21 AM
To: Glover, Annie
Cc: Murrell, Helen; Refshauge, Richard
Subject: Re: Eastman - update

Annie

As this is a Supreme Court matter I think it better for you to contact these people. I am tied up with other things.

Thanks

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

Callow, Lauren

From: Glover, Annie
Sent: Friday, 12 June 2015 9:49 AM
To: Kellow, Philip
Subject: RE: Eastman - update

Hi Philip

Thank you

Justice Refshauge and I thought it more appropriate that he phone the _____ at first instance, then I can follow up afterwards with more detail.

I haven't been able to speak with Judge as yet to see if he has made contact or not, but will follow up and let you know

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 |email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Friday, 12 June 2015 9:46 AM
To: Refshauge, Richard; Murrell, Helen; Glover, Annie
Subject: RE: Eastman - update

I have now received advice from the Vic Supreme Court and the SA Supreme Court that they are not able to assist.

Annie – have you been able to speak with the _____ ?

Regards

Philip

From: Refshauge, Richard
Sent: Thursday, 11 June 2015 11:38 AM
To: Kellow, Philip
Subject: RE: Eastman - update

Sorry, Philip – I now remember that he retires soon, but has not yet! In any event, I also remember that he had some dealings with Eastman in some earlier proceedings and so should perhaps be discounted.

Richard

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:14 AM
To: Refshauge, Richard
Cc: Murrell, Helen; Glover, Annie
Subject: Re: Eastman - update

is a current judge and hasn't been suggested but we could follow up.

I will see if I can track down contact details for .

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

On 11 Jun 2015, at 10:54 am, Refshauge, Richard <Richard.Refshauge@act.gov.au> wrote:

What about ? He served on the Supreme Court before appointment.

Can you follow up to see where we might contact to see if he is available?

From: Kellow, Philip
Sent: Thursday, 11 June 2015 10:36 AM
To: Refshauge, Richard
Cc: Murrell, Helen; Glover, Annie
Subject: Re: Eastman - update

The Federal Court has advised that none of its current judges are likely to be available.

Retired Federal Court judges who might be considered include

I think) is the only one with criminal trial experience but I may be wrong.

Philip

Sent from my iPad

On 11 Jun 2015, at 12:51 am, Refshauge, Richard <Richard.Refshauge@act.gov.au> wrote:

Hi Helen

Yes,. I do know well. He is a good man and has been a judge for a long time – very experienced. In the NT, much of the work is crime, so he would be experienced at that. I would like to just toss over in my mind whether he would be the right man for the job.

Richard

From: Murrell, Helen
Sent: Wednesday, 10 June 2015 7:28 PM
To: Kellow, Philip
Cc: Refshauge, Richard; Glover, Annie
Subject: Re: Eastman - update

Thanks, Philip, very helpful.

Richard, do you know _____ ? Or do you know anyone who knows him? Perhaps you could ring _____ and ask his opinion.

Helen

Sent from my iPad

On 10 Jun 2015, at 2:30 pm, Kellow, Philip <Philip.Kellow@act.gov.au> wrote:

I have contacted the court administrators or Supreme Court registrars in all jurisdictions other than NSW. I have attached an example of the email I sent.

So far I have received the following responses:

- Victoria – request referred to the Acting Chief Justice
- SA – request referred to the Chief Justice
- Qld – no response yet.
- NT – _____ is available from 13 July (_____) and would be happy to accept an appointment.
- Tasmania – No current judges are available.

_____ Their two most recently retired Judges who may be available are

- WA – unable to assist
- Federal Court – no response yet.

I will keep you updated as further responses are received.

I have also spoken with Legislation, Policy and Programs at the JACS Directorate who will alert the Attorney's office and the Cabinet Office about the need for an urgent appointment of an Acting Judge. They will progress the necessary documentation as soon as we are in a position to recommend possible appointments.

Regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

<mime-attachment>

Callow, Lauren

From: Kellow, Philip
Sent: Friday, 12 June 2015 12:30 PM
To: Refshauge, Richard
Subject: RE: Urgent - Acting Judge for Eastman

Thanks Richard

I have asked Annie to advise on conditions, and to track down contact details.

Philip

From: Refshauge, Richard
Sent: Friday, 12 June 2015 12:28 PM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge for Eastman

Philip

I did call and he expressed an interest. He wanted to know about terms and conditions and I was a little vague. He was interested in whether the travel arrangements were similar to the federal Court, so that, if the period away was more than three days, his wife could travel with him at ACT expense. I said that I would get you to let him know the details. I think that it may be worth following up) and I will make some inquiries about and , neither of whom i know very well. I think is still in the mix, but will try to focus my thoughts by next week.

Richard

From: Kellow, Philip
Sent: Thursday, 11 June 2015 11:38 AM
To: Glover, Annie
Cc: Refshauge, Richard; Murrell, Helen
Subject: Fwd: Urgent - Acting Judge for Eastman

Annie

I have to be away from the office this afternoon. Could you call the after 2.30pm per the advice below?

Thanks

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

Begin forwarded message:

From: <Philip.Kellow@act.gov.au>
Date: 11 June 2015 11:32:02 am AEST
To: "Philip.Kellow@act.gov.au" <Philip.Kellow@act.gov.au>
Subject: Urgent - Acting Judge for Eastman

UNCLASSIFIED

Hi Philip

I refer to your email to Heather Baldwin.

I spoke to [redacted] to ask if his details could be given to you. He is happy for you to telephone him [redacted]. He was on the point of going out when I called, but said he would be home by 2.30 pm, if you wanted to talk to him today.

Regards

| Executive Assistant to The Honourable Justice Reeves |
Federal Court of Australia | PO Box 13084, George Street Post Shop, Brisbane Qld 4003 |
Tel: (07) 3248 1172 | Fax: (07) 3248 1146 | Email: ea.reevesj@fedcourt.gov.au

 Please consider the environment before printing this email.

Callow, Lauren

From: Kellow, Philip
Sent: Friday, 12 June 2015 6:59 AM
To: Paul.Dore@supremecourt.vic.gov.au
Subject: Re: Urgent - Acting Judge for Eastman

Thanks Paul

I did think of

Regards

Philip

Sent from my iPad

On 11 Jun 2015, at 6:22 pm, "Paul.Dore@supremecourt.vic.gov.au" <Paul.Dore@supremecourt.vic.gov.au> wrote:

Hi Philip

Acting Chief Justice Chris Maxwell and I spoke earlier today.

He advises that we are unable to put forward a suggestion to assist by way of putting a name forward, as we currently have 2 judges of appeal sitting in our trial division, a limited number of reserve judges already actively engaged and no immediately identifiable, recently retired judge.

Justice Maxwell asked me to suggest to you, if you have not already thought to do so, that you may wish to consider retired NSW Supreme Court . He recently (in the past couple of years) sat

For your advice.

Paul Dore
Acting Chief Executive Officer

Supreme Court of Victoria
4/436 Lonsdale Street
Melbourne VIC 3000
Telephone: 03 9603 9387
Mobile:
Web: supremecourt.vic.gov.au

"Kellow, Philip" < Philip.Kellow@act.gov.au > 10/06/2015 16:20	To	" Paul.Dore@supremecourt.vic.gov.au " < Paul.Dore@supremecourt.vic.gov.au >
	cc	
	Subject	RE: Urgent - Acting Judge for Eastman

Thanks Paul

From: Paul.Dore@supremecourt.vic.gov.au [<mailto:Paul.Dore@supremecourt.vic.gov.au>]
Sent: Wednesday, 10 June 2015 1:39 PM
To: Kellow, Philip
Subject: Re: Urgent - Acting Judge for Eastman

Hi Philip

I have forwarded your email to Supreme Court of Victoria's Acting Chief Justice Maxwell. He may reply directly to you, your Chief Justice or through me. I will follow up with him to make every effort to meet your end of the week deadline.

Cheers

Paul Dore
 Acting Chief Executive Officer

Supreme Court of Victoria
 4/436 Lonsdale Street
 Melbourne VIC 3000
 Telephone: 03 9603 9387
 Mobile:
 Web: supremecourt.vic.gov.au

"Kellow, Philip" < Philip.Kellow@act.gov.au > 10/06/2015 12:58	To	" paul.dore@courts.vic.gov.au " < paul.dore@justice.vic.gov.au >.
	cc	
	Subject	Urgent - Acting Judge for Eastman

Dear Paul

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

Interlocutory hearings have been listed for 9 July 2015 to deal with legal privilege and PII claims in regard to subpoenaed material.

The stay application is currently listed for hearing from 13 to 27 July 2015 with the possibility of a further week if required. The hearing will be conducted using electronic materials (an 'etrial') supported by eLaw, and training for the judge has been scheduled for 10 July.

There will also be provision for reading/preparation time, and for time to write the judgment.

I was wondering whether you could suggest any judges or former judges who might be suitable. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

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Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 17 June 2015 1:53 PM
To: Murrell, Helen
Subject: Acting Judge

Importance: High

Dear Helen

Julie Field just rang to advise that she has just been advised that the Chief Minister will be on leave from sometime next week.

This means the brief for the appointment of the Acting Judge for Eastman needs to be finalised and submitted by Friday at the latest as she is not confident the Acting Chief Minister will progress it.

Julie confirmed they have the brief ready to go – it just needs a name and biographical note.

I explained that we are working as quickly as we can on this. She understands the difficulties and just wanted to give us a heads up as to the tightness of the timing.

Regards

Philip

Callow, Lauren

From: Murrell, Helen
Sent: Wednesday, 17 June 2015 6:49 PM
To: Playford, Alison
Cc: Kellow, Philip; Glover, Annie
Subject: RE: Eastman judge

Follow Up Flag: Flag for follow up
Flag Status: Completed

Alison,

I have spoken to _____ and he has confirmed that he is willing and available.

_____ . I advised him that, if the matter proceeds on 13 July, there will need to be prior reading, etraining and there may be pre hearing applications.

He has no conflicts – he is not even sure that he has met Adams J, although he has probably met at conferences or the like - and he knows nothing of Eastman.

I advised that the matter would need to be considered by Cabinet and I informed him about the application to vacate the date of 13 July.

I will leave this with you now. His mobile is

Helen

From: Playford, Alison
Sent: Wednesday, 17 June 2015 4:17 PM
To: Murrell, Helen
Cc: Kellow, Philip; Glover, Annie
Subject: RE: Eastman judge

I am happy for you to call him. I am sure we can work out a way to overcome the urgency issue but best to sort if we can.

Alison

Alison Playford | Director-General
Phone: +61 62070502 | Fax: +61 2 62070499 | Mobile:
Email: alison.playford@act.gov.au
Justice and Community Safety Directorate
Level 9, 12 Moore Street | GPO Box 158 Canberra ACT 2601
www.act.gov.au

From: Murrell, Helen
Sent: Wednesday, 17 June 2015 4:02 PM
To: Playford, Alison
Cc: Kellow, Philip; Glover, Annie
Subject: Eastman judge

Alison,

Philip has advised that there is a high degree of urgency re a judge for the Eastman stay application as the Chief Minister is away from Friday.

Although a possible concern was expressed about _____, the better information comes from _____, who assures me that _____ is experienced, robust and hard working. For these reasons, he has asked

Meanwhile, I have been unsuccessfully chasing Victorian judges to get information about another possibility, but wont be able to speak to anyone until tomorrow and the Victorian possibility is a mere possibility – someone who may have little criminal experience and may be unavailable even if suitable.

As previously advised, Eastman has an application to vacate the date of 13/7 which is listed this Friday, but at this stage we are operating on the basis that the matter is listed for 2 weeks plus from 13/7, with dates for elaw training and preliminary arguments on 10 and 11/7.

In these circumstances, would you like to approach _____ ? I am happy to ring him, but I understand that he is willing and available.

Helen

Chief Justice Helen Murrell
Supreme Court of the ACT
Tel: 02 6207 1568 | Fax: 02 6207 1530
chiefjustice.murrell@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 17 June 2015 9:16 AM
To: Julie Steel
Subject: RE: Urgent - Acting Judge of Eastman

Hi Julie

I think we have a couple of names so OK for now but I'll get back to you if we have difficulties.

Regards

Philip

From: Julie Steel [<mailto:Julie.Steel@justice.qld.gov.au>]
Sent: Wednesday, 17 June 2015 8:37 AM
To: Kellow, Philip
Subject: RE: Urgent - Acting Judge of Eastman

Philip

Sorry but, as you know, I was on holidays and not checking emails last week. Is this request still 'on foot'? If so, I'll happily see what I can do to assist.

Cheers

Julie

Julie Steel

Executive Director
Supreme, District & Land Courts' and
Industrial Relations Commission's Service
Queensland Courts Service
P: (07) 323 96297
M:
E: julie.steel@justice.qld.gov.au



From: Kellow, Philip [<mailto:Philip.Kellow@act.gov.au>]
Sent: Wednesday, 10 June 2015 12:51 PM
To: Julie Steel
Subject: Urgent - Acting Judge of Eastman

Dear Julie

The ACT Court of Appeal has upheld an appeal against a decision by Acting Justice Whealy to not recuse himself from hearing an application by David Eastman for a stay of prosecution.

This means the ACT Supreme Court needs to identify a judge or recently retired judge who could be considered for appointment as an Acting Judge to hear the stay application.

Interlocutory hearings have been listed for 9 July 2015 to deal with legal privilege and PII claims in regard to subpoenaed material.

The stay application is currently listed for hearing from 13 to 27 July 2015 with the possibility of a further week if required. The hearing will be conducted using electronic materials (an 'etrial') supported by eLaw, and training for the judge has been scheduled for 10 July.

There will also be provision for reading/preparation time, and for time to write the judgment.

I was wondering whether you could suggest any judges or former judges who might be suitable. Any suggestions would be considered at first instance by the ACT Chief Justice.

I would be grateful if you could reply (including a nil response) before the end of the week.

Kind regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

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Callow, Lauren

From: Murrell, Helen
Sent: Thursday, 18 June 2015 8:19 AM
To: Playford, Alison
Cc: Kellow, Philip; Glover, Annie
Subject: Eastman judge

Alison,

Maxwell J from Victoria has given me two other names and is making inquiries about their availability.

Would you please put this on hold briefly, so these options can be pursued?

Helen

Chief Justice Helen Murrell

Supreme Court of the ACT

Tel: 02 6207 1568 | Fax: 02 6207 1530

chiefjustice.murrell@act.gov.au

Callow, Lauren

From: Field, Julie
Sent: Thursday, 18 June 2015 9:22 AM
To: Kellow, Philip
Cc: Parker, Vicki; Dixon, Megan
Subject: Proposed paragraph

Follow Up Flag: Follow up
Flag Status: Completed

Hi Philip

We're proposing to include this paragraph in the brief in relation to the proposed judge to hear the upcoming Eastman matter:

The Chief Justice has advised JACS that, since Justice Whealy was found to have a conflict, no currently appointed judge would be suitable to hear Mr Eastman's matter. The Chief Justice has therefore made inquiries and recommended X as suitable for appointment generally and, if appointed, would propose using X to hear Mr Eastman's matter.

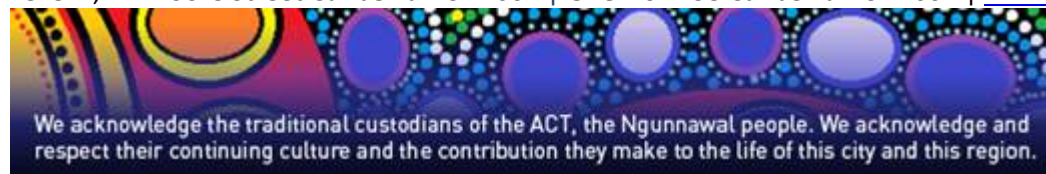
Could you please confirm the paragraph with the Chief Justice?

Thanks

Julie

Julie Field Executive Director
(02) 6207 0522 Fax: (02) 6205 0937
[mailto: julie.field@act.gov.au](mailto:julie.field@act.gov.au)

Legislation, Policy and Programs | Justice and Community Safety Directorate | **ACT Government**
Level 2, 12 Moore Street Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



Callow, Lauren

From: Murrell, Helen
Sent: Friday, 19 June 2015 8:42 AM
To: Playford, Alison
Cc: Kellow, Philip; Glover, Annie
Subject: Eastman judge

Alison,

Maxwell P, President of the Victorian Court of Appeal has been tremendously helpful and has spoken to David Ashleigh, a retired Victorian judge who has been sitting as a reserve judge in Victoria. Ashleigh would be available, albeit at some inconvenience if the date of 13/7 is not vacated by Wigney J today.

I don't know anything about him, and I'm not even sure that I have the correct spelling of his name. However, I am assured that he is intellectually astute, experienced in crime, robust and hard working. He knows nothing of Eastman or Adams.

I haven't spoken to him. Maxwell P asked that I call him back once I know the outcome of the application to vacate, and then ring Ashleigh.

However, I thought it best to notify you of this possibility asap in case you wished to start preliminary inquiries.

Chief Justice Helen Murrell

Supreme Court of the ACT

Tel: 02 6207 1568 | Fax: 02 6207 1530

chiefjustice.murrell@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Monday, 22 June 2015 4:07 PM
To: Glover, Annie
Subject: Eastman judge availability

Hi Annie

As discussed, I think the brief should go to the AG sometime today.

I understand the judge's unavailability is as follows

- He can't commit to do anything (including reading) until the last week of July.
- He can't do a hearing until the week of 24/8.
- He will be overseas approx late Sept to early/ mid Nov.

Philip

Callow, Lauren

From: Kellow, Philip
Sent: Monday, 22 June 2015 2:52 PM
To: Dixon, Megan
Subject: RE: Also - this is the proposed letter to the CJ...

Hi Megan

I suggest the following:

Thank you for your advice that you are unable to allocate an existing ACT judge to hear Mr Eastman's upcoming stay proceedings, because of the likelihood of challenges on the basis of apprehended bias. I note you seek the ACT Executive's support for an acting judge to be appointed to hear Mr Eastman's matters.

I am pleased to advise that the ACT Executive has appointed the Hon. David Ashley QC as an acting judge of the ACT Supreme Court for a period of 12 months commencing from the date of the Commission.

I attach a copy of the Commission for your reference. I trust that this appointment will assist the Supreme Court.

Philip

From: Dixon, Megan
Sent: Monday, 22 June 2015 1:14 PM
To: Kellow, Philip
Subject: Also - this is the proposed letter to the CJ...

Dear Chief Justice

Thank you for your advice that you are unable to allocate an existing ACT judge to hear Mr Eastman's upcoming stay proceedings, because of the potential for another conflict of interest argument to be made. I note you seek the ACT Executive's support for a further acting judge appointment.

I am pleased to advise that the ACT Executive has appointed the Hon. David Ashley QC as an acting judge of the ACT Supreme Court for a period of 12 months commencing from the date of the Commission.

I attach a copy of the Commission for your reference. I trust that this appointment will assist the Supreme Court.

Megan Dixon | Acting Director, Civil Law; Human Rights Adviser

Phone 02 6207 0595 | Fax 02 6205 0937

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Level 2, 12 Moore Street Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



Callow, Lauren

From: Kellow, Philip
Sent: Monday, 22 June 2015 1:27 PM
To: Dixon, Megan
Subject: RE: CJ ok with following words in brief? Also - proposed acting judge's mailing address for Commission?

I'll get back to you as soon as possible.

Philip

From: Dixon, Megan
Sent: Monday, 22 June 2015 1:13 PM
To: Kellow, Philip
Subject: CJ ok with following words in brief? Also - proposed acting judge's mailing address for Commission?

Hi Philip,

Can you please check that the Chief Justice is happy with the following words in the brief.

Also – May I please have the mailing address of the proposed judge in order to send a copy of the Commission?

Thank you kindly Philip.

Megan

...

Directorate Consultation

The Chief Justice supports Justice Ashley's appointment.

Megan Dixon | Acting Director, Civil Law; Human Rights Adviser

Phone 02 6207 0595 | Fax 02 6205 0937

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Level 2, 12 Moore Street Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



Callow, Lauren

From: Kellow, Philip
Sent: Tuesday, 23 June 2015 8:36 AM
To: Playford, Alison
Cc: Parker, Vicki
Subject: FW: Appointment of David Ashley

Importance: High

Dear Alison

Please see the email from Maxwell P concerning terms and conditions.

I am at Dickson today working on the PPP but can be contacted on my mobile.

Regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

From: Murrell, Helen
Sent: Tuesday, 23 June 2015 8:11 AM
To: Kellow, Philip
Subject: FW: Appointment of David Ashley

Philip,

I agree with the terms of your most recent email.

I am forwarding this from Maxwell P (Warren CJ is away) – there are a few hurdles to the appointment of a Victorian, but they will work with the Act to achieve the appointment.

Helen

From:
Sent: Monday, 22 June 2015 2:29 PM
To: Murrell, Helen
Subject: Re: Appointment of David Ashley

Dear Helen,

Thanks for letting me know. I look forward to further developments.

Regards,

Chris

"Murrell, Helen" <chiefjustice.murrell@act.gov.au>

To

22/06/2015 14:07

cc

Subject Re: Appointment of David Ashley

Dear Chris,

Apologies for the form and brevity of this email. I am on the road.

Yes, it would be an appointment as an Acting Judge.

A brief will go to Cabinet this week with two names, but I anticipate that Ashley may be the preferred appointee.

Thanks again for your advice and support,

Helen

Sent from my iPad

On 22 Jun 2015, at 12:28 pm,

Dear Helen,

I am writing to follow up our discussion about David Ashley being appointed to sit in the Eastman matter. At David's request, I have been checking up on the formalities at this end.

The sitting period you indicated would be after David completes his current period of engagement as a Reserve Judge, although he continues to hold a commission as a Reserve Judge. Our Law Reform and Policy Officer has asked whether it is proposed that David be appointed as an Acting Judge or an Additional Judge under the *Supreme Court Act 1933* (ACT). She points out that, under the *Constitution Act 1975* (Vic), a Reserve Judge is a "judge of the Court" during periods of engagement. I assume it is the former that you intend but wanted to clarify this point before taking matters further.

We will also need to obtain an Order in Council in Victoria,

to the Victorian Attorney-General to seek such an Order.). We would propose to write

I would be grateful if you could confirm by email the proposed arrangements, subject to the agreement of the Territory Government.

Chief Justice Warren will return from overseas at the end of this week. I will inform her of our discussions and her chambers will be able to make further arrangements as necessary.

Warm regards,

Chris

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Callow, Lauren

From: Kellow, Philip
Sent: Tuesday, 23 June 2015 8:35 AM
To: Murrell, Helen
Subject: RE: Appointment of David Ashley

Thanks Helen

I will refer this email thread to Alison Playford.

Philip

From: Murrell, Helen
Sent: Tuesday, 23 June 2015 8:11 AM
To: Kellow, Philip
Subject: FW: Appointment of David Ashley

Philip,

I agree with the terms of your most recent email.

I am forwarding this from Maxwell P (Warren CJ is away) – there are a few hurdles to the appointment of a Victorian, but they will work with the Act to achieve the appointment.

Helen

From:
Sent: Monday, 22 June 2015 2:29 PM
To: Murrell, Helen
Subject: Re: Appointment of David Ashley

Dear Helen,

Thanks for letting me know. I look forward to further developments.

Regards,

Chris

<p>"Murrell, Helen" <chiefjustice.murrell@act.gov.au> 22/06/2015 14:07</p>	<table border="1"> <tr> <td data-bbox="662 1529 778 1585"></td> <td data-bbox="778 1529 1503 1585"></td> </tr> <tr> <td data-bbox="662 1585 778 1630">cc</td> <td data-bbox="778 1585 1503 1630"></td> </tr> <tr> <td data-bbox="662 1630 778 1675">Subject</td> <td data-bbox="778 1630 1503 1675">Re: Appointment of David Ashley</td> </tr> <tr> <td data-bbox="662 1675 778 1731"></td> <td data-bbox="778 1675 1503 1731"></td> </tr> </table>			cc		Subject	Re: Appointment of David Ashley		
cc									
Subject	Re: Appointment of David Ashley								

Dear Chris,

Apologies for the form and brevity of this email. I am on the road.

Yes, it would be an appointment as an Acting Judge.

A brief will go to Cabinet this week with two names, but I anticipate that Ashley may be the preferred appointee.

Thanks again for your advice and support,

Helen

Sent from my iPad

On 22 Jun 2015, at 12:28 pm,

> wrote:

Dear Helen,

I am writing to follow up our discussion about David Ashley being appointed to sit in the Eastman matter. At David's request, I have been checking up on the formalities at this end.

The sitting period you indicated would be after David completes his current period of engagement as a Reserve Judge, although he continues to hold a commission as a Reserve Judge. Our Law Reform and Policy Officer has asked whether it is proposed that David be appointed as an Acting Judge or an Additional Judge under the *Supreme Court Act 1933* (ACT). She points out that, under the *Constitution Act 1975* (Vic), a Reserve Judges is a "judge of the Court" during periods of engagement. I assume it is the former that you intend but wanted to clarify this point before taking matters further.

We will also need to obtain an Order in Council in Victoria, i
to the Victorian Attorney-General to seek such an Order.

We would propose to write

I would be grateful if you could confirm by email the proposed arrangements, subject to the agreement of the Territory Government.

Chief Justice Warren will return from overseas at the end of this week. I will inform her of our discussions and her chambers will be able to make further arrangements as necessary.

Warm regards,

Chris

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If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies of this e-mail and any attachments.

Our organisation respects the privacy of individuals. For a copy of our privacy policy please go to our website or contact us.

Callow, Lauren

From: Kellow, Philip
Sent: Wednesday, 24 June 2015 1:24 PM
To: Murrell, Helen
Cc: Glover, Annie
Subject: Eastman judge

Dear Helen

Advice from Victoria this morning suggests it may take a little longer to get the order-in-council and other arrangements in place. Now seems that any ACT appointment may not be before the end of July, but everyone is working on having everything in order before then.

Regards

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 25 June 2015 4:42 PM
To: Parker, Vicki
Cc: Playford, Alison
Subject: Fwd: CONFIDENTIAL - Eastman judge

Vicki

FYI

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal

Sent from my iPhone

Begin forwarded message:

From: "Glover, Annie" <Annie.Glover@act.gov.au>
Date: 25 June 2015 4:22:49 pm AEST
To: "Playford, Alison" <Alison.Playford@act.gov.au>
Cc: "Murrell, Helen" <chiefjustice.murrell@act.gov.au>, "Kellow, Philip" <Philip.Kellow@act.gov.au>
Subject: RE: CONFIDENTIAL - Eastman judge

Dear Alison

I have just been speaking with the preferred Judge. His understanding is that he has approval from the Victorian Attorney-General, and that the Victorian Governor-in Council papers would be lodged for approval once the ACT has confirmed that they would be appointing him as the Acting Judge.

Judge suggested, and the Chief Justice agreed, that I should let you know in case that was not your understanding.

If it was not your understanding, the following persons could be contacted to clarify the situation:

Clare Downey at the Victorian Supreme Court – or
(the contact person for the Victorian Attorney-General's Department) – -

I hope this is of assistance.

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Thursday, 25 June 2015 8:34 AM
To: Murrell, Helen; Glover, Annie
Subject: CONFIDENTIAL - Eastman judge

Dear Helen and Annie

Arrangements are progressing and it is possible the Victorian Governor-in Council may be able to consider the matter on 7 July. If its decision is favourable, the ACT could appoint the Acting Judge after that date.

The ACT has given the Victorian AG's office an assurance that no mention will be made of the possible appointment. I know we have been very careful to keep this information confidential, but thought I should let you know of the assurance for completeness.

Regards

Philip

Callow, Lauren

From: Glover, Annie
Sent: Thursday, 2 July 2015 12:21 PM
To: Kellow, Philip
Subject: RE: Eastman

Thank you

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Thursday, 2 July 2015 9:51 AM
To: Murrell, Helen; Glover, Annie
Subject: Eastman

Dear Helen and Annie

I have been advised by Julie Field that she has been advised by the Vic Supreme Court that everything is on track for the order-in-council to be made in relation to the judge on 7 July.

Julie also says all the paperwork at the ACT end is ready to go as soon as the order-in-council is made.

Regards

Philip

Callow, Lauren

From: Glover, Annie
Sent: Thursday, 2 July 2015 2:26 PM
To: Field, Julie; Kellow, Philip
Cc: Reimers, Katherine; Parker, Vicki; Playford, Alison
Subject: RE: Eastman

That's wonderful – thank you Julie very much

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Field, Julie
Sent: Thursday, 2 July 2015 2:17 PM
To: Glover, Annie; Kellow, Philip
Cc: Reimers, Katherine; Parker, Vicki; Playford, Alison
Subject: RE: Eastman

Hi Annie

I've just talked to the Minister's office and the Minister will be available to sign once we get the advice that the order is made.

The Minister's office will then prioritise getting a second signature, which means we should have a judge appointed in time for Thursday's sitting, subject to unforeseen circumstances.

Is that sufficient?

Regards

Julie

Julie Field Executive Director
(02) 6207 0522 Fax: (02) 6205 0937
<mailto:julie.field@act.gov.au>

Legislation, Policy and Programs | Justice and Community Safety Directorate | **ACT Government**
Level 2, 12 Moore Street Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



From: Glover, Annie
Sent: Thursday, 2 July 2015 12:24 PM
To: Kellow, Philip; Field, Julie
Subject: RE: Eastman

Julie

Are you able to give an estimate of time that it will take before we can confirm who the Judge will be, once the order-in-Council is made please?

I have the matter back before me next Thursday 9/7/15. Many thanks Julie

Kind regards

Annie Glover

Registrar |

Supreme Court of the ACT |

ACT Court of Appeal |

Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip

Sent: Thursday, 2 July 2015 9:51 AM

To: Murrell, Helen; Glover, Annie

Subject: Eastman

Dear Helen and Annie

I have been advised by Julie Field that she has been advised by the Vic Supreme Court that everything is on track for the order-in-council to be made in relation to the judge on 7 July.

Julie also says all the paperwork at the ACT end is ready to go as soon as the order-in-council is made.

Regards

Philip

Callow, Lauren

From: Murrell, Helen
Sent: Thursday, 2 July 2015 11:54 AM
To: Kellow, Philip
Subject: RE: Eastman

Good news

From: Kellow, Philip
Sent: Thursday, 2 July 2015 9:51 AM
To: Murrell, Helen; Glover, Annie
Subject: Eastman

Dear Helen and Annie

I have been advised by Julie Field that she has been advised by the Vic Supreme Court that everything is on track for the order-in-council to be made in relation to the judge on 7 July.

Julie also says all the paperwork at the ACT end is ready to go as soon as the order-in-council is made.

Regards

Philip

Callow, Lauren

From: Kellow, Philip
Sent: Thursday, 16 July 2015 1:56 PM
To: Parker, Vicki
Subject: RE: Eastman judge

Thanks.

From: Parker, Vicki
Sent: Thursday, 16 July 2015 1:55 PM
To: Kellow, Philip
Subject: RE: Eastman judge

Philip,

Yes we were advised on Tuesday that the GG signed off and the sub has gone to the AG. It is with the AG and I am chasing, but it is up to him when he actions. He was out of the office yesterday and not yet back in. Will be in later. I am also trying to ascertain if AG announcing etc. once a decision made.

Will keep you posted.

V

Vicki Parker | Deputy Director-General Justice
Justice and Community Safety Directorate
Ph: +61 2 62053504
M:

From: Kellow, Philip
Sent: Thursday, 16 July 2015 1:51 PM
To: Parker, Vicki
Subject: Eastman judge
Importance: High

Dear Vicki

I understand the Victorian judge contacted the Chief Justice yesterday to say the approval has been given by the Governor-in-Council.

The Chief Justice has asked that the appointment as an ACT Acting Judge now be expedited as there are a growing number of complex interlocutory and case management issues that need to be addressed as soon as possible.

Thanks

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Glover, Annie
Sent: Thursday, 16 July 2015 2:02 PM
To: Kellow, Philip; Murrell, Helen
Subject: RE: Eastman

Thank you

Kind regards

Annie Glover

Registrar |
Supreme Court of the ACT |
ACT Court of Appeal |
Phone: (02) 62071197 | email: annie.glover@act.gov.au

From: Kellow, Philip
Sent: Thursday, 16 July 2015 1:59 PM
To: Murrell, Helen
Cc: Glover, Annie
Subject: Eastman

I have been advised that the submission to appoint the Victorian Judge has been with the Attorney since yesterday. The AG was not in his office yesterday but Vicki Parker is doing what she can to get him to look at it as a matter of urgency.

Philip

Philip Kellow
Principal Registrar
ACT Law Courts and Tribunal
Telephone: (02) 6207 1054
Mobile:
philip.kellow@act.gov.au

Callow, Lauren

From: Benson, Andrew
Sent: Tuesday, 21 July 2015 4:24 PM
To: Kellow, Philip
Cc: Hosking, Kim
Subject: Acting Judge media release
Attachments: Acting Judge appointment - eastman.docx

Hi Philip

I have made a small adjustment to the attached media release. I would like to send it out this afternoon. Could you please let me know if this is still okay.

Thanks

Andrew

Andrew Benson | Media Adviser to Simon Corbell MLA

Deputy Chief Minister | ACT Attorney-General | ACT Minister for Health
ACT Minister for the Environment | ACT Minister for Capital Metro

P: (02) 6205 0434 | M: 0481 004 015
F: 6205 0535 | E: andrew.benson@act.gov.au

APPOINTMENT OF NEW ACTING JUDGE TO THE SUPREME COURT

Attorney-General Simon Corbell has today announced the appointment of Acting Judge the Hon David Ashley QC to the ACT Supreme Court by the ACT Executive.

“Justice Ashley has considerable judicial experience and is highly qualified,” Mr Corbell said.

The appointment is supported by the Chief Justice, who proposed Acting Judge Ashley as suitable to hear upcoming proceedings regarding the Eastman Matter.

The allocation of court resources is a matter for the Chief Justice.

Mr David Eastman has applied for a stay against the Director of Public Prosecution’s decision to re-try him for the 1989 murder of Colin Winchester. Due to defence counsel illness, a new timetable is yet to be set for the stay application.

“This appointment will assist the court in ensuring the timely hearing of the stay application,” Mr Corbell said.

Justice Ashley has been a barrister since 1965. He retired from the Court of Appeal of the Supreme Court in February 2012, having served in that Court since 2005.

Prior to Mr Ashley’s time on the bench, he served in the Court’s Trial Division from 1990 to 2005.

“Justice Ashley’s experience means he is well qualified for this role,” Mr Corbell said.

The appointment is for 12 months.

Statement ends: 22 July 2015

Media contact: Andrew Benson (02) 6205 0434 (w) 0481 004 015 (m) andrew.benson@act.gov.au

Callow, Lauren

From: Kellow, Philip
Sent: Tuesday, 21 July 2015 4:28 PM
To: Benson, Andrew
Cc: Hosking, Kim
Subject: Re: Acting Judge media release

No comments from me.

Thanks

Philip

Sent from my iPad

On 21 Jul 2015, at 4:24 pm, Benson, Andrew <Andrew.Benson@act.gov.au> wrote:

Hi Philip

I have made a small adjustment to the attached media release. I would like to send it out this afternoon.

Could you please let me know if this is still okay.

Thanks

Andrew

Andrew Benson | Media Adviser to Simon Corbell MLA

Deputy Chief Minister | ACT Attorney-General | ACT Minister for Health
ACT Minister for the Environment | ACT Minister for Capital Metro

P: (02) 6205 0434 | M: 0481 004 015
F: 6205 0535 | E: andrew.benson@act.gov.au

<Acting Judge appointment - eastman.docx>