



Judicial Conference of Australia

## EXECUTIVE COMMITTEE

### MINUTES OF MEETING: 2014/3

Held by teleconference on **Thursday 24<sup>th</sup> July 2014**  
commencing at 5.00 pm Eastern Standard Time

#### **Participating**

Justice Philip McMurdo (President) in the Chair  
Judge Michael Baumann, AM  
Justice Robert Beech-Jones  
Chief Justice Alan Blow, OAM  
Justice Timothy Ginnane  
Chief Magistrate Graeme Henson  
Justice Judith Kelly  
Justice Hilary Penfold, PSM  
Magistrate Marc Sargent  
Justice Michael Walton

#### **Apologies**

Chief Magistrate Elizabeth Bolton  
Judge Allan Fenbury  
Justice Steven Rares  
Judge Brian Withers

#### **In attendance**

Christopher Roper, AM (Secretary)

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

The minutes of the previous meeting held on 1<sup>st</sup> May 2014 had been circulated.

#### Resolved:

That the minutes of the meeting held on 1<sup>st</sup> May 2014 be approved.

#### **2 President's report and business**

*Speech made by the President and the Supreme and Federal Courts Judges' Conference in Darwin*

The President reported that his speech, which had been subsequently uploaded to the JCA's website, seemed to have been well received. He said that he had written to the Queensland Bar Association, the Australian Bar Association, the Queensland Law Society and the Law Council of Australia sending them a copy of his paper, and indicating that it contained his personal views but that he was

President of the Judicial Conference of Australia. He said in the letter that the JCA had a project, which predated the current controversy, in regard to the judicial appointment process, and invited their contribution to it. He said that so far he had had a formal response from the Queensland Law Society.

The President also reported that, shortly before the Darwin conference, he had been contacted by Justice Michelle May, the current President of the Australasian Institute of Judicial Administration (AIJA), who said that the AIJA was also looking at this topic. He reported that the Council of the AIJA had met in Darwin before the Judges' Conference and had considered this matter. The President said that he had made an executive decision that the JCA would work with the AIJA on this topic. He said that he did not think this would compromise the JCA's work, and would not make a practical difference in regard to the initial research work that the JCA had undertaken.

The President said that he had the impression that some within the AIJA may have a different priority to the JCA's, namely a focus on the criteria for appointment rather than the process of selection.

#### *International Association of Judges*

The President reported that he had been speaking to Justice Pagone. He said that, at the moment, the Australian membership of the IAJ, called the Australian Section, was not formally constituted and comprised about 20 people. He noted that only a minority of those had been to an IAJ meeting. The President said that there would be no formal process whereby the JCA applied to the IAJ to be admitted. Rather, from now on, the Australian Section would represent the JCA. The President said that Justice Pagone had asked him to attend the next annual general meeting of the IAJ in Brazil, but that by then he would no longer be President and so it would be up to someone else to attend.

#### *Research papers on judicial independence from the executive and judges performing vice regal roles*

The President said that it was clear that the papers were being read and he had received some feedback. He said that Justice Riley had pointed out a discrepancy in the vice regal paper in regard to the Northern Territory in relation to the Deputy Administrator and the Acting Administrator. Justice Penfold said that she also had noted that the position of the territories had not been addressed at some point. It was decided that that paper should be taken down from the JCA's website pending receipt of the revised edition.

#### *JCA's website*

The President noted that the website of the Association of Judges in Ireland had a good list of links to other organisations, but the list did not include the JCA. It was noted that the JCA's website did not have an easily discernible place where links to other organisations could be found. (This has since been rectified and the link is now on the main page.) It was agreed that links to the Association of Judges in Ireland and the Judges Council in England & Wales should be added.

It was also decided that a section should be added which describes what is the judiciary, similar to what is found on the Association of Judges in Ireland website. Justice Ginnane said that there was a good description on the website of the Judicial College of Victoria.

*Superannuation surcharge*

The President reported that, as he had also reported at the Governing Council meeting, he had written to the Attorney General but so far had not received a response.

*Anomaly in regard to redundancy payments*

The President reported that, as he had also reported at the Governing Council meeting, he had written to the Treasurer but so far had not received a response.

**3 Financial matters**

A financial report for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2014 had been circulated and was noted. The Secretary reported on the current balances in the accounts at the bank.

Resolved:

That the Treasurer's report be received.

Justice Beech-Jones left the meeting at this point.

**4 Membership matters**

A report as at 14<sup>th</sup> July 2014 had been circulated and was noted. The Secretary reported that membership renewals were proceeding well and did not appear to have been adversely affected by the increase in membership fee.

**5 Secretariat matters**

A report from the Secretariat had been circulated, and was noted.

**6 2014 Colloquium**

A report on the current state of registrations had been circulated shortly prior to the meeting. It was noted that the current situation was reasonably good but registrations needed to be increased. It was noted that the 'early bird' period expired on 11<sup>th</sup> August.

**7 Development of a policy on the judicial selection and appointment process**

In Justice Rares' absence there was nothing to report, apart from what the President had earlier reported in regard to collaboration with the AIJA.

**8 Development of guidelines on the use of social media by judicial officers and courts**

In Justice Rares' absence there was nothing to report.

**9 Next meeting**

It was noted that the next meeting would be held on Thursday 18<sup>th</sup> September 2014 at 5.00pm Eastern Standard Time.