



JUDICIAL CONFERENCE OF AUSTRALIA

EXECUTIVE COMMITTEE

MINUTES OF MEETING: 2012/1

Held by teleconference on **Thursday 2nd February 2012**
commencing at 5.00 pm Eastern Standard time

Participating

Justice David Harper, AM (President) in the Chair
Justice Alan Blow, OAM
Chief Magistrate Elizabeth Bolton
Judge Allan Fenbury
Justice Peter Garling
Magistrate Don Jones
Justice Judith Kelly
Justice Glenn Martin
Justice Philip McMurdo (Vice President)
Justice Hilary Penfold
Magistrate Marc Sargent
Justice Margaret Stone
Judge Brian Withers (Treasurer)

Apologies

Federal Magistrate Michael Baumann
Chief Magistrate Graeme Henson
Justice Michael Walton

In attendance

Christopher Roper, AM (Secretary)

1 Minutes of the previous meeting

The minutes of the previous meeting held on 24th November 2011 had been circulated.

Resolved:

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

2 President's report and business

The Hon Michael Murray, QC

The President stated that he wished to recommend to the Governing Council that the Hon Michael Murray, QC be appointed as an Honorary Member of the JCA. It was agreed that the Executive Committee endorse this proposal.

Relationship between the judiciary and the executive government

The President referred to two recent statements by Premiers which raised the issue of the relationship between the judiciary and the executive government.

The first was the statement by Anna Bligh, the Premier of Queensland, in which she expressed anger at the judicial decision to give limited release to a sex offender who, upon his release, removed his tagging device and committed a further offence.

There was discussion as to whether the JCA should respond.

It was suggested that the JCA should make its decision as to whether to write to the Premier based on what the Supreme Court decided. The meeting concurred with this view.

The President then turned to the statement by Barry O'Farrell, the Premier of New South Wales, to have Magistrate O'Shane referred to the Judicial Commission, triggered by her conduct of a case involving a defendant of African descent and several ambulance officers.

There was discussion as to whether the JCA should respond.

After further discussion it was decided that no statement would be made.

3 Treasurer's report

A profit & loss account, prepared by Edwards Marshall, for the period to 31st December 2011, had been circulated. The Treasurer reported that the cash balances were all healthy and that there was nothing of concern to report. It was noted that the loss on the 2011 Colloquium was likely to be about \$2500 (less than expected). The President commented that this was an outstanding result and that Justice Martin should again be congratulated.

Resolved:

That the Treasurer's report be received.

4 Membership report

A membership report, prepared by Edwards Marshall, for the period to 31st December 2011, had been circulated, and was noted.

5 Secretary's report

The Secretary had nothing to report.

6 2012 Colloquium

Justice Martin reported that he had changed the composition of the planning committee this year so that greater weight was given to the host jurisdiction. He said the first meeting of

the planning committee would be held in the following week. He said that if any members of the Executive Committee had suggestions for topics, they should let him know.

The Committee then discussed the proposal, initiated by AM Meetings Plus, that the JCA have the capacity to pay bills electronically in order to cover situations when suppliers of goods (such as satchels) or services for the Colloquium required last minute payment in advance shortly prior to the commencement of the Colloquium. A memorandum had been circulated with the agenda.

It was agreed that the input of the auditors would be sought and the matter then reconsidered.

Justice Martin & Justice Stone left the meeting

The Secretary reported that AM Meetings Plus had asked if their contract might be for two years, similar to their previous contract. It was agreed that AM Meetings Plus be asked to provide their fee schedule for the next two years and, if the proposed fees were agreeable and Justice Martin agreed, AM Meetings Plus would be reappointed. However, it was also agreed that a memorandum would be circulated to Executive Committee members beforehand for their approval.

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

Justice McMurdo reminded the meeting that a memorandum on this matter would be included with the agenda for the forthcoming Governing Council meeting.

8 Request from Justice Kelly in regard to the Language and the Law Conference, May 2012

A letter from Justice Kelly, together with a request for funding support from the Conference organisers, had been circulated. Justice Kelly briefly introduced this item. There was discussion as to whether a recommendation should be made to the Governing Council by the Executive Committee, and which of the JCA's objects would empower it to make such contributions.

It was agreed that this request would be included on the agenda for the forthcoming Governing Council meeting.

9 Next meeting

It was noted that the next meeting would be held on Thursday 19th April 2012 at 5.00pm Eastern Standard Time.