

COUNCIL OF AUSTRALASIAN TRIBUNALS

Minutes of the 2nd Annual General Meeting of the Council of Australasian Tribunals

**Thursday, 10 June 2004
The Chifley at Lennons, Brisbane**

The meeting commenced at 10.50 a.m.

Attendees

Presiding officers or representatives of members of the Council

Mr Grant Aislabie, Justice Michael Barker, Mr Les Blacklow, Mr Gerard Butcher, Professor Duncan Chappell, Mr Frank Clair, Justice Garry Downes (Chair), Ms Sue Freeman, Mr Steve Karas, Ms Margaret Harrison-Smith, Mr John Lesser (Deputy Chair), Ms Ann Lyons, Ms Trish McConnell, Justice Stuart Morris, Judge Kevin O'Connor, Mr Nicholas O'Neill, Mr Graham Neate, Mr Rob Park, Ms Pat Patrick, Mr Michael Peedom, Ms Kay Ransome, Ms Debra Rigby, Mr Bill Rolfe, Justice Terry Sheahan, Ms Anita Smith, Mr James Wilson, Ms Helen Wood, Ms Joanne Muller

Other attendees

Mr Livingston Armytage, Ms Anne Coghlan, Mr Barry Cotterell, Mr Robin Handley, Mr Doug Humphreys, Ms Amirah Kullack, Mr Chris Matthies, Ms Jane Monk

1. Apologies

Mr Wayne Martin QC and Mr Greg Reinhardt.

2. Adoption of previous Minutes

The minutes of the Annual General Meeting of the Council held in Sydney on 5 June 2003 were adopted as a true and correct record of the meeting.

3. Applications for membership

Presiding officers of tribunals that are not members of the Council were invited to complete a membership application form. Presiding officers or representatives of existing member tribunals were asked to complete a membership application form to ensure that all details relating to their tribunals held by the Secretariat are current.

4. Executive Report

The Chair of the Council, Justice Downes, spoke to an Executive Report which was distributed to the meeting and is attached at Annexure A. Justice Downes reported on the activities of the Executive and the local chapters of the Council during the previous year. In relation to the Council website, chapters were encouraged to submit material to the Commonwealth Administrative Appeals Tribunal (AAT) to be added to the website.

Justice Downes thanked John Lesser and the other members of the Executive for their assistance and involvement. He also thanked Doug Humphreys, Registrar of the AAT, who assumed the role of Secretary to the Council during the year and other officers of the AAT for the work they had undertaken on behalf of the Council.

5. Election of Office Bearers

It was noted that, in accordance with the Council's Constitution, the only officers to be elected are the Chair and Deputy Chair. Convenors of local chapters are members of the Executive by virtue of holding that position. Other persons may be co-opted to the Executive to represent States or Territories where no chapter has been established or otherwise to assist the business of the Council.

(a) Chair

Justice Garry Downes (President of the AAT), having been duly nominated pursuant to clause 23 of the Constitution, was elected as Chair of the Council, there being no other nominations.

(b) Deputy Chair

Mr John Lesser (President of the Mental Health Review Board of Victoria), having been duly nominated pursuant to clause 23 of the Constitution, was elected as Deputy Chair, there being no other nominations.

6. Financial Report

The Secretary to the Council, Mr Doug Humphreys, spoke to a financial report which was distributed to the meeting and is attached at Annexure B. Having noted the establishment of a COAT bank account, Mr Humphreys noted that he would be happy to provide assistance to chapters that do not have their own bank accounts.

7. Notices of motion pursuant to clause 22 of the Constitution

The Secretary received notice of three motions to be moved at the Annual General Meeting.

7.1 Motion 1

The first motion considered by the meeting was submitted by John Lesser and was in the following terms:

That the Council, in conjunction with the State and Territory Chapters, determine an appropriate funding model and financial arrangements for undertaking the activities of COAT at both National and Chapter level.

The meeting discussed the issue of financing the operations of the Council at the local and national levels. In relation to finances at the local chapter level, it was noted that the NSW chapter levies membership fees and charges for participation in events. An issue for consideration is whether or not chapters should have a consistent approach to financing their activities.

With regard to the relationship between local and national finances, a query was raised as to whether surpluses from local events could be made available for national activities. A number of attendees expressed the view that local and national finances should remain separate.

In relation to financing the activities of the Council at the national level, a number of options were discussed including levying fees on member tribunals such as a fixed percentage of a tribunal's budget and contributions from tribunals for specific projects. It was noted that a membership fee would be the simplest method of funding the Council's activities. It was also noted that, if fees are to be levied, the amount to be collected and the way in which the money will be used would need to be clear. It was suggested that tribunals must be prepared to contribute money to Council activities but also that tribunals should not be discouraged from joining the Council because of any membership fees. The ability of individual tribunals to make membership contributions was discussed.

The motion submitted by John Lesser was agreed to by the meeting unanimously.

7.2 Motion 2

The second motion considered by the meeting was submitted by Mr John Lesser and was in the following terms:

That the Council approach Commonwealth, New Zealand, State and Territory governments to provide seed and/or annual funding for the activities of COAT at both National and Chapter level.

Subject to the addition of the words “*and other relevant organisations*” following the word “*governments*”, this motion was agreed to by the meeting unanimously.

7.3 Motion 3

The third motion considered by the meeting was submitted by Mr Barry Cotterell and was in the following terms:

That clause 4(1) of the Memorandum of Objects of State, Territory and New Zealand Chapters be amended from:

4(1) The members of the chapter shall elect or appoint the presiding officer of a Tribunal operating within [... insert relevant State, Territory or New Zealand ...] that is, or proposes to become, a member of the Council as the Convenor of that State, Territory or New Zealand.

to the following:

4(1) The members of the chapter shall elect or appoint a member of the chapter as the Convenor for that State or Territory or New Zealand.

The meeting discussed whether the existing clause should be retained, whether it should be amended as proposed or whether it should be amended to provide that either a current member of a tribunal, or a current or former member of a tribunal, may be the Convenor.

The following amended motion was agreed to by a majority of members:

That clause 4(1) of the Memorandum of Objects of State, Territory and New Zealand Chapters be amended from:

4(1) The members of the chapter shall elect or appoint the presiding officer of a Tribunal operating within [... insert relevant State, Territory or New Zealand ...] that is, or proposes to become, a member of the Council as the Convenor of that State, Territory or New Zealand.

to the following:

4(1) The members of the chapter shall elect or appoint a member of a Tribunal operating within [... insert relevant State, Territory or New Zealand ...] that is, or proposes to become, a member of the Council, as the Convenor for that State or Territory or New Zealand.

8. General Business

COAT Tribunals Practice Manual

Mr Livingston Armytage addressed the meeting in relation to the work he had undertaken on a tribunals' model practice manual for tribunal members. A copy of a paper entitled "Development of COAT Tribunals' Model Practice Manual" was distributed to the meeting.

The meeting discussed the development of the practice manual proposed in Mr Armytage's paper. There was strong support for the manual from many attendees, particularly those from smaller tribunals that do not have an existing resource of this kind. Concern was expressed that the manual may not be useful because of the jurisdiction-specific needs of different tribunals. However, provided the manual addresses common issues in a simple manner, it will be a useful document.

Mr Armytage and other attendees noted that ideally the manual must be part of a broader professional development program which includes training. Further, consideration needs to be given to how the currency of the manual will be maintained.

The meeting agreed that the Executive should proceed with the project to develop the manual subject to resolving the issue of funding. The meeting resolved that the Executive approach the Australian Institute of Judicial Administration for financial assistance in relation to the project.

The meeting closed at 12.45 p.m.

COUNCIL OF AUSTRALASIAN TRIBUNALS

2ND ANNUAL GENERAL MEETING

EXECUTIVE REPORT

It is with much pleasure that I present a report on behalf of the Executive of the Council of Australasian Tribunals.

2003/2004 has been a year of much activity and consolidation of COAT. This has included the following matters:-

- Transfer of the administration of the COAT website to the Administrative Appeals Tribunal and its regular updating with information both in respect of COAT and its State Chapters.
- The establishment of a bank account in the COAT's name and its registration for an Australian Business Number.
- Significant activity in the State Chapters. In this regard, I am pleased to note that I spoke at an inaugural New South Wales Chapter conference on 28 May 2004. The numbers present indicate a strong interest in the COAT and auger well for the future of that Chapter. I compliment the organisers for their organisational efforts and the quality of the speakers and papers they presented.
- The work of the best practice guide sub-committee, which will be discussed in detail later on in the Agenda.

On your behalf, I would like to thank the members of the Executive who have contributed their time and energy to promote the aims and objectives of the COAT. The numbers which will be in attendance at the conference which will follow this meeting, are an indication of the great level of interest and the potential membership that is awaiting recruitment to the COAT, if they have not been recruited already.

I look forward to the next Annual General Meeting and being able to provide a further report as to the progress of the COAT.

Council of Australasian Tribunals
Financial Report 10th June 2004

A bank account in the name of COAT has been established at the Commonwealth Bank, 48 Martin Place, Sydney. Signatories are the Chair, Justice Garry Downes, and the Secretary, Doug Humphreys.

COAT has been granted an Australian Business Number (ABN), 548 735 908 35. This now appears on the web site and will be used on all correspondence. The Secretary is nominated as the Public Officer of COAT for ABN purposes. The ABN will simplify dealing with government departments that require an ABN to pay invoices.

The only funds held by COAT at a national level are \$1692.39 being funds held on account of the Queensland chapter. This represents the profits from seminars conducted by the Queensland chapter.

The question of ongoing funding including funds to cover administration costs needs to be determined.