



Judicial Conference of Australia

GOVERNING COUNCIL

MINUTES OF MEETING: 2019/2

Held on **Saturday 8th June 2019** at the Hilton Hotel, Darwin

The meeting commenced at 12.30pm.

Present

Justice Judith Kelly, President	Supreme Court of the Northern Territory
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
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 Andree Horrigan	Magistrates Court of Western Australia
Justice Rene Le Miere	Supreme Court of Western Australia
Judge Rachelle Lewitan, AM	County Court of Victoria
Chief Judge John Lowndes	Local Court of the Northern Territory
Justice Glenn Martin, AM	Supreme Court of Queensland
Justice Neil McKerracher	Federal Court of Australia
Justice Steven Moore	Supreme Court of Victoria
Magistrate Peter Morrison	Magistrates Court of the Australian Capital Territory
Vice President Daniel O'Connor	Industrial Court of Queensland
Deputy Chief Magistrate Leanne O'Shea	Magistrates Court of Queensland
Judge Anthony Rafter, SC	District Court of Queensland
Judge Chris Robison	District Court of New South Wales
Magistrate Marc Sargent	Magistrates' Court of Victoria

Justice Terry Sheahan, AO

Land & Environment Court of
New South Wales

Judge Raul Soulio

District Court of South Australia

Judge Andrew Stavrianou

District Court of Western
Australia

Justice Michael Walton

Supreme Court of New South
Wales

In attendance

Christopher Roper, AM

Secretary

Judge Jeff Smith

New Zealand Judges Association

Judge Gerard Winter

New Zealand Judges Association

Apologies

Apologies were received from:

Judge Wayne Chivell

District Court of South Australia

Judge Garry Neilson

District Court of New South Wales

Resolved (2019/10)

That the apologies be noted and received.

The President welcomed Judge Jeff Smith and Judge Gerard Winter of the New Zealand Judges Association. She also welcomed Judge Chris Robison and Judge Raul Soulio who were attending as alternates for Judge Garry Neilson and Judge Wayne Chivell respectively.

The President noted that this was the last meeting for Justice Terry Sheahan and Chief Judge John Lowndes. She said that Justice Sheahan and she had joined the Governing Council at the same meeting in 2010, and that Chief Judge Lowndes had joined the Governing Council in 2014. Both had served with distinction on the Council and their contributions were very much appreciated.

Resolved (2019/11)

That the Governing Council expresses its thanks to Justice Terry Sheahan and Chief Judge Lowndes for their contributions to the work of the Governing Council and the JCA generally.

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

The minutes of the meeting of the Governing Council held on 16th March 2019 had been circulated.

Resolved (2019/12)

That the minutes of the meeting held on 16th March 2019 be confirmed.

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

The minutes of the Executive Committee meeting held on 11th April 2019 had been circulated.

Resolved (2019/13)

That the minutes of the meeting of the Executive Committee held on 11th April 2019 be noted.

President's Business

3 President's Report

The President reported as follows:

Comments by the Home Affairs Minister in regard to magistrates in Queensland

The President said that consideration had been given to responding to the comments by the Minister in which he doubted the propriety of the appointment of magistrates in Queensland by a Labor Government, but it was decided that any comment by the JCA would only add oxygen to the controversy and thus no respond had been made by the JCA.

International Association of Judges

The President said that she had been notified by Tony Pagone, QC of the current situation in Lesotho, and she noted that a report had been included with the agenda papers for noting.

Criticism of New South Wales magistrate's comments in regard to attire in courts

The President said that the issue had arisen earlier in the year as to whether the JCA should respond to criticism in one newspaper of a New South Wales magistrate in which she had been accused of 'slut-shaming'. She said she had written to the magistrate concerned outlining why the JCA had decided not to make a comment, which the magistrate accepted. Subsequently an apology was made by the newspaper to the magistrate, which was circulated to JCA members in the weekly *JCA News & Media*, and the magistrate had written to the JCA thanking the President for her considered consideration of the matter.

Drinks and dinner prior to the March Governing Council meeting

The President said that she had intended at the last meeting to thank the Secretary for the hospitality extended to Governing Council members and for the entertainment provided. She said she had asked him to include a note to this effect in the minutes of that meeting, which had been done. She proposed a vote of thanks which was duly carried.

4 Media releases and letters to the editor issued since the last meeting of the Governing Council

There had been no media releases issued or letters to the editor sent since the last meeting.

Administration and Membership

5 Secretary's report

The Secretary had nothing to report.

6 Treasurer's report

The profit and loss statement up to 31st March 2019, which had been circulated, and the bank balances, were noted.

Resolved (2019/13)

That the Treasurer's Report be received.

7 Membership report

A membership report had been circulated, and was noted.

Activities, projects and matters of concern

8 Colloquiums – 2019 and future colloquiums

Justice Glenn Martin reported that there were 79 registrations for the Colloquium and it was proceeding very successfully.

He then discussed the planned 2020 Colloquium in New Zealand. He suggested that Australian judicial officers be invited to travel on the Thursday prior to the Colloquium, and that there be a slight change in the programming so that the program would be:

Thursday evening	welcome drinks
Friday morning	First sessions
Friday afternoon	free
Saturday morning	Second sessions
Saturday afternoon	free
Saturday evening	Dinner
Sunday morning	Third sessions

He noted that this would mean an extra day out of court but that this was probably possible for most judicial officers. He also noted that the cost of travel, especially from the East Coast would be no more than travel within Australia.

Justice Martin then discussed the question of whether holding the Colloquium overseas would cause any difficulties for some courts, but noted that he did not think this would be a difficulty as the venue would be New Zealand.

There was brief discussion of two other conferences to be held in New Zealand, namely the International Association of Women Judges Biennial Conference to be held in Auckland on 6 – 12 May 2020 and the Supreme and Federal Courts Judges Conference to be held in Christchurch in January 2021. It was felt that there was no significant risk of the JCA's conference conflicting with these conferences.

Judge Jeff Smith then discussed possible venues, namely Queenstown, Rotorua or Auckland. It was decided that the best option was to have the Colloquium in Auckland and to use a hotel on the waterfront. He discussed possible trips during the Colloquium.

It was also noted that many attendees would probably want to add on trips to other parts of New Zealand, and it was considered that there should be a separate brochure providing details of trips which could be taken before or after the Colloquium.

Resolved (2019/14)

That the 2020 Colloquium be held in Auckland in conjunction with the Judges Association of New Zealand.

9 International Association of Judges

Justice Martin referred members to the report on the situation in Lesotho which had been circulated with the agenda papers. He also referred to the situation in Mongolia where there had been legal and constitutional changes to enable the President, Vice President and Head of Security to dismiss a judge. He noted that Mongolia is a strategic country and that to date it had had a strong rule of law and the judiciary was independent.

He said this issue would be discussed at the Annual Meeting of the IAJ to be held in Kazakhstan in September. At that meeting the application to join the IAJ by the New Zealand Judges Association would also be dealt with.

10 Commonwealth Magistrates' and Judges' Association

Chief Judge Lowndes said that he had nothing to report other than to encourage members of the JCA to attend the CMJA Conference to be held in Port Moresby in September.

11 Member Benefits Program for the JCA

Justice Martin reported that he had been talking with two tenderers, and that a contract would be entered into with Member Benefits Australia. The contract had been circulated with the agenda papers.

He noted that there would be a monthly benefits e-newsletter, which would be separate to the JCA's weekly *JCA News & Media*. There would also be notifications to members from time to time of benefits potentially of interest to them.

Justice Martin said that, as previously advised, the cost would be \$22, including GST, per member. The cost of this would be borne fully in the JCA's budget, but over the next few years the membership fee would be gradually increased to cover this cost. The scheme would start on 1st July of this year.

12 Next meeting

It was noted that the next meeting would be a teleconference meeting to consider the annual financial report, to be followed by a further meeting to be held in Sydney on Saturday 12th October 2019, and that the Annual General Meeting would also be held immediately prior to that meeting.

There being no further business, the meeting concluded at about 1.15 pm.

Signed as a true record:

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President