



Judicial Conference of Australia

GOVERNING COUNCIL

MINUTES OF MEETING: 2019/4

Held on **Saturday 12th October 2019** at the Federal Court of Australia, Sydney

The meeting commenced at 10.20am.

Present

Justice Judith Kelly (in the Chair)	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
Judge Wayne Chivell	District Court of South Australia
Judge Graham Dart	Supreme Court of South Australia
Magistrate Brett Dixon	Magistrates Court of South Australia
Justice Steven Dolphin	South Australian Employment Tribunal
Judge Alexandra Harland	Federal Circuit Court of Australia
Judge Rachele Lewitan, AM	County Court of Victoria
Magistrate Jan Maclean	Magistrates' Court of Victoria (observer)
Justice Glenn Martin, AM	Supreme Court of Queensland
Justice Steven Moore	Supreme Court of Victoria
Magistrate Peter Morrison	Magistrates Court of the Australian Capital Territory
Judge Garry Neilson	District Court of New South Wales
Vice President Daniel O'Connor, OAM	Industrial Court of Queensland
Deputy Chief Magistrate Leanne O'Shea	Magistrates Court of Queensland
Justice Nicola Pain	Land and Environment Court of New South Wales
Judge Anthony Rafter, SC	District Court of Queensland
Magistrate Marc Sargent	Magistrates' Court of Victoria
Judge Andrew Stavrianou	District Court of Western Australia

Justice Michael Walton

Supreme Court of New South
Wales

In attendance

Christopher Roper, AM

Secretary

Apologies

Apologies were received from:

Deputy Chief Magistrate Michael Daly	Magistrates Court of Tasmania
Magistrate Andrée Horrigan	Magistrates Court of Western Australia
Justice Rene Le Miere	Supreme Court of Western Australia
Justice Neil McKerracher	Federal Court of Australia
Chief Judge Elizabeth Morris	Local Court of the Northern Territory
Judge Gerard Winter	Judges Association of New Zealand

Resolved (2019/ 15)

That the apologies be noted and received.

The President welcomed Justice Nicola Pain and Judge Alexandra Harland to their first meeting of the Governing Council. She also welcomed Magistrate Jan Maclean who was attending as an observer, prior to taking up her position as the representative of the Magistrates' Court of Victoria.

The President noted that this would be the last meeting attended by Magistrate Marc Sargent. She noted that he had served the JCA in various capacities for many years and on behalf of all members of the Governing Council, thanked him for his outstanding contributions.

Resolved (2019/ 16)

To record the thanks of the Governing Council for the outstanding contribution of Magistrate Marc Sargent to the work of the Governing Council and the JCA more generally.

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

The minutes of the meeting of the Governing Council held on 8th June 2019 had been circulated.

Resolved (2019/ 17)

That the minutes of the previous meeting held on 8th June 2019 confirmed.

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

The minutes of the Executive Committee meeting held on 18th July 2019 had been circulated.

Resolved (2019/18)

That the minutes of the meeting of the Executive Committee held on 18th July 2019 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

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

5 Secretary's report

The Secretary had nothing to report other than to seek the Governing Council's decision in regard to 2020 meetings. A memorandum had been circulated, together with an Excel spreadsheet setting out potentially conflicting dates.

Resolved (2019/19)

That the meetings of the Governing Council and Executive Committee in 2020 be held as follows –

January 30	Executive Committee
March 14	Governing Council – in Sydney
April 23	Executive Committee
June 13	Governing Council – in Melbourne
July 23	Executive Committee
October 10	Governing Council and Annual General Meeting
October 29	Executive Committee

6 Treasurer's report

The Treasurer had nothing to report, having reported at the Annual General Meeting. A profit and loss statement for the period 1st July to 30th September 2019 had been circulated and was noted.

7 Membership report

The Governing Council noted the following reports:

- showing the state of membership as at 4th October 2019
- listing newly appointed judicial officers to whom letters of congratulations and invitation to join the JCA have been sent since the last Governing Council meeting
- listing members who have joined the JCA since the last meeting of the Governing Council.

Elections

8 President

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

Resolved (2019/20)

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

9 Vice President

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

Resolved (2019/21)

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

10 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
Magistrate Jan Maclean
Justice Neil McKerracher
Justice Steven Moore
Justice Michael Walton

Resolved (2019/22)

That Justice Michael Baumann, AM, Chief Justice Alan Blow, AO, Justice John Burns, Judge Wayne Chivell, Magistrate Brett Dixon, Judge Rachelle Lewitan, AM, Magistrate Jan Maclean, Justice Neil McKerracher, Justice Steven Moore and Justice Michael Walton be elected to the Executive Committee.

11 Intermediate Courts Representative

Resolved (2019/23)

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

12 Magistrates/Local Courts Representative

Resolved (2019/24)

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

Projects and Activities

13 Colloquium

Justice Martin noted that the Colloquium would begin on the morning of Friday 9th October 2020 and so those attending from Australia would need to travel on the day before (Thursday). He reported that the Planning Committee comprised Judge Lewitan, Magistrate Atkinson, himself, Judge Winter and several other representatives from the Judges Association of New Zealand (JANZ).

Justice Martin said that the JANZ representatives had proposed a very interesting program. He noted that some JCA members would need to obtain permission to travel outside Australia, and so the draft program would be circulated as early as possible during this year to enable those permissions to be obtained.

He said that the Chief Justice of New Zealand would be one of the speakers and possibly the Prime Minister. A possible topic could be the relationship between the judiciary and the legislative arm of government.

Justice Martin said that he had some hope of inviting a member of the United Kingdom judiciary but that a difficulty was that the Legal Year begins on 1st October in the United Kingdom and thus it would not be easy for a judge to travel to New Zealand at that time. He said that one possibility would be to invite one of the Scottish judges involved in the decision in regard to BREXIT appealed to the Supreme Court of the United Kingdom. He noted that there would be cost implications but that the cost might be shared with several universities in New Zealand and perhaps also in Sydney and Melbourne. There was general agreement that if such a visit could be arranged it would be very worthwhile.

14 International Association of Judges

Justice Martin reported that this year's Annual Meeting had been held in Kazakhstan and had been very well organised. The delegation from Australia comprised Justice Jennifer Davies, Justice Josh Wilson, Judge Curtain of the Federal Circuit Court and himself. The Hon Tony Pagone had been re-elected President for his second term.

He reported that there had been an application to join the IAJ from the Judges Association of Yemen but that there was a difficulty insofar as a visit to the country was part of the membership application process but this could not be done safely at present. He said that the judges in Yemen had very much appreciated the previous intervention by the IAJ condemning the kidnapping of judges in that country; with the condemnation leading to the cessation of the kidnappings. He said the Yemeni judges were very keen to be part of the international community.

Justice Martin then reported on the program of the Annual Meeting. He said that interpreters had been provided which added considerably to the meeting. Justice Josh Wilson had presented a paper on stress which had led to a very interesting discussion.

Justice Martin said that the IAJ's support for judges in Turkey had been discussed. He reported that money had been raised by the European Association of Judges to assist the defence of those judges who had been imprisoned. Subsequently in the meeting it was proposed that the JCA might also express its solidarity with those imprisoned judges by similarly making a donation. This was supported by the meeting.

Resolved (2019/25)

That the JCA donate €500 for the purposes of supporting the Turkish judges who are presently imprisoned.

Justice Martin then outlined the work of the four study commissions and the topics they were currently dealing with.

Justice Martin reported that the next annual meeting, in 2020, would be in Costa Rica. In addition, the ANAO Group, of which the JCA is a member, would be meeting in Washington DC from 17th to 20th May 2020 and considering the topic neuroscience, technology and the law. Justice Martin noted that anyone could attend this meeting.

15 Commonwealth Magistrates' and Judges' Association

A report from John Lowndes had been circulated and was noted.

16 Member Benefits Scheme

The two monthly reports from Member Benefits Australia were noted.

17 Possible project: Massive Open Online Course (MOOL) in England

Justice Martin outlined how Massive Online Courses worked; in particular, that participants undertake a study program online for a few hours per week. The study program could involve interviews, case studies, quizzes and other such activities. He said that a course on the role of the judiciary was been designed in the United Kingdom involving the judiciary working with Kings College, London. He said this was an opportunity for the United Kingdom judges to get their message out.

Justice Martin raised the question of whether a similar project could be undertaken in Australia. He noted that Kings College was already working in association with the University of New South Wales; in particular, Professor Andrew Lynch, with whom the JCA had already undertaken work.

He said that if members were interested they could register their interest at www.judiciary.uk/mooc. The course would be held for five weeks in January 2020. He suggested Governing Council members might look at it and report back. If it looked like it was a good project then it could be promoted to people such as high school students undertaking legal studies, undergraduate law students and others. He observed that one way to partly counter the messages being distributed by ‘shock jocks’ might be to engage with upcoming generations by means such as this.

Justice Martin suggested there were two questions – does the JCA wish to do this and, if so, what would be the cost. He noted that it might be possible to obtain funding from the Council of Attorneys-General and possibly the Federal Attorney-General’s Department. Other members suggested that support from some courts and from other sources might be possible.

It was agreed that a sub-committee be formed to work on this project comprising Justice Glenn Martin, Magistrate Jennifer Atkinson, Justice Michael Baumann, Judge Alexandra Harland and Justice Nicola Pain.

18 Next meeting

The next meeting will be held on Saturday 14th March 2020 in Sydney.

There being no further business, the meeting concluded at about 11.00am.

Signed as a true record:

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President