



JUDICIAL CONFERENCE OF AUSTRALIA

EXECUTIVE COMMITTEE

MINUTES OF MEETING: 2011/2

Held by teleconference on **Thursday 14th April 2011**
commencing at 5.00 pm Eastern Standard time

Participating

Justice David Harper, AM (President) in the Chair
Federal Magistrate Michael Baumann
Justice Alan Blow, OAM
Chief Magistrate Elizabeth Bolton
Justice Peter Garling
Magistrate Don Jones
Justice Judith Kelly
Justice Philip McMurdo (Vice President)
Justice Hilary Penfold
Magistrate Marc Sargent
Justice Margaret Stone

Apologies

Judge Allan Fenbury
Chief Magistrate Graeme Henson
Justice Glenn Martin
Justice Michael Walton
Judge Brian Withers (Treasurer)

In attendance

Christopher Roper, AM (Secretary)

1 Minutes of the previous meeting (24th February 2011)

The minutes of the previous meeting had been circulated.

Resolved:

That the minutes of the meeting held on 24th February 2011 be approved.

2 President's report and business

Judicial Registrar in Victoria

The President reported that he had not accurately reported the situation at the previous meeting of the Governing Council, and that at its next meeting he would ask that the Governing Council's resolution be rescinded.

Maconochie matter

The President reported that there had been no developments.

Superannuation surcharge

The President reported that there had been no developments.

Dinner for Justice McColl

The President referred to the letter of thanks from Justice McColl, which had been circulated.

3 The role of the JCA particularly in regard to issues in the media

There was extensive discussion of this matter.

The President said that he and Justice McMurdo would now prepare both an opinion piece to send to the *Herald Sun* - and possibly daily newspapers in other jurisdictions - and a longer paper for publication, should the Governing Council agree, on the JCA's website. The latter would enable both the JCA's members and members of the public to access the JCA's position on sentencing. He said he would circulate both the opinion piece and the longer and more detailed paper shortly after Easter. He said it would be Law Week in Victoria in mid May, and so publication of the opinion piece could be attached to that.

The President also reported that he had communicated with Prue Innes who said she would be interested in exploring the possibility of taking up an ad hoc position of media adviser to the JCA. This was supported by the members of the Executive Committee.

4 Treasurer's report

A financial report for the period 1st January to 31st March 2011 had been circulated.

The Secretary said that he had prepared a first draft of the budget. It was agreed that, after it had been settled by the Treasurer, it would be circulated to members of the Executive Committee and then submitted to the Governing Council at its meeting in Melbourne on 18 June 2011.

Resolved:

That the Treasurer's report be received.

5 Membership report

A membership report as at 31st March 2011 had been circulated and was noted.

6 Secretary's report

A report from the Secretary had been circulated and was noted.

Resolved:

That the Secretary's report be received.

7 Colloquium 2011

The President reported that he had received a note from Justice Martin that the Planning Committee had met on the previous evening and could report that the program was all but complete. The timing of the sessions needed to be worked around the airlines' timetables. A preliminary flyer would be available soon.

The President said that he had written to Professor Ron McCallum to invite him to be the keynote speaker.

8 Judicial pension entitlements, superannuation arrangements for Tasmanian judges, and superannuation for magistrates

The President reported that he had earlier on the day received a letter from the Tasmanian Attorney General thanking him for his letter of 22 March and advising that he would discuss it with the Premier, who is also the Treasurer.

Justice McMurdo said that he was preparing a note for the sub-committee which had been established at the Governing Council meeting. He said he aimed to keep it at a level of broad generality. He said the process could start there and then there would be particular issues that may find their way into the document. He said he would distribute the draft document to the sub-committee after Easter.

The matter was then discussed.

9 Anonymising private and confidential matters in judgments

Justice McMurdo said that he had spoken to Justice Mullins and that she had indicated that she was willing to assist by preparing a draft policy for the JCA. It was agreed that the President would write to her.

10 Retired Judicial Officers Committee

A memorandum had been circulated reporting on the preparation of a list of retired judicial officers potentially available for appointment to various positions.

Justice Garling pointed out that the AIJA is also involved in advertising positions overseas and hence there is the scope for liaison between the two bodies. He also suggested that when the JCA knows that a member is retiring, the member should be approached to invite them to retain the membership of the JCA and to join the list.

It was agreed that –

- 1 Letters be written to attorneys general, law schools, practical legal training bodies, public advocacy bodies and AusAID advising them of the JCA's list of potentially available retired judicial officers.
- 2 The Secretary liaise with the AIJA advising it of the JCA's actions.
- 3 A notice be placed on the JCA's website.
- 4 Justice Garling and the Secretary would prepare a draft letter to be sent to members of the JCA who are shortly to retire.

11 Next meeting

It was noted that the next meeting would be held on Thursday 28th July 2011 at 5.00pm Eastern Standard Time.