



Judicial Conference of Australia

## **EXECUTIVE COMMITTEE**

### **MINUTES OF MEETING: 2018/2**

Held by teleconference on **Thursday 17<sup>th</sup> May 2018**  
commencing at 5.00 pm Eastern Standard Time

#### **Participating**

Justice Robert Beech-Jones (President)	in the Chair
Justice Michael Baumann, AM	Treasurer
Chief Justice Alan Blow, AO	
Justice John Burns	
Judge Wayne Chivell	
Justice Judith Kelly	Vice-President
Justice Timothy Ginnane	
Justice Glenn Martin, AM	
Justice Neil McKerracher	
Magistrate Marc Sargent	
Justice Michael Walton	

#### **Apologies**

Chief Magistrate Graeme Henson, AM

#### **In attendance**

Christopher Roper, AM (Secretary)

#### **1 Minutes of the previous meeting**

The minutes of the previous meeting held on 1<sup>st</sup> February 2018 had been circulated.

Resolved:

That the minutes of the meeting held on 1<sup>st</sup> February be approved.

#### **2 Correspondence received since the February 2018 meeting of the Executive Committee**

A letter from Mr Mark Speakman, the Attorney-General of New South Wales, which had been circulated was noted.

### **3 President's report**

#### *3.1 Taxation and superannuation issues*

The President briefly recounted the steps which had occurred, in particular the obtaining of counsel's advice and the request to Treasury for the actuarial calculations, if any, on which it had relied. The reply from Treasury had been circulated and was noted. The President said he had written to Allens Linklaters for a quotation for their costs if the JCA were to obtain actuarial costings itself. This had not yet been provided but he expected it to be high.

He said that his view was that at the June Governing Council meeting he propose that the JCA does not take this matter any further on the basis that there was little prospect of success and the high cost of taking the matter further, given that a significant amount had already been spent.

Several members supported this approach. Justice Kelly raised whether some form of obligation was owed to the retired judges who were urging the JCA to pursue this matter as they had contributed to the *Austin case* and had left their contributions with the JCA. The President said that he would discuss any decision made with them.

#### *3.2 National Integrity Assessment*

A letter of invitation to take part in the Second National Integrity Assessment had been circulated, together with some supporting papers. The President said the question was whether the JCA wished to take part in this which would comprise responding to a survey and attending a symposium. The matter was discussed.

It was decided that the JCA may take part in the survey, subject to what questions were asked, but would not take part in the Symposium.

Resolved:

That the President's report be received.

### **4 Media releases issued since the last meeting of the Executive Committee**

The Executive Committee noted the two media releases issued since the last meeting.

### **5 Financial matters**

A profit & loss report for the period 1<sup>st</sup> January to 31<sup>st</sup> March 2018 had been circulated, and was noted. It was also noted that the balance in the accounts and term deposits at the bank as at 10<sup>th</sup> May 2018 totalled \$522,054.29. The Treasurer briefly outlined some aspects of the report.

A copy of a financial report, prepared by the Secretary, for the 2017 Colloquium was also noting.

Resolved:

That the Treasurer's report be received.

## **6 Budget for the 2018 – 2019 financial year**

A draft budget had been circulated. The Treasurer briefly outlined the details of the budget. He noted that it was based on no increase in the annual membership fees.

Resolved:

To adopt the budget for the 2018 – 2019 financial year, and to recommend to the Governing Council that the annual membership fees for the 2018 – 2019 financial year be maintained at \$230 for members who are active judicial officers and \$50 for retired judicial officers and new members in their first year of membership.

## **7 Membership matters**

A membership report as at 10<sup>th</sup> May 2018 had been circulated, together with a list of newly appointed judicial officers to whom the President had written and a list of new members, and they were noted.

The Membership Report was received.

## **8 Secretariat matters**

The Secretary reported that the Federal Court had proposed a Memorandum of Understanding be entered into in respect of the Secretariat's occupancy of a room in the Commonwealth Law Courts Building in Melbourne, and that an occupancy fee of \$6000 per annum be paid. The draft Memorandum of Understanding had been circulated.

Resolved:

To authorise the Secretary to sign the Memorandum of Understanding with the Federal Court of Australia.

## **9 Colloquium**

Justice Kelly reported that the program for the 2018 Colloquium was now finalised. She reported that Justice Nettle had recently agreed to be the Keynote Speaker. There was brief discussion as to how the opening of the Colloquium should be conducted.

Justice Ginnane raised the question of whether a special registration fee might be offered for local members of the JCA who wished only to attend the Friday sessions including the welcome reception. He suggested that a fee of say \$350 - \$400 might be offered. He said that this would be an experiment but noted that, when the Colloquium was last held in Melbourne, it was difficult to entice local members to sign up for the whole Colloquium but that they may have been interested in attending the Friday sessions.

It was agreed that the Secretary approach AM Meetings Plus to see if this proposal could be implemented. Justice Walton suggested that they be asked to look at the statistics from previous colloquiums to see whether proportionately those attending who were from the local jurisdiction were lower than those attending from other jurisdictions.

**Resolved:**

That the Vice President's report be received.

**10 International Association of Judges**

Justice Martin referred to a recent article in *The Guardian* in regard to the judiciary in Poland. It was agreed that the article be included in the next issue of the *JCA News & Media*.

He then referred to the launch of the United Nations Office on Drugs and Crime's Global Judicial Integrity Network, which had occurred in Vienna, and in which the IAJ had taken part. He said he would forward details to the Secretary so that the JCA's membership could be informed of this development.

Justice Martin also referred to the Annual Meeting of the IAJ to be held in Morocco in October.

**11 Next Governing Council meeting – discussion with academics**

The President reported that he had arranged that there be a session of about one hour, at the end of the forthcoming Governing Council meeting in Sydney, where several academics from the Gilbert + Tobin Centre for Public Law at the University of New South Wales would seek input from members present on their current research on statutes. He said that this was an opportunity for the academics to receive input from judicial officers who dealt with the interpretation of statutes on a daily basis.

**12 Next meeting**

It was noted that the next meeting would be held on Thursday 2<sup>nd</sup> August 2018 at 5.00pm Eastern Standard Time.