



Judicial Conference of Australia

GOVERNING COUNCIL

MINUTES OF MEETING: 2018/4

Held on **Saturday 6th October 2018** at the Park Hyatt Hotel, Melbourne

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
Justice Michael Baumann, AM	Family Court of Australia
Chief Justice Alan Blow, AO	Supreme Court of Tasmania
Justice John Burns	Supreme Court of the Australian Capital Territory
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
Magistrate Brett Dixon	Magistrates Court of South Australia
President Justice Steven Dolphin	South Australian Employment Tribunal
Magistrate Karen Fryar, AM	Magistrates Court of the Australian Capital Territory
Justice Timothy Ginnane	Supreme Court of Victoria
Justice Judith Kelly	Supreme Court of the Northern Territory
Justice Rene Le Miere	Supreme Court of Western Australia
Judge Rachelle Lewitan, AM	County Court of Victoria
Chief Judge Dr 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 Chief Magistrate Leanne O'Shea	Magistrates Court of Queensland
Judge Tony Rafter	District Court of Queensland
Magistrate Marc Sargent	Magistrates' Court of Victoria

Justice Terry Sheahan, AO

Land & Environment Court of
New South Wales

Justice Michael Walton

Supreme Court of New South
Wales

Judge Joshua Wilson

Federal Circuit Court of Australia

In attendance

Christopher Roper, AM
Judge Gerard Winter

Secretary
Judges Association of New Zealand

Apologies

Apologies were received from:

Magistrate Andrée Horrigan

Magistrates Court of Western
Australia

Justice Peter Murphy
Deputy President Daniel O'Connor
The Hon Tony Pagone, QC
Judge Andrew Stavrianou

Family Court of Australia
Industrial Court of Queensland
International Association of Judges
District Court of Western Australia

Resolved (2018/15)

That the apologies be noted and received.

The President welcomed Magistrate Brett Dixon to his first meeting of the Governing Council, and Judge Gerard Winter, the Interim Vice President of the Judges Association of New Zealand, who was attending as an observer.

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

The minutes of the meeting of the Governing Council held on 2nd June 2018 had been circulated.

Resolved (2018/16)

That the minutes of the previous meeting held on 2nd June 2018 confirmed.

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

The minutes of the Executive Committee meeting held on 2nd August 2018 had been circulated.

Resolved (2018/17)

That the minutes of the meeting of the Executive Committee held on 2nd August 2018 be noted.

Reports

3 President's Report

The President had reported at the Annual General Meeting.

4 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:

4 th June 2018	Judges should not be in the cross fire of debate over court restructure
5 th July 2018	Caution should be exercised before commenting on ongoing court proceedings
5 th July 2018	Letter to the Editor, <i>The Australian</i> , re comments made by NSW Minister for Police
9 th July 2018	[South Australian] Disrespectful conduct legislation opposed by judges' association
2 nd August 2018	Appointment of magistrates should not be part of political crossfire
31 st August 2018	Australian judicial association states its position on restructure of the Family and Federal Circuit Courts

5 Secretary's report

The Secretary had nothing to report.

6 Treasurer's report

The Treasurer had nothing to report.

7 Membership report

The Governing Council noted the following reports:

- showing the state of membership as at 27th September 2018
- 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.

8 Membership eligibility

A memorandum had been circulated in regard to the membership eligibility of judicial registrars in the Supreme Court of Victoria. Justice Ginnane briefly introduced this item.

Resolved (2018/18)

That the Judicial Registrars of the Supreme Court of Victoria are eligible to be members of the Judicial Conference of Australia under rule 4(a) of the JCA's Rules.

Elections

9 President

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

Resolved (2018/19)

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

10 Vice President

Justice Glenn Martin was nominated for the position of Vice President. There were no other nominations.

Resolved (2018/20)

That the Hon Justice Glenn Martin, AM be elected Vice President of the Judicial Conference of Australia.

11 Executive Committee

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

Justice Michael Baumann
Chief Justice Alan Blow
Justice John Burns
Judge Wayne Chivell
Magistrate Brett Dixon
Judge Rachelle Lewitan
Justice Neil McKerracher
Magistrate Marc Sargent
Justice Michael Walton

Resolved (2018/21)

That Justice Michael Baumann, AM, Chief Justice Alan Blow, AO, Judge Wayne Chivell, Magistrate Brett Dixon, Judge Rachelle Lewitan, AM, Justice Neil McKerracher, Magistrate Marc Sargent and Justice Michael Walton be elected to the Executive Committee.

Justice Ginnane pointed out that upon his retirement from the Governing Council at the end of this meeting there would, for a short time, be no representative from his Court. He asked that the Governing Council resolve that the judge from the Supreme Court of Victoria appointed to the Governing Council be co-opted by the Executive Committee to its membership.

Resolved (2018/22)

That when a judge from the Supreme Court of Victoria be appointed to the Governing Council, that judge be co-opted by the Executive Committee to its membership.

12 Intermediate Courts Representative

Resolved (2018/23)

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

13 Magistrates/Local Courts Representative

Resolved (2018/24)

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

Projects and Activities

14 Colloquium

Justice Kelly introduced this item by pointing out that the Colloquium would be held in Darwin in 2019 and, as presently planned, in Perth in 2020. She raised the question as to whether, particularly in light of the formation of the Judges Association of New Zealand, it might be appropriate to hold the 2020 Colloquium in New Zealand.

The matter was discussed and in particular it was noted that the Supreme and Federal Courts Judges Conference would be held in New Zealand in January 2020, and that the District and County Courts Judges Conference would be held in Sydney in 2021.

Resolved (2018/25)

To authorise the Executive Committee to decide that the Colloquium be held in New Zealand in 2020 or a year of its choosing, if it saw fit.

14 International Association of Judges

Justice Martin briefly reported that the IAJ Annual Meeting was to be held shortly in Marrakesh, Morocco and would be attended by representatives of the JCA.

He also reported that the ANAO group within the IAJ was presently considering the issue of security in courts, which was a matter of relevance to Australian courts.

Finally, he noted that the Hon Tony Pagone would, in all likelihood, be elected as President of the IAJ at the forthcoming Annual Meeting, and that this was an important milestone for the Australian judiciary.

15 Commonwealth Magistrates' and Judges' Association

Chief Judge Lowndes reported that the Triennial Conference of the CMJA had been held in Brisbane a short time ago and had been a success. He thanked the JCA for the role it had played in advertising the Conference amongst the Australian judiciary. He referred to the Brisbane Declaration in regard to the lower judiciary. (Note: a report on the Conference and the Brisbane Declaration had been circulated to all JCA members as part of a *JCA News & Media*.)

16 Taxation changes affecting pensions and superannuation

The President had reported at the Annual General Meeting.

17 Judicial Research Project

A letter from the researchers for this Project had been circulated and was noted.

21 Next meeting

The next meeting will probably be held on Saturday 16th March 2019 probably in Melbourne.

There being no further business, the meeting concluded at about 1.40pm.

Signed as a true record:

.....
President