



# The **Scottish Justices** Association

## **Scottish Justices Association**

## **Annual Report and Accounts 2017-2018**

### **Chairman's Report**



I would like to welcome you to the 2018 Annual report of the Scottish Justices' Association. I was honoured to be reappointed Chair immediately after the AGM on 19 November 2017 and am grateful for the support given to me by the Executive Committee and the members over the past 24 months.

The new Executive quickly got to work and followed up on the earlier discussions on utility warrants by establishing a protocol with OFGEM. The SJA then worked closely with SCTS to implement this protocol so that a standardised approach to dealing with warrant applications would be adhered to by all Justices. The development of this protocol was closely monitored by the Magistrates Association of England and Wales who then sought the permission of the SJA to adopt our template. This was granted, with the MA giving full acknowledgement of the role of the SJA, and opened a channel of collaboration between the Scottish Justices Association and the Magistrates Association. This resulted in a meeting being held in July between the two bodies where discussions took place on areas of mutual interest. This was hailed by both sides as a very worthwhile exercise and a commitment was made to work together in the future. The SJA also recently joined the European Network of

Associations of Lay Judges and look forward to participating in discussions with the member organisations of this body.

The SJA meets regularly with Scottish Courts and Tribunals Service to discuss matters concerning Justices in court. These include facilities and technology in courtrooms and the level of business in our courts. Statistics on court business are provided by SCTS to the SJA and these are published in the members' newsletters. The continuing downturn in business in the JP Courts is of grave concern to the members and the Executive will seek to open discussions directly with COPFS to address this issue.

Meetings also take place with Tim Barraclough, Executive Director of the Judicial Office, to keep the SJA updated on developments in the Justice System. From one of these meetings came the suggestion that Justices should be involved in an initiative to arrange and organise talks to community groups and schools about the role of the JP and the wider Judicial process. This is an initiative already well established in the Magistrates Association and we have sought information on the format used. Valerie MacGregor, Head of Judicial Communications, has kindly agreed to draft a suitable format for this purpose. The SJA is grateful to Valerie for her guidance and assistance in this and other communications matters since she took up office in Edinburgh.

Throughout the year the SJA has been involved in various consultations and discussion groups in the wider Judicial Forum. We had a presentation from the Sentencing Council updating us on their progress. Delegates from the Executive were invited to attend the conference on Digital Justice. The SJA is represented on the Judicial Council and all of its subordinate committees. Executive Committee Member, David Donaldson, attended the Commonwealth Magistrates Association Conference in Brisbane, Australia. In addition I represent Justices on the Advisory Council of the Judicial Institute and I am the JP member of the Evidence and Procedure Review Group.

The transfer of control of the funding of the Association from Scottish Government to Scottish Courts and Tribunals Service has been completed and it is envisaged that a review of JP expenses will be undertaken in the near future and the possibility of JP expenses being claimed and processed electronically will also be explored. The directive that large reserves of funds were no longer appropriate but that on justification sufficient budget would be made to the Association has been complied with and finance meetings with SCTS have been held on a biannual basis. All this is managed under the expertise of our treasurer John Whyte. Our electronic newsletter continues to be well received by members and is drafted and issued by the communications subcommittee under the guidance of David Ferguson.

In the Annual Report you will read further information on the activities of the Executive. It only remains for me to record my appreciation for all the hard work put in by the Committee and to thank you the members for your support throughout the year.

**Tom Finnigan JP DL**  
**Chair**  
**Scottish Justices' Association**

## **Objectives of the SJA**

The object of the Association is to assist Justices of the Peace to perform their Judicial duties and in so doing it shall:

- Take such action as required to promote and ensure judicial independence.
- Be associated with the issue of publications, and the promotion of conferences involving the participation of Justices of the Peace.
- Participate in consultations and discussions on all matters relevant to Justices of the Peace and their role.
- Assist communication between members of the Association.
- Endeavour to keep itself well informed of developments in law and the administration of justice.
- Provide a system of communication between the Association and Scottish Ministers; the Scottish Government; the Scottish Court Service, the Judicial Council of Scotland; the Judicial Institute for Scotland; and any other appropriate body or institution.
- Take such other action, consistent with the object of the Association, as may from time to time be determined by the Association.
- To represent the best interests of Justices of the Peace in all matters and to all bodies on issues which may impact on their role.

In fulfilling these objectives it should be noted that the SJA responds on behalf of the JP community to the calls for input and calls for evidence requested by the Scottish Government and has active representation on a significant number of Committees and bodies across the Scottish Legal system, including:-

- (a) The Judicial Council for Scotland
- (b) The Welfare and Support Committee of the Judicial Council for Scotland
- (c) The Conduct Committee of the Judicial Council for Scotland
- (d) The Information and Communications Technology Committee of the Judicial Council of Scotland.

Plus the SJA has regular liaison meetings with the Scottish Courts and Tribunal Service to discuss all matters affecting the JP Courts.

## **Membership Report**

Our membership at time of writing is as follows (figure in brackets last year's numbers):

Glasgow & Strathkelvin	18 (14)
South Strathclyde Dumfries & Galloway	66 (72)
Tayside, Central & Fife	48 (50)
North Strathclyde	46 (47)
Grampian, Highland & Islands	34 (58)
Lothian & Borders	30 (30)

There has been an issue in keeping our membership details accurate. Although normal retirement age is 70, for business reasons Sheriffs Principal can extend Justices. The SJA are not notified of this. We would therefore ask members who have been extended to contact the Membership Secretary, or their representative on the Executive, and inform them.

John Lawless

### **SJA Executive Committee Members 2017/18**

The SJA Executive Committee members who were in post at the 2017 AGM on 19<sup>th</sup> November 2017 were as follows:-

Tom Finnigan	Chairman	NS
Gordon Hunter	Vice Chairman	SSD&G
Dennis Barr	Secretary	G&S
John Whyte	Treasurer	TC&F
John Burns		L&B
Phil Cropper		GH&I
Tom Davis		GH&I
David Donaldson		TC&F
David Ferguson		SSD&G
John Lawless		G&S
Grace MacLeod		NS
Neil McKechnie		G&S
Marella O'Neill		NS
Brian Wood		GH&I

Further details of all SJA Executive Committee members can be found on the SJA website, [www.scottishjustices.org](http://www.scottishjustices.org).

### **Executive Committee Meetings 2017/2018**

19<sup>th</sup> November 2017

15<sup>th</sup> January 2018

16<sup>th</sup> April 2018

25<sup>th</sup> June 2018

12<sup>th</sup> September 2018

### **2018 Elections to the SJA Executive Committee**

All six Sheriffdoms have three positions on the Executive Committee and the SJA members in each Sheriffdom elect their representatives. Executive Committee members are normally elected for a period of three years, and the elections are structured to be held on a ‘rolling’ basis to allow for one position to be available for election every year. This policy is designed to allow the committee membership to be regularly refreshed, and to ensure that new ideas are continuously brought forward. If more than one position becomes available for whatever reason then the new members will be appointed for either one, two or three years dependent on the number of vacancies, to enable the ‘rolling’ membership approach to be maintained.

In July 2018 nominations were requested for new committee members. Due to the limited number of valid nominations received there was no requirement for elections in any of the six Sheriffdoms. The results, and the members joining the SJA Executive Committee after the AGM on 18<sup>th</sup> November 2018, are as follows:-

**Glasgow & Strathkelvin** – There was one vacancy in the Sheriffdom as Neil McKechnie had completed his three-year term. **Neil McKechnie** was nominated for re-election and as there were no other candidates, Neil was elected for a further three-year term on the Executive Committee.

**Grampian Highlands & Islands** – There was one vacancy within the Sheriffdom as Tom Davis had completed his two-year term. **Tom Davis** was nominated for re-election and as there were no other candidates, Tom was elected for a three-year term on the Executive Committee.

**Lothian & Borders** – No nominations were received for the existing two vacancies within the Sheriffdom. **John Burns** will therefore remain as the sole representative of the Sheriffdom. The Executive Committee do hope that further representatives will come forward next year to ensure that the Sheriffdom is fully represented.

**North Strathclyde** – There was one vacancy in the Sheriffdom as Grace MacLeod had completed her three-year term. **Grace MacLeod** was nominated for re-election and as there were no other candidates, Grace was elected for a further three-year term on the Executive Committee.

**South Strathclyde Dumfries & Galloway** – One vacancy remains in the Sheriffdom and there were no nominations. Again the Executive Committee hope that there will be a further representative appointed next year, and that the vacancy will be filled by a JP from the South Strathclyde area, to ensure that this Sheriffdom is also fully and broadly represented.

**Tayside Central & Fife** – There was one vacancy in the Sheriffdom. There was one nomination, that of Mandy Jane Shand. As there were no other nominations an election was not required. Accordingly, **Mandy Jane Shand** will join the Committee for three years.

## **Committee Reports**

### ***‘Scottish Justice’ Sub-Committee***

Thanks mainly to the sterling efforts of David Ferguson The Scottish Justice continues to be an effective weapon in the battle to keep all our Justices of the Peace up-to-date with the latest developments in the delivery of lay justice across the country. Contributions in recent months from the Lord President, from our own Chairman Tom Finnigan and from staff from the Judicial Institute have helped to add colour and variety to the articles which have appeared.

SJA Secretary Dennis Barr has also put pen to paper on a number of occasions to remind us of the valuable function the SJA serves in promoting the views and interests of our members. Dennis has produced very comprehensive and informative pieces on the work being done behind the scenes to develop a better understanding between Justices and the utilities companies when it comes to the thorny question of signing entry warrants. He has also kept us well informed of current consultation exercises designed to ensure that Justices have a voice in the on-going evolution of road traffic legislation and the associated disposals.

However we would like to hear from more Justices from around Scotland. What is going well for you? What are your concerns? What do you feel can be done by the Scottish Justices Association to improve the lot of our JPs and help them become even more effective in the ever more challenging tasks which they encounter?

So why not sit down and write an article for us? You’d be surprised just how interested your fellow JPs will be. There are times when being on the bench can be very lonely and it’s always reassuring to know that others, no matter how experienced, can share the same anxieties and frustrations. Remember the SJA is your organisation and it exists to support and help you in the very valuable work you are undertaking.

## **Conduct Committee**

A high-powered legal committee is currently reviewing the regulations which would apply if there is an appeal against a judge for inappropriate behaviour and, since JPs are governed by these regulations, there is JP representation on the committee. This is fully appropriate as it is unlikely that our interests are any different from those of any other judge, however senior. The regulations have been fully discussed within the committee but have not yet been finalised or published.

John Burns

## **SJA/SCTS Liaison Group Meetings**

Three meetings have been held since the last AGM of the SJA, namely in December 2017, then in March and August 2018. The meetings are held in Parliament House, Edinburgh. They are normally attended by the Chair and Vice-Chair on behalf of the SJA, albeit the August meeting was attended by the Secretary who was deputising for the Vice-Chair who was recuperating from surgery.

SCTS have been represented by their Chief Executive, Chief Development and Innovation Officer, Chief Finance Officer, Chief Operations Officer and the Executive Director of the Judicial Office.

As can be seen by the status of the SCTS representatives attending, this liaison meeting format is an ideal setting in which to discuss all pertinent issues relevant to the administration of lay justice via the JP system in Scotland.

During the course of the year a large number of issues have been discussed. To name but a few, there were discussions on the introduction of domestic abuse cases at JP courts, in particular the perceived delay in receiving cases following the training courses; the overall reduction in business volumes in JP Courts, including the production of specific statistics for each Sheriffdom; the recognition of retiring JPs; JP expenses claims and a review of expenses rates; a secure e-mail system for JPs to communicate with SCTS, and finally the identification of the definitive number of JPs in Scotland.

As can be seen from the diverse range of subject matters covered there are many issues of direct impact on JPs and at all times the best interests of the JP community is the one driving force pursued by the SJA. It is evident that any issues raised are being dealt with at the highest level possible within the SCTS and that results are on the whole encouraging. Of course, some issues take longer to resolve than others and there is always an on-going debate amongst committee members, particularly where financial matters are concerned.

One major factor throughout the year has been the obvious drop in business volumes in some JP Courts. As a consequence committee members have held discussions with Sheriffs Principal and Sheriffdom Business Managers to review the impact of Summary Sheriffs and to agree efficiencies and future court programming.

Discussions were held regarding the publication of the Scottish Government Budget Bill 2018-2019 and the impact on the SCTS budget allocation. It is anticipated that there would be a flat cash settlement for SCTS which means that inflation would have to be absorbed resulting in further cuts in real terms.

The SJA will continue to raise matters via the liaison meeting format as it represents a worthwhile and viable route for JPs interests to be heard and acted upon.

Gordon Hunter

## **Information and Communication Technology Committee**

I have attended the two meetings of the Information and Communications Technology (ICT) meetings held, so far, this year.

Over this year, and continuing into early next year, the main focus of the Committee has been the replacement of ICT equipment and the introduction of Windows 10.

The lack of a replacement for webmail continues to be the main subject of our interest. Over the past year there has been an enhancement to CJSM, which makes it more user friendly. However, the compliance with security requirements remains the main stumbling block to JPs using it remotely. One solution was explored over the year using commercially available software, but this was not accepted as a suitable solution.

The ICT Committee do, however, recognise the need for a solution for JP access to mail outwith court buildings. This remains a standing agenda item to retain visibility of the issue.

John Lawless

## **The Welfare and Support Committee of the Judicial Council**

A recent task of the Welfare and support committee is to consider the Health and Welfare draft policy. The purpose of the policy is to provide guidance to those employed by Scottish Court and Tribunal service, and, identify their obligation when sickness/absence is causing them to be absent from work. It also clearly defines the responsibility of the employers to their employees. The document will also consider the position of justices within the document.

Several meetings took place in 2017 however; there is still progress to be made on the draft policy. During 2018 there have been no further meetings nor has there been any further work progressed at time of this report.

It is hoped that further related work on health and welfare may be addressed over the coming months.

Marella O'Neill

## **Judicial Council for Scotland**

In 2017 the Lord President decided to re-establish meetings of the Judicial Council for Scotland. The purpose of this body is to provide information to the Lord President and the Judiciary in Scotland on matters relevant to the administration of justice in Scotland. The Council is chaired by the Lord President and comprises of members from all levels in the Judiciary. The SJA appoints two JP members to the Council and is normally the Chair and Secretary who attend.

Meetings were held in May 2017 and November 2017, although the meeting scheduled for May 2018 was postponed. The Council has considered and reviewed a range of papers which are submitted by the Judicial Committees detailed above, and in November 2017 reviewed the draft Judicial Health and Welfare Policy. In addition the Council also reviews external contacts and receives papers from the European Network of Councils for the Judiciary.

Throughout 2017 and 2018 the Council has been made aware of the significant growth in the Tribunal Service in Scotland, in particular the transfer of Tribunals to Scotland under the Tribunals (Scotland) Act 2014, which followed the devolution of powers to the Scottish Government.

It is hoped that the twice-yearly meetings of the Council will continue at the end of 2018 and the SJA will ensure that JPs are fully represented at these meetings.

Dennis Barr

## **Reports from the Sheriffdoms**

### **Glasgow and Strathkelvin**

Following a successful recruitment exercise, the number of JPs increased to 27. The new JPs started in the spring of 2018, making a huge difference to the time commitment in court of the longer serving 15 JPs. All JPs undertake court duties and warrant signing both within the Sheriff and JP Court and out-of-hours at home. There are 2 or 3 JP Courts every day, with an increase to 4 courts on a regular basis, given the amount of business. JPs have responded very positively to this workload. Several JPs retired, and one has moved out of the commission area. Eleanor Lafferty died in December 2017 after a short illness. She is greatly missed.

A new JTAC has been established, with new members recruited. A varied and helpful training programme was developed by the JTAC, with all JPs participating. Topics included vulnerable witnesses, a visit to the Sheriff Appeal Court, visits to the 218 Project for women in the criminal justice system run by Turning Point (Scotland), observation at a drink driving rehabilitation scheme, a talk on the work of the Scottish Sentencing Council, substantive law regarding the new types of cases being marked for the JP Court and an all-day session including road traffic, vulnerable witnesses, unrepresented accused. Many JPs have participated in JI courses. All required appraisals have taken place. Several JPs trained as mentors through a locally-held JI course.

JPs in Glasgow have been fortunate to be very well supported by the Sheriffdom Legal Adviser and his colleagues who have provided expert and professional assistance to JPs both on and off the bench. JPs are very grateful for the administrative support provided by the Court Liaison Officer, particularly over the challenging compilation of the monthly rota and to the Sheriffdom Business Support Manager and her Officer colleague.

## **Lothian and Borders**

There are currently 34 JPs serving in Lothian and the Borders, sitting in Courts at Edinburgh, Livingston, Jedburgh, and Selkirk. Recruitment of a new JP Advisory Committee will be considered by the Sheriff Principal this coming year, with a view to commencing a campaign to recruit new Justices of the Peace for the Sheriffdom.

Edinburgh continues to operate 7 JP Courts each week comprising one intermediate diets court, two cited courts and 5 trials courts; Livingston operates on a 4 week cycle with 3 cited courts (including Intermediate Diets), 7 trials courts, 2 Fines courts and ad hoc custody courts on non-sitting days; Selkirk and Jedburgh sit on alternate Wednesdays for Trials with each court also sitting for miscellaneous business once every 4 weeks, and dealing with custodies on non-sitting days. In addition there are fines enforcement courts and JP Signing sessions at all the courts. Single benches operate in all courts and have done so since the closure of Duns, Haddington and Peebles JP Courts in January 2015.

Trial delays are currently averaging 10 to 12 weeks at each L&B JP Courts. As with the national position, Lothian and Borders has seen a downward trend in new cases calling in the JP courts since 2013-14-15 when business volumes peaked and many additional courts were required to pull back delays. There are signs that the volumes of new cases have plateaued or soon will do, so the court programme continues to be closely monitored as are management statistics and court loadings, and it may be that the current court programme is reduced to ensure an efficient and effective use of court time, JPs' time and staff resources across the Sheriffdom.

Training generally takes place in three centres namely Edinburgh, Livingston and the Scottish Borders. Most sessions are for two hours and take place on weekday evenings. The JTAC also runs an annual weekend training conference from Saturday morning until Sunday lunchtime in November each year.

By the end of the training year 2018, L&B justices will have undertaken training on a variety of topics from the National Curriculum, including sentencing workshops, Court Craft, a refresher course on drink driving covering post-incident alcohol consumption, special reasons, Crown and defence perspectives, and Police procedures, Equality and Diversity and the annual training conference in November details of which are still being finalised at the time of writing. JPs have also visited the Sheriff Appeal Court and have shadowed Sheriffs in various types of summary courts.

## **Grampian, Highlands and Islands**

There are currently 45 Justices active across all courts in GH&I. This number is expected to fall to a total of 36 by the end of 2018, with a further 4 Justices retiring in the first quarter of 2019. To address this shortfall in numbers, the JP recruitment campaign heralded in last year's GH&I report was completed successfully and offer's to undertake JP training were made to 20 candidates. The training of these 20 Prospective JPs is now well advanced under the guidance of the Sherifffdom Senior Legal Adviser, Mrs Alison Stone, assisted strongly by members of her team. It is anticipated that training will be completed in November 2018 when recommendations for appointment will be considered to cover existing and future vacancies in the Aberdeen, Peterhead, Inverness and Fort William Courts.

Another very successful conference was held at the Hilton Hotel, Coylumbridge, in March of this year attended by Sheriff Principal Derek Pyle and Sheriff Christine McCrossan. The theme of the conference was "Communicating Competently". A very popular item on the conference agenda was a series of court-room scenarios, in which JPs were given the opportunity to practise their communications skills through role-play and, with the enthusiastic support of the Sherifffdom Legal Advisors, JPs were able to practise the key skills expected of competent JPs. In addition to these valuable training opportunities, other elements of this year's training programme include the opportunity to complete formal observations of proceedings in GH&Is Sheriff's courts and use of the online resources offered by the JI hub.

## **South Strathclyde, Dumfries and Galloway**

It would be fair to say that last year has been a year of consolidation in SSDG. The current complement of Justices is 77. No new Justices have been appointed this year and the 25 Justices who were appointed in 2017 are settling in well. These 25 comprise a third of the number of currently serving Justices. 5 justices retired last year and a further 6 are due to retire next year.

### **Court sittings**

Courts throughout the Sherifffdom remain busy. During a typical 4 week period, Ayr JP court has 11 sittings, with additional 8 Custody Courts and 1 FEC. Coatbridge JP court has 15 sittings and 1 FEC; Hamilton JP court has 21 Courts and 2 FEC courts, with 2 additional

workload recovery programme Courts. Dumfries JP Court has 11 sittings, and 7 Custody courts, Stranraer Court has 2 sittings, and Lanark has 4 sittings. Additional sittings can be held where necessary to reduce the time period between initial appearance and trial. Dedicated signing days are held throughout the Sheriffdom except for Coatbridge and Lanark. There had been a concern given the comparatively recent change from 3 Justice Bench in certain courts to a single justice, that the number of part-held trials would increase. This does not however appear to be a significant issue.

### Training

At the time of writing, 14 hours of training have been offered, albeit the same training is repeated given the wide geographical spread of the Sheriffdom. 70 Justices have completed more than 6 hours training so more than half of what is required and many have done considerably more. This is monitored by the JTAC and the feeling is that this Sheriffdom is well on track. All JPs were advised last month of the number of hours completed and dates of future events. In respect of the JI training, again at the half way point for that in the 3-year period, 50 SSDG Justices have completed their mandatory JI training. This means only 27 still to complete with 18 months to go. The Sheriffdom administration and JTAC feels that training is well on track.

### Staffing

Fiona Stewart had joined the Sheriffdom administrative team on a secondment, replacing Phil Taylor who has changed his role. Fiona has settled in well and is enjoying her role.

Scottish Justices Association Membership.

Two SSDG Justices sit on the Executive: Elections to appoint a third member did not receive any nominations so the position is still vacant.

David Ferguson

## **Tayside, Central and Fife**

TC&F currently has fifty six Justices of the Peace, forty eight of whom are members the SJA. This means that 86% of TC&F Justices of the Peace are members of the SJA.

The TC&F 2017 Justice Annual Training Event took place at Carnegie Conference Centre, Dunfermline on Saturday 11<sup>th</sup> November, and was extremely well attended. The 2018 Justice Annual Training Event will take place on Saturday 3<sup>rd</sup> November again at Carnegie Conference Centre, Dunfermline.

TC&F Sheriffdom Training Programme for 2018 covered:

Contempt of Court - January

Road Traffic (Sentencing) - February

Court Craft – March and April

Visit to Sheriff Appeal Court Edinburgh - May and June

Hate Crime and Other Aggravations - September

Local Issues / Emerging Training Needs - October

Justices of the Peace from TC&F continued attending training programs provided by the Judicial Institute in Edinburgh throughout 2018. Similarly, JP appraisals in the Sheriffdom continued during the course of the year.

The SJA wishes to recognise all of the effort and work provided by TC&F Justices of the Peace that retired this year, and would like to wish them all the very best to them in the future.

TC&F SJA Executive Committee members for 2018/19 are:

David Donaldson

Mandy Shand (Alloa).

John Whyte (Falkirk)

## **North Strathclyde**

We are pleased to report on another year of activity in North Strathclyde. Our training programme has been well received and we have continued to use VC linking to reach the more rural areas of Argyll for evening sessions. The annual residential conference took place in November 2017 and was well supported by our Sheriff Principal. Ninety percent of our JPs attended. Many of our JPs have also now attended the JI as part of mandatory training. Recent local training focus has been on domestic abuse now that hurdles for such cases coming to the JP Court have been removed.

Recruitment to the SJA is ongoing and we are working to outline to new JPs the benefits that membership brings. Our JP numbers now stand at 53, a reduction of 2 from last year, with no change in the configuration of our Courts.

We have recently updated our appraisal paperwork making this more efficient and 'electronic friendly' and we try to complete the feedback discussion on the day of appraisal whilst the Court session is still fresh in the minds of both appraiser and appraisee. We think this system works better.

The latest initiative by the Judicial Hub to include us in their weekly news update using our personal emails (on request) has been thanks to the efforts of Tom Finnigan, our convenor and JP representative on the Advisory Council of the JI.

## **Report from the Commonwealth Magistrates' and Judges Association Conference 2018**

**CMJA Conference 9<sup>th</sup> – 14<sup>th</sup> September 2018**

## **Brisbane - Australia**

### **'Becoming Stronger Together'**

Early in 2017 the SJA Executive Committee voted to continue to send a representative to the Commonwealth Magistrates and Judges Association Annual Conference and I agreed to attend on behalf of the Committee.

Having been elected to represent the Scottish Justices Association at the Commonwealth Magistrates and Judges Association conference in Brisbane, I was both apprehensive and excited to travel to Australia for the first time to represent the SJA. This was also my first CMJA conference.

I found an irony in sending a Justice of the Peace to Australia when over two hundred years ago Scottish Judges were sending convicts to the same destination. My stay in Brisbane would be for seven days, and not the seven years transportation sentence commonly imposed.

My destination, Brisbane is one of the oldest cities in Australia, named after the Brisbane River on which it is located, which in turn was named after a Scotsman, Sir Thomas Brisbane who was the Governor of New South Wales from 1821 to 1825. Originally it was a penal settlement founded in 1824, opening to free settlement in 1842. Brisbane was chosen as the capital when Queensland was proclaimed a separate colony from New South Wales in 1859.

Today, Brisbane is well known for its distinct Queenslander architecture which forms much of the city's built heritage. The city is a popular tourist destination, serving as a gateway to the state of Queensland, particularly to the Gold Coast and the Sunshine Coast, popular resort areas immediately south and north of Brisbane, respectively.

Alas I was not in Brisbane on vacation but to attend the CMJA conference. I was also a member of the Scottish Judiciary which was represented at all levels.

The other Scottish delegates present were:

The Rt. Hon Lady Dorrian Lord Justice Clerk.

Sheriff Douglas Allan OBE.

Sheriff Michael Fletcher.

Sheriff Gordon Liddle

Sheriff Andrew Normand.

#### **The aims of the Conference**

1. To promote better understanding amongst judicial officers of all ranks and from all parts of the Commonwealth of judicial independence issues, and to explore the approach to those

issues in different parts of the Commonwealth.

2. To promote greater awareness amongst the Magistrates & Judges of the Commonwealth, of international treaties and law relating to the development and access to justice, and to consider the practical application of that law.

3. To enhance networking within the Commonwealth Magistrates and Judges Association on judicial developments.

There were **470** delegates and guests from **49** jurisdictions registered to attend the conference, which presented a great many opportunities for exchanges of information, experiences and new ideas.

Delegates registered on Sunday afternoon. This was followed by a welcome reception on Sunday evening, where I had the opportunity to meet and talk with delegates from Ghana, Sri Lanka, Monserrat and Australia, these being only some of the regions represented.

### **Day One.**

The conference began in earnest with the opening ceremony. We were first of all welcomed by Judge Orazio Rinaudo AM, chair to the local organising committee. This was in the form of an acknowledgement to the traditional owners and elders of the land. Uncle Albert Holt an aboriginal elder conducted the Welcome to Country Ceremony; this is performed at all significant functions and events involving people from other parts of the country or from overseas. Nunukul and Yugera aboriginal dancers also showcased some cultural dances of welcome.

Then came the national anthem of Australia followed by the procession of the flags of the Commonwealth Nations represented. Further welcome speeches were then given by The Honourable Catherine Holmes, Chief Justice of Queensland, His Hon. Chief Judge John Lowndes, President of the CMJA, and His Excellency, The Honourable Paul de Jersey AC Governor of Queensland.

After a short break we were introduced by the Conference Director of Programs Judge Shamim Qureshi to Judge Tim Workman, Executive Vice President of the CMJA. The topic of his speech was the workings of the CMJA. The organization is funded by its membership and we were encouraged to join.

The keynote speech was given by Lord Burnett of Maldon, Lord Chief Justice of England and Wales.

Following lunch we had a choice of sessions to attend,

*“Strengthening and defending Judicial independence” or*

*“A privilege to serve the Nation fighting corruption and maladministration”.*

I chose the former.

The topic was delivered by three speakers the first being the President of Trinidad and Tobago Her Excellency Paula Mae Weeks. This was followed by Chief Justice of Sri Lanka Priyasath Dep. The third Speaker was Chief Judge John Lowndes of Australia.

The afternoon session I attended was entitled

*‘Restorative justice, an alternative to a criminal record’.*

Facilitated by Judge Mary Beth Sharp New Zealand and Sheriff Andrew Normand,

Sheriff Normand described how the provision of restorative justice services to young offenders in Scotland is applied.

Other sessions of the afternoon were,

*“Military Justice Systems – can they be justified?”*

*“Coroners Courts-Updating old-fashioned procedures”*

*“Countering Extremism - Can we use existing criminal laws or is terrorism legislation really necessary?” or*

*“International child abduction.”*

I chose sessions which I thought would be more relevant to my role as a Justice of the Peace.

In the evening we were invited to a reception in Parliament House, hosted by The Honourable Yvette D’Ath MP, Attorney General and Minister for Justice and Leader of the House.

This reception gave me the opportunity to speak to other judicial members from across the Commonwealth and exchange experiences and Ideas. I was particularly interested in the role of Justice of the Peace in other jurisdictions. In Jersey for instance although they have a different system they do have lay justice with the JP equivalent being a JURAT. A Jurat is a voluntary role and they are not required to be legally trained .Other areas have Justices who sit in judgement when a Magistrate is not available and others sit in small village courts in remote areas, the examples discussed varied from country to country.

**Day Two.**

The Keynote speech was delivered by Lady Dorrian; the subject was "The State of Justice in the Commonwealth". The focus of Lady Dorrian's speech was 'the treatment of children in modern criminal justice systems'.

The first panel session of the day I attended was entitled

***Virtual courts and digital filing.***

The first speaker Justice Hoo Sheau Peng of Singapore delivered a detailed talk on the advances made in the Singapore system.

The second speaker from Papua New Guinea (PNG), Chief Justice Sir Salamo Injia spoke of the advances in PNG's system, although not as advanced as Singapore, still making progress.

Third to speak was Chief Justice Sam Rugege who described the difficulties in his jurisdiction in Rwanda. The examples put forward were aiming to cut the number of court appearances if the technology was available. Singapore was in a far more advanced stage than Rwanda.

***"Mentoring new Judges and Magistrates"*** was my next session; this created a lot of debate. Some jurisdictions who lack resources were reminded that other commonwealth members may be in a position to offer assistance.

The speakers for this session were Justice Jones Dotse, Ghana. and Justice Carolita Bethell, The Bahamas.

**Day Three.**

Today's keynote speech was very well received. The content was delivered in a very thought provoking manner and held the delegates interest. The subject was Psychological issues of victims of sexual or domestic abuse. The speaker was Dr Dianne Douglas a clinical psychologist from Trinidad and Tobago. Her method of delivery kept the audience engaged and attentive on this very relevant subject.

Today's first session was

***"What is the need for judicial Education and Training?"***

This was presented by two speakers

Justice Vineet Kothari, India and Justice Emmanuel Roberts, Sierra Leone.

***"Managing modern criminal justice"*** was my next session and was presented by Her Hon. Chief Justice Sian Elias, of New Zealand, and Justice Richard Williams who presented a paper on the subject on behalf of His Hon. Chief Justice Anthony Smellie of Cayman Islands who was unable to attend.

The final session of the day was conducted by Sheriff Gordon Liddle from Scotland. The subject being

***"A comparative study of judicial terms, conditions and emoluments in the Commonwealth"***

I found this a very interesting session, although it was found that there are large variations in the emoluments received at different levels; some delegates were provided with cars and drivers some were provided with houses. These benefits were wide and varied even with delegates from the same country. There was no evidence to show that there was any discrimination on gender. However, being an unsalaried volunteer I had little to contribute.

The day ended with an evening reception Hosted by the Hon. Chief Justice of Queensland Justice Catherine Holmes of the Supreme Court of Queensland. at the Supreme Court of Queensland.

**Day Four - The final day of the conference.**

***"Can we keep pretending that Judicial Wellness is not a problem?"***

This was the subject of today's first session; this was presented by Ms Carly Shrever, Judicial College of Victoria Australia

Research has shown that many judges suffer from secondary trauma or depression associated with the type of cases they may have to hear. All were encouraged to seek help if needed.

The second speaker was Lady Hale of Richmond, President of the UK Supreme Court.

***"Handling the media"*** was the afternoon session

This presentation was by Judge Tan Ikram Deputy Chief Magistrate for England and Wales, followed by Justice Julie Dutil from Canada.

Many examples were given about press reports on the judiciary with the best advice being "don't get involved!"

The afternoon was taken up with the General assembly of the CMJA and the appointment of the new president.

We were informed that the Chief Justice of Lesotho, Nthomeng Majara had been suspended whilst attending this Conference. Whilst not passing judgement on any allegations against the Chief Justice, the CMJA will be writing to the Lesotho Government to insist that due process is observed in the treatment of Chief Justice Majara.

This demonstrates some of the work and activities carried out by CMJA.

I am pleased to have had the opportunity to travel to Brisbane and witness the exchange of ideas and discussions that could change how some individuals work. I also witnessed the offer of resources between some of the delegates which could change the way a country runs its judicial training.

It was a long way to travel but a worthwhile experience. .

Overall I believe that the aims of the Conference were achieved.

David Donaldson J.P.

## **Finance – Treasurer’s Report**

See separate report from John Whyte