



## GOVERNING COUNCIL MINUTES OF MEETING: 2011/4

Held on **Saturday 15<sup>th</sup> October 2011** at the Crowne Plaza Hotel, Alice Springs. The meeting recommenced at 12:30pm after the Annual General Meeting.

### Present

Justice David Harper AM (in the Chair)	Supreme Court of Victoria
Federal Magistrate Michael Baumann (alternate)	Federal Magistrates Court of Australia
Magistrate John Birch	Magistrates Court of the Northern Territory
Justice Alan Blow, OAM	Supreme Court of Tasmania
Magistrate Maria Doogan	Magistrates Court of the Australian Capital Territory
Judge Allan Fenbury	District Court of Western Australia
Justice Peter Garling	Supreme Court of New South Wales
Magistrate Don Jones	Magistrates Court of Tasmania
Justice Judith Kelly	Supreme Court of the Northern Territory
Justice Glenn Martin	Co-opted
Justice Philip McMurdo	Supreme Court of Queensland
Justice Michael Murray	Supreme Court of Western Australia
Magistrate Leanne O'Shea	Magistrates Court of Queensland
Justice Hilary Penfold	Supreme Court of the ACT
Justice Terry Sheahan, AO	Land and Environment Court of New South Wales
Justice Margaret Stone	Federal Court of Australia
Justice Michael Walton	Industrial Court of New South Wales
Judge Jon Williams	District Court of New South Wales
Justice Richard White	Supreme Court of South Australia
Justice Peter Young	Family Court of Australia

### In attendance

Judge Brian Withers	Treasurer
Christopher Roper, AM	Secretary

## Apologies

Apologies were received from:

Magistrate John Birch	Magistrates Court of the Northern Territory
Chief Magistrate Elizabeth Bolton	Magistrates Court of South Australia
Chief Magistrate Steven Heath	Magistrates Court of Western Australia
Magistrate Julie Huber	Local Court of New South Wales
Judge Michael McInerney	County Court of Victoria
Judge Geoffrey Muecke	District Court of South Australia
Chief Federal Magistrate John Pascoe AO, CVO	Federal Magistrates Court of Australia
Judge Michael Shanahan	District Court of Queensland

## Not in attendance

Chief Magistrate Ian Gray	Magistrates Court of Victoria
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## Alternates

<i>Alternate</i>	<i>Representating</i>
Federal Magistrate Michael Baumann	Chief Federal Magistrate John Pascoe

### Resolved

That the apologies be noted and received.

The Chair welcomed those attending as alternates for Governing Council members.

## 1 Retirement of Justice Michael Murray

The President noted that this would be the last meeting attended by Justice Michael Murray of the Supreme Court of Western Australia. He thanked him for his significant contributions to the deliberations of the Governing Council.

## 2 Confirmation of minutes of the previous meeting of the Governing Council

The minutes of the meeting of the Governing Council held on 18<sup>th</sup> June 2011 had been circulated.

### Resolved

That the minutes of the previous meeting held on 18<sup>th</sup> June 2011 be confirmed.

## **2 Minutes of the meetings of the Executive Committee held since the last meeting**

The minutes of the Executive Committee meetings held on 28<sup>th</sup> July and 22<sup>nd</sup> September 2011 had been circulated.

### Resolved

That the minutes of the meetings of the Executive Committee held on 29<sup>th</sup> July 2011 and 22<sup>nd</sup> September 2011 be noted.

## **Reports**

### **3 President's Report**

The President had reported on matters before the Governing Council at the Annual General Meeting.

### **4 Secretary's report**

The Secretary had no matters to report.

### **5 Treasurer's report**

The Treasurer had reported at the Annual General Meeting.

### **6 Membership report**

A membership report as at 20<sup>th</sup> September 2011 had been circulated. The Secretary reported that there had been no significant changes since then.

The President read out a list of newly appointed judicial officers to whom he had written at the time of their appointment, congratulating them and inviting them to join the JCA.

## **Elections**

### **7 President**

Justice David Harper was nominated as President. There were no other nominations.

Resolved

That Justice David Harper be elected President of the Judicial Conference of Australia.

## **8 Vice President**

Justice Philip McMurdo was nominated as Vice President. There were no other nominations.

Resolved

That Justice Philip McMurdo be elected Vice President of the Judicial Conference of Australia.

## **9 Executive Committees**

The following members of the Governing Council were nominated for election to the Executive Committee –

Justice Alan Blow  
Chief Magistrate Elizabeth Bolton  
Judge Alan Fenbury  
Justice Peter Garling  
Magistrate Donald Jones  
Justice Judith Kelly  
Justice Glenn Martin  
Justice Hilary Penfold  
Justice Margaret Stone  
Justice Michael Walton

Resolved

That Justice Alan Blow, Chief Magistrate Elizabeth Bolton, Judge Alan Fenbury, Justice Peter Garling, Magistrate Donald Jones, Justice Judith Kelly, Justice Glenn Martin, Justice Hilary Penfold, Justice Margaret Stone and Justice Michael Walton be elected to membership of the Executive Committee.

The President proposed that several other members of the JCA who were not members of the Governing Council be co-opted by the Executive Committee at its next meeting, namely Federal Magistrate Michael Baumann, Chief Magistrate Graeme Henson and Magistrate Marc Sargent.

Note: The Rules provide that the Governing Council may appoint a Treasurer. Judge Brian Withers has already been appointed by the Governing Council as Treasurer for an unlimited term.

## **Activities, projects and matters of concern**

### **10 The role of the JCA and the media**

The President had reported on this item as part of his report to the Annual General Meeting.

### **11 The JCA's media release in regard to the Prime Minister's comments subsequent to the High Court's decision on the Malaysian offshore processing matter**

The President had reported on this item as part of his report to the Annual General Meeting. Justice Michael Murray proposed that the Governing Council should record its appreciation of the skill and effectiveness of the engagement with the public media in this matter. He said that he thought the right balance had been struck.

### **12 Superannuation surcharge and federal and Northern Territory judges**

The President had reported on this item as part of his report to the Annual General Meeting.

### **13 Complaints against judicial officers**

The President had reported on this item as part of his report to the Annual General Meeting.

### **14 Developments in Victoria in regard to court governance**

The President advised that there had been no developments in regard to this matter.

### **15 Anonymisation of private and confidential matters in transcripts, sentencing remarks and judgments**

The President had reported on this item as part of his report to the Annual General Meeting.

### **16 Judicial pension entitlements, superannuation arrangements for Tasmanian judges, and superannuation for magistrates**

The President had reported on this item as part of his report to the Annual General Meeting.

**17 Commonwealth Magistrates & Judges' Association – Triennial Conference in Melbourne 2015**

The President reported that Magistrate John Lowndes had sought the readiness of the JCA to support a request to the Victorian Government for funding assistance for the Triennial Conference of the CMJA to be held in Melbourne in 2015.

Resolved

To support a request by the Commonwealth Magistrates & Judges' Conference to the Victorian Government for funding assistance for the Triennial Conference of the CMJA to be held in Melbourne in 2015.

There being no further business, the meeting concluded at 1.00pm.

Signed as a true record:

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President