



Judicial Conference of Australia

## **EXECUTIVE COMMITTEE**

### **MINUTES OF MEETING: 2018/1**

Held by teleconference on **Thursday 1<sup>st</sup> February 2018**  
commencing at 5.00 pm Eastern Summer Time

#### **Participating**

Justice Robert Beech-Jones (President)	in the Chair
Justice Michael Baumann, AM	Treasurer
Chief Justice Alan Blow, AO	
Judge Wayne Chivell	
Chief Magistrate Graeme Henson, AM	
Justice Judith Kelly	Vice-President
Justice Timothy Ginnane	
Justice Glenn Martin, AM	
Justice Neil McKerracher	
Justice Hilary Penfold, PSM	
Magistrate Marc Sargent	

#### **Apologies**

Judge Philip Eaton  
Justice Michael Walton

#### **In attendance**

Christopher Roper, AM (Secretary)

The President congratulated Chief Justice Alan Blow on his appointment as an Officer of the Order of Australia in the Australia Day Honours. He also congratulated Justice Michael Baumann on his appointment to the Family Court of Australia.

#### **1 Minutes of the previous meeting**

The minutes of the previous meeting held on 19<sup>th</sup> October 2017 had been circulated.

**Resolved:**

That the minutes of the meeting held on 19<sup>th</sup> October 2017 be approved.

## **2 Correspondence received since the October 2017 meeting of the Executive Committee**

Correspondence received from the Commonwealth Attorney-General and the Attorney-General of New South Wales was dealt with at item 3: President's Report.

### **3 President's report**

**Note:** *The following section is legally professional privileged.*

#### *3.1 Taxation and superannuation issues*

[This section has been redacted to protect legal professional privilege.]

*End of legally professional privileged section*

#### *3.2 Attacks by the Hon Peter Dutton MP on the Victorian judiciary*

The President referred to the JCA's response, by way of media release and letters to the editor, to the attacks. He said the JCA could have put out more releases, but it was necessary to pick and choose.

Justice Ginnane noted that the attacks must be seen in the context of an election year in Victoria.

Magistrate Sargent said that the issue had quietened down and he thought the JCA's response, together with the Law Institute's and others', had helped calm the situation.

Justice Baumann said that he thought the JCA had done the right thing and its response had been proportionate. He said he did not think the membership expects the JCA to respond all the time.

Justice Kelly observed that the Federal Attorney-General's response was generally good, but noted that he did not acknowledge that this attack was a clear instance of an inappropriate attack, and his response invited a reply along these lines.

The President said that he did not understand the Attorney-General's letter but he thought there was no point in responding to it. He thought the best thing was to distribute it to JCA members. He also noted that the *Herald-Sun* was starting to publish letters from the JCA.

Justice Kelly noted that because the judges and magistrates were unnamed, it was a generalised attack on the courts generally.

It was agreed that the reply from Mr Christian Porter be included in the forthcoming *JCA News & Media*.

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 the two media releases and two letters to the editor, listed in the agenda, issued since the last meeting.

## **5 Financial matters**

A profit & loss report for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2017 had been circulated, and was noted. It was also noted that the balance in the accounts and term deposits at the bank as at 13<sup>th</sup> July 2017 totalled \$596,886.31.

The Treasurer reported that the 2017 Colloquium had made a surplus and the Secretary undertook to provide a financial report.

| Resolved:  
| That the Treasurer's report be received.

## **6 Membership matters**

A membership report as at 22<sup>nd</sup> January 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.

The Membership Report was received.

## **7 Secretariat matters**

The Secretary had no matters to report.

## **8 Colloquiums**

Justice Kelly reported on progress. The venue would be the Hyatt on the Park. The dinner venue would hopefully be the Melbourne Cricket Ground. The opening would be undertaken by Chief Justice Ann Ferguson or possibly the Governor. The after-dinner speaker was yet to be decided. The proposed topics and speakers were also outlined.

| Resolved:  
| That the Vice President's report be received.

There was some discussion in regard to the month in which the 2019 Colloquium in Darwin should be held. (The previous Colloquium held in Darwin was held in May.) It was agreed that if the date were to be changed it should be done quickly. The President proposed that it be considered and decided at the March Governing Council meeting.

Chief Justice Blow pointed out that the Annual General Meeting was held during the Colloquium and queried whether the annual financial reports could be ready in time. He also pointed out the potential difficulty of having a quorum at the Annual General Meeting if it were not held during the Colloquium.

The question also arose as to what other events of relevance to the judiciary would clash with the Colloquium if it were held in the period June to August.

## **9 International Association of Judges Interest Group**

The meeting noted the suggestion that an interest group be formed of JCA members with an interest in the IAJ. Justice Martin said that this would be worthwhile. He said that much of the material that came from the IAJ by email was not of interest to the general membership but could go to the proposed interest group. He said there was value in having a larger cohort of people who could potentially attend IAJ meetings. He noted that the JCA was entitled to five attendees, and possibly a few more. He said the numbers were restricted because the host body for the meetings bears the cost of the meeting.

It was agreed that Justice Pagone be asked to draft the note to go to members, which could then be included in the *JCA News & Media* a few times. The draft note should be distributed to the Executive Committee for its approval before distribution.

## **10 Survey by a professor at the University of Missouri on how judges and arbitrators resolve complex commercial disputes in national and international settings**

The Secretary outlined a request he had received that the JCA advise its members of an electronic survey which they could participate in if they wished.. Justice Martin said that he thought the JCA should concentrate on surveys which were of relevance to the JCA's members. Justice Baumann said that there were many such requests and that facilitating this survey would only encourage more. He also noted that the JCA did not know much about the institution conducting it nor what would happen to the results. Justice Ginnane said that even facilitating members participating in the survey gave it some stamp of approval from the JCA.

It was agreed that the JCA would not assist in advising members of the survey.

## **11 Next meeting**

It was noted that the next meeting would be held on Thursday 19<sup>th</sup> April 2018 at 5.00pm Eastern Standard Time.