



Judicial Conference of Australia

EXECUTIVE COMMITTEE

MINUTES OF MEETING: 2019/4

Held by teleconference on **Thursday 7th November 2019**
commencing at 6.00 pm Eastern Summer Time

Participating

Justice Judith Kelly (President)	in the Chair
Justice Michael Baumann, AM	Treasurer
Chief Justice Alan Blow, AO	
Justice John Burns	
Judge Wayne Chivell	
Magistrate Brett Dixon	
Judge Rachelle Lewitan, AM	
Magistrate Jan Maclean	
Justice Glenn Martin, AM	Vice-President
Justice Steven Moore	
Justice Neil McKerracher	
Justice Michael Walton	

In attendance

Christopher Roper, AM (Secretary)

1 Minutes of the previous meeting

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

Resolved:

That the minutes of the meeting held on 18th July 2019 be approved.

2 Correspondence received since the July 2019 meeting of the Executive Committee

There had been no correspondence apart from letters sent by the President to newly appointed judicial officers (as listed at item 6) and to new members of the JCA.

3 President's report

The President said that there had been a few occasions in the last few months where the question had arisen as to whether the JCA should respond to some matters in the media; but no response had been made. As two examples she mentioned the intermittent comment that Labor governments in several States had

appointed left-leaning ideologues as judges, and the article by Chris Merritt in which he said the reputation of the judges of the Victorian Court of Appeal who heard the appeal in the Pell case would be “on the line.” She suggested that it was probably best not to enter into the controversy and there was general agreement with this approach.

The President said that she had no other matters to report.

Resolved:

That the President’s report be received.

4 Media releases and letters to the editor issued since the last meeting of the Executive Committee

The Executive Committee noted there had been no media releases or letters to the editor issued since the last meeting.

5 Financial matters and Treasurer’s report

A profit & loss report for the period 1st July to 30th September 2019 had been circulated, and was noted. It was also noted that the balance in the accounts and term deposits at the bank as at 31st October 2019 totalled \$588,843.40. The Treasurer noted that there had been one or two unexpected items of expenditure, such as the need to replace one of the JCA’s laptops.

The Treasurer noted that the JCA’s two term deposits were earning a very low rate of interest but there was little that could be done about this. He said the JCA did not ‘shop around’ amongst the banks for the best interest rate. He noted that both term deposits would mature in December and that they would then be merged into one term deposit.

Resolved:

That the Treasurer’s report be received.

6 Membership matters

A membership report as at 31st October 2019 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.

Resolved:

That the membership report be received.

7 Secretariat matters

A memorandum had been circulated in which the Secretary reported the need to amend the JCA’s Rules to incorporate a dispute resolution procedure in accordance with a recent amendment to the *Associations Incorporation Act 1991* (ACT). He set out a possible new rule based on the model rules in Victoria.

The President suggested that the new rule be based on the wording of the ACT Act and a draft which she had prepared had been circulated. There was general discussion as to how the JCA should proceed.

Resolved:

That the JCA take the following steps to implement the requirements of s. 65B of the *Associations Incorporation Act (ACT)*:

1. The wording of the proposed new rule 9A be finalised and at the next meeting of the Executive Committee on 30th January 2020 the final wording be adopted for submission to the Governing Council.
2. The proposed amendment be considered by the Governing Council at its meeting in Sydney on 14th March 2020 with the intention that it be put to a General Meeting of the JCA for adoption.
3. A General Meeting of the JCA be convened, to be held immediately after the Governing Council meeting on 14th March 2020 for the purpose of amending the JCA's Rules to incorporate the new rule 9A by means of a special resolution, and that notice of that meeting be given to all JCA members at least 21 days prior to 14th March 2020 as required by the JCA's Rules.

8 Colloquium

2020 Colloquium

Justice Martin reported that there had been considerable contact between members of the Planning Committee and that the planning of the papers program was well under control. He said the venue was yet to be finalised but would most likely be either the Pullman or the Hilton.

Justice Martin noted that it would be almost impossible to invite a United Kingdom or Irish judge to participate as the time of the Colloquium was also the time of the opening of the legal year in those countries. He also noted that the cost would be between \$10,000 and \$12,000 which would not be value for money.

He said that instead he was hoping that Professor Anne Twomey might be able to speak on the relationship between parliament and the courts in light of the Brexit decision in the Supreme Court of the United Kingdom. He said he was also proposing that Professor Joe McIntyre of the University of South Australia, who has recently published in the area of the judicial function, also be invited to speak. Judge Chivell was asked to make enquiries about him in regard to his presentation skills.

He mentioned that it was likely that the Chief Justice of New Zealand would be speaking. There was some discussion as to whether the Chief Justice of Australia might also be able to take part but it was noted that this would most likely not be possible. It was suggested that Chief Justice Allsop of the Federal Court might be invited to speak. Justice Martin suggested that he, or if he is unavailable whoever be approached, be asked to speak on the topic of judicial independence, impartiality and accountability.

9 Next meeting

It was noted that the next meeting would be held on Thursday 30th January 2020 at 6.00pm Eastern Summer Time.