



Judicial Conference of Australia

EXECUTIVE COMMITTEE

MINUTES OF MEETING: 2021/1

Held by Microsoft Teams on **Thursday 28th January 2021**
commencing at 5.00 pm (AEDT)

Participating

Justice Glenn Martin AM (President) in the Chair
Justice Michael Baumann AM
Chief Justice Alan Blow AO
Justice John Burns
Deputy Chief Magistrate Brett Dixon
Justice Neil McKerracher
Justice Steven Moore
Judge Tony Rafter SC
Judge Rauf Soulio
Judge Andrew Stavrianou
Justice Michael Walton

Apology

Magistrate Jan Maclean

In attendance

Christopher Roper AM (CEO)

1 Minutes of the previous meeting

The minutes of the previous meeting held on 29th October 2020 had been circulated.

Resolved:

That the minutes of the meeting held on 29th October 2020 be approved.

2 Correspondence sent and received since the November 2020 meeting of the Governing Council

A list of the correspondence sent and received by the President since taking office had been circulated and was noted.

3 President's report

The President reported in regard to the following matters:

3.1 *Australian Law Reform Commission Inquiry into Judicial Impartiality*

The President reported that he had spoken to Justice Sarah Derrington, the President of the Australian Law Reform Commission, and he outlined the background to the Inquiry. He said he would be speaking to Justice Derrington in the following week. He noted that a discussion paper would be available in March/April, and said he would report at the next meeting.

3.2 *Possible discussion with the Association of Australian Magistrates*

There was a discussion as to whether the Association of Australian Magistrates (AAM) was the most appropriate association with which to have a discussion. It was generally agreed that it was, and the President said he would initiate a discussion and report at the next meeting.

Resolved:

That the President's report be received.

4 Media releases, letters to the editor or articles issued since the last meeting of the Executive Committee

The letter to the editor and media release, which had been circulated, were noted.

5 Financial matters and Treasurer's report

A profit & loss report for the period 1st October to 31st December 2020 had been circulated, and was noted. It was also noted that the balance in the accounts and term deposits at the bank as at 22nd January 2021 totalled \$581,003.16.

Resolved:

That the Treasurer's report be received.

6 Move of the Secretariat to the ANU College of Law

The CEO reported that he would be meeting with Lillian Lesueur on 22nd and 23rd February for a briefing. He also reported that the licence with the Australian National University (ANU) would be signed on 1st March as it would probably not be appropriate to sign the licence beforehand on behalf of an organisation whose name did not come into effect until 1st March. This was suitable to the ANU.

The CEO sought permission to engage a removalist without the need to obtain quotations from two or more removalists, and this was agreed to.

7 Membership matters

7.1 *Report*

A membership report as at 21st January 2021 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.

7.2 Proposal for collection and analysis of data on renewal of memberships

A memorandum had been circulated proposing a new process to collect data in order to better track over years how the renewal process was going. Justice Walton said that he supported what was proposed and it was agreed that the new process, as outlined in the memorandum, should be put into place.

7.3 Possible special arrangements in regard to membership fees

The President reported that he had been approached by Magistrate Horrigan of the Magistrates Court of Western Australia enquiring whether the JCA might agree to a discounted membership fee if a certain percentage of magistrates from that Court were to become JCA members. He enquired of the meeting whether arrangements of this sort might be appropriate.

Deputy Chief Magistrate Dixon pointed out that a discount of, say, 10% would pay for itself if it resulted in four or five additional members, and so he thought such an arrangement would be worth pursuing. He said he would check with the members of his own Court as to how it would be received.

Justice McKerracher agreed and said such an arrangement might be a discount of 15% if at least 85% of members of a court were to be JCA members.

Justice Walton said that he had doubts as to whether such a scheme would be successful but he was not opposed to the JCA trying to see if it could succeed.

The President pointed out that if the JCA were to have 85% of the magistrates from Western Australia and South Australia as members its membership would be significantly increased. He said he would talk first to the President of the AAM and report to the next meeting.

Resolved:

That the membership report be received.

8 Secretariat matters

8.1 Change of name of the association

The Executive Committee noted the report from the Secretariat in regard to the change of name of the association.

8.2 Logo

The President said that he thought the JCA, as with all associations, should refresh its image from time to time, such as its logo, the template for its newsletter, and so on. He noted that the cost could be significant. He said Justice Baumann, as Treasurer, had agreed to an amount of up to \$5,000 being spent.

Justice Moore said that he thought that the change of logo would appropriately go with the change of name. Justice McKerracher asked what sort of image would the JCA wish to project through its logo. The President said he would like to move away from the use of the scales of justice and have something that was more distinctly Australian. Justice McKerracher said that if the intention was to identify with justice then, in order to be recognized, the image could not go too far from the conventional.

It was agreed that the President be authorized, with the concurrence of the Vice President and Treasurer, to pursue the engagement of a designer provided the cost did not exceed \$5,000.

9 Colloquiums

The President suggested that there was too much uncertainty as to whether it would be known early enough that travel to New Zealand would be possible in October, and therefore whether there would be a good response from members to attending the Colloquium in Auckland in October. He therefore recommended that the Auckland Colloquium be postponed to October 2022 and that the 2021 Colloquium be held in Australia, probably on the east coast at either Sydney or Brisbane. He noted that a venue would need to be identified and the new conference organisers could be asked to do this.

Justice Walton said that the Colloquium Sub-Committee had met earlier in the day and had agreed to the postponement and an Australian venue for the 2021 Colloquium, most likely in Sydney or Brisbane. He said that the contract arrangements with Conference Design were at an advanced stage and that the contract would most likely be signed early in the following week. He said Conference Design would be asked to identify venues in both Sydney and Brisbane on the same dates as those proposed for the Auckland Colloquium.

10 Member Benefits Scheme

A memorandum had been circulated and was noted. The Executive Committee considered whether the existing contract with Member Benefits Australia (MBA) should be terminated as permitted under the contract with MBA. The fundamental question for the Executive Committee was whether the Scheme was attracting sufficient support, or likely to attract support, from members to justify the fee paid to MBA.

Justice McKerracher stated that the JCA should be provided with evidence of how the Scheme is proceeding and that the JCA is getting a benefit.

Justice Baumann said that one reason for continuing with the Scheme for a further year was that it might be an enticement for new members, particularly magistrates who may not have a scheme such as this.

Judge Rafter noted that the fact that there was virtually no response to the request in the *JCA News & Media* newsletter for feedback on the Scheme suggested that there was not much interest in it.

After some discussion it was agreed that the contract with MBA would continue until its termination date of 1st July 2022, but that the JCA's concerns be

expressed to MBA, in particular that more specific and clear data be provided as to whether JCA members are taking advantage of the Scheme.

11 Judicial Incapacity

The President reported that he had not had time to follow up this matter with Professor Andrew Lynch, but that he would do so.

12 Equality of Outcomes in the Courts Sub-Committee

The Executive Committee was asked to propose names of possible members of this Sub-Committee and the following were proposed:

Judge Nathan Jarro	District Court of Queensland
Magistrate Louise Taylor	Magistrates Court of the Australian Capital Territory
Magistrate Rose Fowler	Magistrates' Court of Victoria
Mr John Lowndes	formerly Chief Judge of the Local Court of the Northern Territory
Judge David MacLean	District Court of Western Australia

The President said he would run these names past Chief Justice Kourakis and ask him if there were any others he would like to be approached to join the Sub-Committee, and thereafter he would write to them to join the Sub-Committee. He suggested that the Sub-Committee be given the power to co-opt should there be others that might appropriately be part of the Sub-Committee.

13 Post-Retirement Income & Restrictions on Practice Sub-Committee

The President invited members of the Executive Committee to propose members of the JCA who were retired who could be invited to join this Sub-Committee.

Chief Justice Blow suggested that it should comprise at least one retiree with a pension and one without; possibly a former Governing Council member. He also said that whilst he would be willing to continue as a member of the Sub-Committee he did not wish to be its Chair. Justice Walton said that he would be willing to be the Chair.

It was suggested by members of the Executive Committee that the following persons be approached to join the Sub-Committee:

The Hon Mary Finn
Mr Stephen Scarlett
Mr Wayne Chivell

It was agreed that the President be authorised to write to these members and invite them to join the Sub-Committee.

14 Online course: The Modern Judiciary

The President reported that the Dean of the ANU College of Law was keen for her Law School to be involved in this project. He said he would first pursue it with Professor Andrew Lynch of the University of New South Wales, as he had a close connection with the person in the United Kingdom who managed this project there. The President said that he would come back to the Governing Council or Executive Committee with a proposal, which would include the likely cost. In regard to cost, he said this may not be as much as might otherwise be the case because much of the hard work had been done in England.

15 Next meeting

It was noted that the next meeting would be held on Thursday 22nd April 2021 at **5.00pm** AEST.