



Judicial Conference of Australia

GOVERNING COUNCIL

MINUTES OF MEETING: 2017/4

Held on **Saturday 7th October 2017** at the Grand Chancellor Hotel, Hobart

The meeting commenced at 1.00pm.

Present

Justice Robert Beech-Jones (in the Chair)	Supreme Court of New South Wales
Magistrate Jennifer Atkinson	Local Court of New South Wales
Judge Michael Baumann, AM	Federal Circuit Court of Australia
Chief Justice Alan Blow, OAM	Supreme Court of Tasmania
Judge Wayne Chivell	District Court of South Australia
Deputy Chief Magistrate Michael Daly	Magistrates Court of Tasmania
Judge Graham Dart	Supreme Court of South Australia
Judge Philip Eaton	District Court of Western Australia
Magistrate Karen Fryar, AM	Magistrates Court of the Australian Capital Territory
Justice Timothy Ginnane	Supreme Court of Victoria
Judge Peter Hannon	South Australian Employment Tribunal
Justice Terence Higgins, AO, QC (observer)	Supreme & National Courts of Papua New Guinea
Justice Judith Kelly	Supreme Court of the Northern Territory
Justice Rene Le Miere	Supreme Court of Western Australia
Chief Judge John Lowndes	Local Court of the Northern Territory
Justice Glenn Martin, AM	Supreme Court of Queensland
Justice Neil McKerracher	Federal Court of Australia
Judge Garry Neilson	District Court of New South Wales
Deputy President Daniel O'Connor	Industrial Court of Queensland
Deputy Chief Magistrate Leanne O'Shea	Magistrates Court of Queensland
Justice Hilary Penfold, PSM	Supreme Court of the Australian Capital Territory
Magistrate Marc Sargent	Magistrates' Court of Victoria

Judge Michael Shanahan
Justice Terry Sheahan, AO

Justice Michael Walton

District Court of Queensland
Land & Environment Court of
New South Wales
Supreme Court of New South
Wales

In attendance

Christopher Roper, AM

Secretary

Apologies

Apologies were received from:

Deputy Chief Magistrate Andrew
Cannon, AM

Justice Rebecca Ellis (observer)
Magistrate Andree Horrigan

Judge Rachel Lewitan
Judge Michael McInerney
The Hon Justice Peter Murphy
Justice Tony Pagone

Chief Judge John Pascoe, AO, CVO

Magistrates Court of South
Australia

High Court of New Zealand
Magistrates Court of Western
Australia

County Court of Victoria
County Court of Victoria
Family Court of Australia
International Association of
Judges

Federal Circuit Court of Australia

Alternates

Alternate

Judge Michael Baumann
Judge Rachel Lewitan

Representating

Chief Judge John Pascoe
Judge Michael McInerney

Resolved (2017/21)

That the apologies be noted and received.

The President welcomed Magistrate Jennifer Atkinson to her first meeting of the Governing Council.

1 Confirmation of minutes of the previous meeting of the Governing Council

The minutes of the meeting of the Governing Council held on 3rd June 2017 had been circulated.

Resolved (2017/21)

That the minutes of the previous meeting held on 3rd June 2017 be confirmed subject to the addition of Judge Garry Neilson as an apology and of Judge Chris Robison as an attendee as alternate to Judge Neilson.

2 Minutes of the meeting of the Executive Committee held since the last meeting

The minutes of the Executive Committee meeting held on 20th July 2017 had been circulated.

Resolved (2017/22)

That the minutes of the meeting of the Executive Committee held on 20th July 2017 be noted.

Reports

4 President's Report

The President had reported at the Annual General Meeting.

He raised the request for financial support for judges from Timor Leste to attend the International Association of Judges meeting in Chile when their application for membership will be considered. After some discussion it was resolved as follows.

Resolved (2017/23)

That the JCA cannot at this time support the request for financial assistance for three Timor Leste judges to attend the International Association of Judges meeting.

5 Media releases issued since the last meeting of the Governing Council

The Governing Council noted the following media releases which had been issued since its last meeting:

13 th June 2017	Grossly improper attack on Victorian judiciary
19 th June 2017	Inaccurate reporting of Justice Logan's decision concerning Mr Jagdeep Singh
20 th June 2017	Inaccurate reporting of JCA statement
21 st July 2017	Poland's judges under serious threat to the independence

6 Secretary's report

The Secretary reported that a request had been received from the University of Sydney for continued financial support from the JCA for the JCA Scholarships for students in the Social Justice Program. He outlined how this support had arisen. After some discussion it was resolved as follows.

Resolved (2017/24)

That the JCA is not able to contribute funds for scholarships for the Social Justice Program at the Faculty of Law of the University of Sydney.

7 Treasurer's report

The Treasurer had nothing to report.

8 Membership report

The Governing Council noted the following reports:

- showing the state of membership as at 28th September 2017
 - listing newly appointed judicial officers to whom letters of congratulations have been sent since the last Governing Council meeting
- listing members who have joined the JCA since the last meeting of the Governing Council.

Elections

9 President

Justice Robert Beech-Jones was nominated for the position of President. There were no other nominations.

Resolved (2017/25)

That the Hon Justice Robert Beech-Jones be elected President of the Judicial Conference of Australia.

10 Vice President

Justice Judith Kelly was nominated for the position of Vice President. There were no other nominations.

Resolved (2017/26)

That the Hon Justice Judith Kelly be elected Vice President of the Judicial Conference of Australia.

11 Executive Committee

The following members of the Governing Council were nominated for the Executive Committee:

Judge Michael Baumann
Chief Justice Alan Blow

Judge Wayne Chivell
Judge Phillip Eaton
Justice Timothy Ginnane
Justice Neil McKerracher
Justice Hilary Penfold
Magistrate Marc Sargent
Justice Michael Walton

Resolved (2017/27)

That Judge Michael Baumann, Chief Justice Alan Blow, Judge Wayne Chivell, Judge Philip Eaton, Justice Timothy Ginnane, Justice Neil McKerracher, Justice Hilary Penfold, Magistrate Marc Sargent and Justice Michael Walton be elected to the Executive Committee.

12 Intermediate Courts Representative

Resolved (2017/28)

That Judge Wayne Chivell be elected as the Intermediate Courts Representative on the Governing Council and Executive Committee.

13 Magistrates/Local Courts Representative

Resolved (2017/29)

That Magistrate Marc Sargent be elected as the Magistrates/Local Courts Representative on the Governing Council and Executive Committee.

Projects and Activities

14 International Association of Judges

Justice Martin briefly reported on the work of the International Association of Judges. He referred to concerns raised by the IAJ in regard to judges in Poland and Turkey, and more recently in Spain. He said that the IAJ's annual meeting would be taking place in Chile, attended by five judges from Australia, as well as Justice Pagone. He said the annual meeting would be considering a wide range of issues and that there will be a report for the Governing Council at its March 2018 meeting.

15 Commonwealth Magistrates' and Judges' Association

Chief Judge Lowndes reported that the Regional Conference of the CMJA had been held in the last week in Dar-es-Salaam and had been well attended by 363 delegates and accompanying persons. Its theme was the building of an effective and accountable judiciary and had included consideration of the International Framework for Court Excellence. Dr Lowndes mentioned the recent problems in

Kenya where the President had attacked the judiciary after it had found that the recent Presidential elections were invalid.

Chief Judge Lowndes reported that the next Triennial Conference of the CMJA would be held in Brisbane next year, and that he was hopeful that the Conference would be well supported by members of the Australian judiciary.

16 Taxation changes affecting superannuation introduced in the Federal Budget

The President had reported at the Annual General Meeting.

17 Legal aid and self-represented litigants sub-committee

The President had reported at the Annual General Meeting.

21 Next meeting

The next meeting will probably be held on Saturday 3rd March 2018 in Melbourne.

There being no further business, the meeting concluded at about 1.30pm.

Signed as a true record:

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President