



Judicial Conference of Australia

EXECUTIVE COMMITTEE

MINUTES OF MEETING: 2018/4

Held by teleconference on **Thursday 18th October 2018**
commencing at 6.00 pm Eastern Summer Time

Participating

Justice Judith Kelly (President)
Justice Michael Baumann, AM
Chief Justice Alan Blow, AO
Justice John Burns
Magistrate Brett Dixon
Judge Rachelle Lewitan, AM
Justice Neil McKerracher
Magistrate Marc Sargent
Justice Michael Walton

in the Chair
Treasurer

Apologies

Judge Wayne Chivell
Justice Glenn Martin, AM

In attendance

Christopher Roper, AM (Secretary)

The President welcomed Magistrate Brett Dixon and Judge Rachelle Lewitan to their first meeting of the Executive Committee.

1 Minutes of the previous meeting

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

Resolved:

That the minutes of the meeting held on 2nd August 2018 be approved.

2 Correspondence received since the August 2018 meeting of the Executive Committee

No formal correspondence had been received.

3 President's report

New IAJ President

The President noted that the Hon G Tony Pagone had been elected President of the International Association of Judges; the first Australian to hold this office. It was agreed that a congratulatory note be written to him. The Secretary reported that a media release had been issued and that an announcement would be in the current week's *JCA News & Media*.

Interactions with the media

The President referred to the media releases which had been included with the agenda. She mentioned the article in *The Australian* of 15th September in which it was said that the JCA 'had thrown its weight behind' a proposal for a national judicial commission. She noted that, in fact, the JCA had previously indicated its support for a commission for judges of federal courts, and that this was subsequently pointed out to the journalist.

The President also referred to the media release announcing the election of the JCA's new President and Vice President, and that it had been used as a vehicle to support the comments of Judge Tupman, which had been reported positively by the media. This media release had been picked up by the *Australian Financial Review*.

Magistrate Karen Fryar

The President reported that Magistrate Fryar had notified the JCA that she would be retiring as a magistrate and thus as the representative of her Court, and that Magistrate Peter Morrison would, most probably, be appointed as her replacement.

The Hon Michael Murray

The President also outlined the content of an email which had been received from the Hon Michael Murray, an Honorary member of the JCA.

Commonwealth Magistrates' and Judges' Association

The President said that a request had been received from the CMJA to complete a questionnaire distributed as part of a project on domestic violence being undertaken by it in conjunction with the United Nations Office on Drugs and Crime. She said that the JCA could not appropriately complete the questionnaire, but a copy of the *National Domestic and Family Violence Bench Book* had been sent to the CMJA.

Judge Gabrielle Cannon

The President reported that Judge Cannon of the County Court of Victoria had written to the JCA asking that it express its concerns in regard to the incarceration of children on Nauru. She said that a response had been sent by the Secretary, after consultation with the office bearers, stating that whilst the JCA shared the concerns it was not within its objectives to comment on public policy matters unless they impacted on the judiciary, and also that it would be inappropriate as there were matters before the Federal Circuit Court and Federal Court in regard to the situation on Nauru.

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 three media releases that had been issued since the last meeting, which had been circulated, together with a further release issued on the previous day in regard to the election of the Hon G Tony Pagone as President of the International Association of Judges.

5 Financial matters and Treasurer's report

A profit & loss report for the period 1st July to 30th September 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 11th October 2018 totalled \$612,481.31. The Treasurer said that it was too early to provide a financial report on the Colloquium but should a report become available prior to the next meeting it would be circulated.

A memorandum had been circulated in regard to whether the Executive Committee, by delegation from the Governing Council, might adopt the annual financial accounts and authorise the President and Treasurer to sign the relevant report and declaration. Chief Justice Blow pointed out that it was not clear that the Governing Council had the power or authority to delegate this responsibility to the Executive Committee, but that he would consider the matter further and report later. It was agreed that this matter be considered again at the next Executive Committee meeting.

Resolved:

That the Treasurer's report be received.

6 Membership matters

A membership report as at 11th October 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.

Also circulated was a report showing the extent to which new judicial officers have taken up membership of the JCA during the current year. There was some discussion of the take-up rate, and it was noted that the situation may be better than thought as the lower take-up rate was amongst the most recently appointed judicial officers, who may not have yet been able to attend to joining the JCA.

Justice Walton said that in any group a 50% penetration rate should be regarded as remarkable, and so he considered the take-up rate of just below 50% as a good result, and that our ambition should be to maintain that level of taking up membership.

Justice Baumann suggested that the JCA should have a target of, say, 60% membership of all judicial officers, and that particular courts then be targeted to try to reach that percentage.

Justice Kelly proposed that, at the end of the year, a letter be sent to all who had not taken up membership during the year, reminding and encouraging those judicial officers to take up JCA membership. She also proposed that it be investigated whether members could give an annual ongoing direct debit direction to their banks to pay for their membership, thus obviating the need for them to do anything further.

Resolved:

That the membership report be received.

7 Secretariat matters

A memorandum had been circulated in which the Secretary sought a direction from the Executive Committee as to whether the Judges Association of New Zealand should be invited to send a permanent observer to Governing Council meetings. It was agreed that an invitation should be extended to send a permanent observer.

The Secretary also reported that Justice Higgins appointment as a judge of the Papua New Guinea National & Supreme Court had come to an end, and that a letter had been sent from the President to the Chief Justice of Papua New Guinea but, so far, no response had been received. It was agreed that this be followed up with the Chief Justice.

8 Dates for Governing Council and Executive Committee meetings in 2019

A memorandum had been circulated. There was discussion as to ensuring a sufficient attendance at the Annual General Meeting. It was agreed that a longer period of notice would be provided to members. After some further discussion it was resolved as follows.

Resolved:

That the meetings of the Governing Council and Executive Committee be held in 2019 as follows:

January 31	Executive Committee
March 16	Governing Council – in Melbourne
April 11	Executive Committee
June 8	Governing Council – in Darwin
July 18	Executive Committee
October 12	Governing Council and Annual General Meeting – in Sydney
November 7	Executive Committee

9 Colloquiums

Melbourne Colloquium

The President said that the Melbourne Colloquium had been a great success. She noted that the Supreme Court Library had been an excellent venue and the music group was an added element.

Evaluations

There was brief discussion in regard to the evaluations. It was pointed out that there was no purpose in collecting feedback in regard to the individual presenters if nothing could be done with the information. It was agreed that the questionnaire should only include questions to collect information which could be used, eg. suggestions for topics at future colloquiums.

Darwin Colloquium

The President reported that the Planning Committee would comprise Justice Glenn Martin, Chief Judge John Lowndes and Justice Graham Hiley of the Supreme Court of the Northern Territory.

Possible colloquium in New Zealand

The President reported that there had already been discussions about this possibility with Judge Gerard Winter. It was suggested that there might be a joint planning committee with membership from both associations. It was agreed that this matter be deferred to the next meeting when Justice Martin would be present.

Accompanying persons to be able to attend all sessions

It was agreed that future publicity mention this possibility but it was doubted whether it would make any difference in regard to registrations.

Accompanying persons who are judicial officers

It was agreed that there should not be a rule that an accompanying person who was a judicial officer should register as a full fee paying delegate.

Welcome to Country

It was agreed that there should be a Welcome to Country as part of the opening session at all future colloquiums.

10 Next meeting

It was noted that the next meeting would be held on Thursday 31st January 2019 at 6.00pm Eastern Summer Time.