



Judicial Conference of Australia

## EXECUTIVE COMMITTEE

### MINUTES OF MEETING: 2018/3

Held by teleconference on **Thursday 2<sup>nd</sup> August 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	
Justice Judith Kelly	Vice-President
Justice Timothy Ginnane	
Justice Glenn Martin, AM	
Justice Neil McKerracher	
Justice Michael Walton	

#### **Apologies**

Judge Wayne Chivell  
Chief Magistrate Graeme Henson, AM  
Magistrate Marc Sargent

#### **In attendance**

Christopher Roper, AM (Secretary)

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

The minutes of the previous meeting held on 17<sup>th</sup> May 2018 had been circulated.

Resolved:

That the minutes of the meeting held on 17<sup>th</sup> May 2018 be approved.

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

No correspondence had been received.

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

#### *3.1 Taxation and superannuation issues*

The President reported that he had written to all of the retired judges who had contacted the JCA in regard to this matter, explaining what had been done in regard to the obtaining of legal advice. He said the response from them had been positive and indeed two of them had offered to contribute to the cost of obtaining legal advice, but he had declined their offer.

He said that all JCA members would now be notified.

*Resolved:*

That the President's report be received.

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

The President briefly discussed and explained the background to the four media releases which had been circulated with the agenda. He also referred to a media release issued earlier in the day in regard to a statement made by a Shadow Cabinet member of the Opposition in Victoria in regard to recent appointments of magistrates in which it was said that their appointments were tainted and that the magistrates should reflect on the validity of their appointments.

### **5 Financial matters**

A profit & loss report for the period 1<sup>st</sup> April to 30<sup>th</sup> June 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 26<sup>th</sup> July 2018 totalled \$560,891.34.

*Resolved:*

That the Treasurer's report be received.

### **6 Membership matters**

A membership report as at 26<sup>th</sup> July 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 Secretary was asked to send to Governing Council members, in a few weeks' time, lists of those from their respective courts who had not renewed, together with a list of those whose membership was current, so that members could encourage renewals or joining of the JCA.

The Membership Report was received.

### **7 Secretariat matters**

The Secretary raised three matters.

#### *Publications*

The Executive Committee was asked whether two publications, *You be the Judge* and *Working with the Media*, should be updated and then reprinted or uploaded to the JCA's website. In regard to *You be the Judge* it was noted that there were now sentencing advisory councils and that several of them had published a similar booklet. Similarly, in regard to *Working with the Media* it was noted that many courts now had media officers to whom judicial officers would turn for advice and assistance in dealing with the media. It was accordingly decided that neither of these publications would be revised and republished. It was also decided that they not be available at the forthcoming Colloquium.

It was further decided that links to similar publications on the websites of sentencing advisory councils would be included on the JCA's website.

#### *Inclusion of certain news reports or articles in the weekly JCA News & Media*

The Secretary raised the question of whether a policy should be formally adopted as to when news reports or articles should not be included in the *JCA News & Media*. There was brief discussion of a recent situation where a magistrate, not a member of the JCA, had been abashed by inclusion of an article about her.

It was agreed that a formal policy should not be adopted but rather the current practice should continue whereby generally the JCA would not act as censor and rather circulate what had been published in the media; however, scurrilous articles and those included in gossip columns would not be circulated. It was further agreed that the following disclaimer would be included in the *JCA News & Media*:

“The inclusion of news reports and articles in *JCA News & Media* is to enable members to know what is being said and reported in the media, and their inclusion does not indicate any endorsement or approval of the report or article.”

#### *Inclusion of photographs of members in the directory of Governing Council members*

Justice Kelly had raised whether photographs of Governing Council members might, on a voluntary basis, be included in the directory of Governing Council members. It was agreed that Governing Council members be approached as to whether they wished to supply a photograph for this purpose, on a voluntary basis.

## **8 Colloquiums**

### *2018 Colloquium*

Justice Kelly reported that all was in order for the Melbourne Colloquium and that there was nothing further to report. The Secretary said he had been advised by AM Meetings Plus that registrations were quite good but he was not aware of the number. [The number is, in fact, 30.] There was brief discussion of the fact that some courts may not process registrations until after the closing date for early bird registrations, and it was noted that, given it was more important that people register and attend, later registrations would be accepted at the early bird rate.

### *Darwin Colloquium*

There was discussion of the need to make arrangements earlier for the 2019 Colloquium in Darwin. The Secretary said that Justice Kelly had supplied suggestions in regard to venues for the colloquium and the dinner and they had been passed on to AM Meetings Plus. He said he would follow up with AM Meetings Plus so that decisions could be made. It was also agreed that a one page flyer would be prepared in regard to the Darwin Colloquium and circulated to those at the Melbourne Colloquium, and distributed more widely to members.

Justice Martin suggested that a speaker might be the Chief Justice of Singapore, and that he would approach him. He also said that he would approach the Irish association of judges as there was some prospect that they would send a representative to the Colloquium. It was noted that, given Darwin was more remote and a smaller jurisdiction, it may be necessary that a higher proportion of speakers be JCA members, who would pay for their own attendance.

It was also noted that there would be a need to budget on a lower number of attendees, and that this may well result in a budgeted loss.

### *2020 Colloquium*

It was noted that the 2020 Colloquium was to be in Perth, and this would mean that east coast members would need to make long journeys to attend two years in a row; and that this may result in courts not being willing or able to provide assistance. It was suggested that the Perth Colloquium might be deferred to a later year. It was also suggested that the 2020 Colloquium might be in New Zealand. The Secretary was asked to ensure that any proposed dates avoid conferences of magistrates, District/County Court judges or the Supreme and Federal Courts Judges Conference.

It was agreed that the proposal that the 2020 Colloquium be in New Zealand, and the 2021 Colloquium be in Perth, be put to the Governing Council meeting to be held in October 2018.

## **9 International Association of Judges**

Justice Martin proposed that the recently adopted *International Charter of the Judge* be presented at the Colloquium, but that there was no need for it to be formally noted or adopted. He said the President might mention it in his welcoming remarks. Justice Martin noted that it had already been circulated to members.

## **10 Australia's National Integrity System Assessment**

A memorandum had been circulated. There was brief discussion as to whether the JCA should complete the survey. It was agreed that the JCA would not complete the survey. However, members could be advised of it through the *JCA News & Media*, and a link could be provided should any member wish to complete the survey personally.

## **11 Commonwealth Magistrates' and Judges' Association**

The Executive Committee was invited to consider whether it should send a formal representative to the CMJA Conference in Brisbane in September, and in particular whether it should be formally represented at the General Assembly which will take place during that Conference.

It was agreed that if it were possible to attend only the General Assembly, a Brisbane-based member of the Governing Council be asked to attend as the JCA's formal representative. If this would not be possible, then it was agreed that Chief Magistrate Rinaudo, if attending the Conference, be asked to be the JCA's representative, and should that not be possible Deputy Chief Magistrate O'Shea, should she be attending.

## **12 Next meeting**

It was noted that the next meeting would be held on Thursday 18<sup>th</sup> October 2018 at 5.00pm Eastern Summer Time.