



N E W S L E T T E R

President's greetings



Justice Fatoumata Diakite

Chers Collègues,

Au moment où tous les Groupes Régionaux s'appêtent à se retrouver dans le cadre de leur réunions annuelles, il me plaît de souhaiter à chacune et à chacun des membres de notre organisation un bon travail.

Cette année est spéciale pour l'Union Internationale des Magistrats non seulement parce qu'il s'agit d'une année électorale où les instances dirigeantes seront renouvelées, mais aussi et surtout, parce que les questions qui seront traitées au cours du Conseil Central de Novembre à Alexandria touchent à l'existence et à la cohésion de notre Association.

En effet, qu'il s'agisse des questions relatives aux cotisations ou des décisions relatives aux nouvelles conditions d'adhésion ou de maintien au sein de l'UIM, les décisions que nous serons amenés à prendre devront tenir

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compte à la fois du caractère international de notre organisation et des spécificités des Groupes Régionaux.

C'est pourquoi, il me paraît important d'inviter tous les Groupes Régionaux à ne pas perdre de vue au cours des travaux les impératifs de maintien de notre cohésion et d'adaptation nécessaire aux défis nouveaux.

Bonne réunion à tous !

Fatoumata DIAKITE

Présidente de l'Union Internationale des Magistrats

Dear Colleagues,

In preparation for the Regional Group meetings that will take place, I would like to wish each and every member of our organization well.

This is a special year for the International Association of Judges, because it is an election year for the association's leaders, and the issues that

will be addressed during the Central Council in November in Alexandria, will affect the existence and cohesion of our Association.

The issues and decisions that need to be taken in respect to annual contributions and new membership requirements to join the IAJ, will have to be made taking into account the international character of our organization and the specifics of the Regional Groups.

It is therefore important that all Regional Groups must not lose sight of the work needed to maintain our cohesion and adaptation to the new challenges.

A good meeting to everyone!

Fatoumata DIAKITE

President of the International Association of Judges

ORGANISATION CHART**PRESIDENCY COMMITTEE****President**

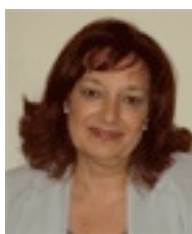
Mrs. Fatoumata DIAKITE,
Judge of the Supreme Court of
Ivory Coast

First Vice-President

Mr. Gerhard REISSNER,
President of the district court
of Floridsdorf, Vienna (Austria),
President of the European
Association of Judges -
Regional Group of the IAJ

Vice-Presidents

Mr. Robert BLAIR (Canada),
President of the Asian, North
American and Oceanian
Regional Group of the IAJ



Mrs. Cristina CRESPO
Judge of the Civil Court of
Montevideo (Uruguay),
President of the Ibero
American Regional Group of
the IAJ



Mr. Cagney John MUSI (South
Africa), President of the Afri-
can Regional Group of the IAJ



Mr. Christophe REGNARD
(France)



Mr. Virgilius VALANCIUS,
President of the Supreme
Administrative Court of
Lithuania

Honorary President

Mr. José Maria BENTO
COMPANY,
Judge of the "Registro Civil
Único" of Madrid

Secretary General

Mr. Antonio MURA
Court of Cassation Judge,
"Sostituto Procuratore
Generale" of the Supreme
Court of Italy

Deputy Secretaries General



Mr. Giacomo OBERTO, Judge
of the first instance Court of
Turin (Italy)



Mr. Lucio ASCHETTINO,
Judge of the Criminal Court of
Naples (Italy)



Mr. Galileo D'AGOSTINO,
Liaison Magistrate in Spain



Mr. Raffaele GARGIULO,
Judge of the first instance
Court of Rome (Italy)

First Study Commission

**President:**

Mr. Pol VAN ISEGHEM
(Belgium)

Vice-Presidents:

Mr. Peter HALL (USA)
Mr. José Igreja MATOS (Portugal)
Mr. Thed ADELWARD (Sweden)

Secretary:

Mr. Bernard N'GUESSAN (Ivory Coast)

Second Study Commission

**President:**

Mrs. Zila ZFAT (Israel)

Vice-Presidents:

Mr. Reinier VAN ZUTPHEN (the Netherlands)
Mrs. Jennifer DAVIES (Australia)

Third Study Commission

President:

Mr Frans BAUDUIN (the Netherlands)

Vice-Presidents:

Mrs. Marit BERGENDAHL (Sweden)
Mrs. Virginie DUVAL (France)
Mr. Charles SIMPSON (USA)

Fourth Study Commission

President:

Mr. Gerhard KURAS (Austria)

Vice-Presidents:

Mr. Philippe BRON (Belgium)
Mrs. Judith SNIDER (Canada)

IAJ Representatives at the UN Headquarter in New York



Mrs. Joanna SEYBERT, United States District Judge (Eastern District of New York), Ex-President of the Asian, North American and Oceanian Regional Group of the IAJ



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Geneva



Mr. Pierre ZAPPELLI, Justice of the Swiss Federal Tribunal



Mrs. Louise MAILHOT, Justice of the Court of Appeal of Québec, Canada

IAJ Representatives at the UN seat in Vienna



Mr. Gunter WORATSCH, Honorary President of the IAJ



Mr. Ernst MARKEL, Honorary President of the IAJ

MESSAGE FROM THE EDITOR

Dear colleagues

Please will you send me articles of interest and photos to publish in the newsletter.

If your association is planning any events of interest or conferences please send me this information. My e-mail address is

DDosio@justice.gov.za .

Pourriez-vous, s'il vous plaît, m'envoyer les photos des événements qui ont eus lieu dans vos pays respectifs, accompagnées d'un bref commentaire.

Le texte peut être rédigé en Français, je me chargerais de le traduire en Anglais.

Veuillez également envoyer à mon adresse e-mail les noms des sites Internet de vos différentes associations.

En vous remerciant par avance.

Cordialement.

Dario Dosio



Editor of the IAJ newsletter

Dario Dosio

DDosio@justice.gov.za

NEXT MEETING OF THE IAJ



The next IAJ annual meeting will be held nearby Washington, District of Columbia area, in **Alexandria (Virginia), USA, on November 11-15, 2012.**

It will take place at the Global Intellectual Property Academy (GIPA) conference facilities in Alexandria. The conference will focus on the theme of Intellectual Law throughout the world.

The hosts will be the federal Judges Association together with the United States Patent and Trademark Office and GIPA.

54TH ANNUAL MEETING OF THE IAJ

Photo of the delegates attending the 54th Annual Meeting of the IAJ held in Istanbul, Turkey,



Photo of the delegates at the 54th annual meeting of the IAJ

THE EUROPEAN ASSOCIATION OF JUDGES

President of the European
Regional Group Justice
Gerhard Reissner



Next meeting of the European Regional Group

The European Regional Group will meet in Amsterdam on 11 and 12 May 2012. The meeting will be organized by the Dutch Association for the Judiciary, under the auspices of the President of the Dutch Association for the Judiciary, Reinier van Zutphen. For any queries regarding the applications and hotel reservations, please contact Mrs M.H. (Mirte) Coppelmans e-mail: m.coppelmans@rechtspraak.nl tel +31(0)6-150 45 891. The program may be accessed on the EAJ2012 website www.nvvr.org/eaj2012.



The conference venue will be the former court house De Balie.

Summary of the European Regional Meeting in Istanbul, Turkey on 4 September 2011

The meeting was chaired by the President of the EAH Regional Group, Mr Gerhard Reissner on Sunday, 4th September. The countries participating were Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, and United Kingdom.

The president opened the meeting by thanking the Turkish Association of Judges and its president for organizing a perfect meeting.

The minutes of the previous meeting of the E.A.J in Dakar were approved.

The president gave a summary of the activities since the last meeting of the E.A.J held in Malta. He gave an account of the latest developments in respect to Bulgaria. He gave feedback in respect to the meetings of the Presidency Committee which took place between the meetings in Malta and Istanbul.

The meeting then discussed problems of the judiciary in several countries.

In respect to Serbia, the president of the Serbian Association of judges informed the meeting about the negotiations that had taken place between the Serbian Association and the local High Judicial Council about the re-appointment process of judges. The process was deemed unconstitutional by many and the process of re-appointment had been challenged and revised. The process was on-going. Out of 800 cases, 200 judges had applied for re-appointment, but only 50 were re-instated in their positions. Different criteria had been adopted by the two commissions within the High Council charged with this process of review. The current situation is characterized by much insecurity. The request of the president of the Serbian Association was that the E.A.J address the EU, specifically in light of the fact that Serbia was applying to become an EU member. A working group was charged to prepare a draft resolution which would be placed before the Central Council.

In respect to Slovakia, the president of the E.A.J gave an outline of the problem as consisting of the abuse of disciplinary procedures against judges. The attacks on judges by political authorities has also made it intolerable for judges in Slovakia. The president of the Slovakian Association stated that disciplinary procedures were not in compliance with international standards. The meeting in Malta had resolved that the E.A.J would send a letter to the Slovakian authorities, however the Slovakian Association still needed to

send some further information to the E.A.J. The president of the E.A.J stated that there was clearly a tense situation in Slovakia. A discussion on the draft resolution commenced. A tenth paragraph was added to the draft resolution pertaining to the issue of salaries. The E.A.J meeting unanimously approved the resolution in respect to Slovakia. (This resolution is available from the secretariat of the IAJ).

In respect to Italy, the president of the Italian Association gave an outline of the envisaged reform of justice proposed by the Italian Government. The first point of the reform was to reduce the independence of the judiciary by strengthening the position of the Minister of Justice. The second point of reform is to change the composition of the High Council of the judiciary, by reducing the number of judges elected by their peers among this panel. The current economic crisis has stopped this reform process but the situation must be continuously monitored by the E.A.J.

A report back of the activities of the E.A.J in respect to the Council of Europe and the European Union was presented by the president of the E.A.J. He stated that vice-president Regnard had participated in the 17th Plenary meeting of the European Commission for the Efficiency of Justice (CEPEJ) held in Strasbourg, and vice-president Valancius had been involved in the works of an E.U/Council of Europe joint project entitled "Enhancing judicial reform in the Eastern Partnership countries" which targets Moldova, Armenia, Azerbaijan, Belarus, Georgia and the Ukraine. The latter project aimed to provide a multilateral forum for discussing the issues of concern pertaining to the independence, professionalism and efficiency of the judiciary in the six above-mentioned countries. The president of the E.A.J stated that a letter had been sent to the commissioner of the European Union, Ms. Reding, advising her of the request of the E.A.J to meet with her. A letter had also been sent to the legal committee of the European Parliament. The president reported that the E.A.J. had been registered in the Transparency Register of the E.U. A letter had also been sent to the secretary of the Justice Reform stating that the E.A.J. has an interest in participating in its activities. The E.A.J has also been included in the register of green books, which means that each time a procedure is opened in the green book, the E.A.J. will be invited to express its views.

In respect to the formation of a working party "Ways to Brussels", the delegate from Germany stated that it is necessary to set up a structure within the E.A.J. which can effectively deal with E.U. issues. The president invited the group to meet during the meeting in Istanbul to discuss the way forward.

A discussion on the possible amendment of the statute of the IAJ in respect to membership was discussed. This falls within the ambit of the working group on the criteria and procedure for application for membership chaired by Christophe Regnard. A long debate ensued on this topic. Some delegates were in favour of keeping the current distinction between two different kinds of membership, while some others said they preferred to have just one kind of membership. After much discussion a draft motion was drawn up which would be presented to the Central Council. The draft motion reads as follows:

“Motion to E.A.J. on the issue of two kinds membership (ordinary and extraordinary)

In order to safeguard the credibility of IAJ on the one hand, to avoid discrimination and support member associations of younger democracies on the other hand, EAJ decides to ask the Central Council to start a process of change of the Statutes on membership with the following goals:

1. In the future there shall be the possibility of exclusion of member associations for other than financial reasons.
2. To safeguard the fulfillment of the criteria for membership in IAJ each association has to undergo regular monitoring and has to deliver an annual report on its situation that has to meet certain criteria.
3. IAJ abolishes the extraordinary membership and provides only one status of membership.
4. The process of change of statute is to be initiated immediately.
5. The independence of the judiciary in the concerned countries should not be considered as a criterion for admission of members.”

A report on the next meeting of the E.A.J. in Amsterdam was given by Mr Steenbeck.

The president of the E.A.J stated that the Presidency Committee created a Working Group to look into issues pertaining to the reimbursement of expenses faced by rapporteurs who have to complete reports for new applications for membership to the IAJ. Ms Viviane Lebe-Dessard was appointed to represent the E.A.J. group.

THE AFRICAN REGIONAL GROUP



Next meeting of the African Regional Group

The meeting of the African Regional Group will take place from the 22nd to the 25th of May 2012 in Maputo, Mozambique. The meeting will be organised by the Associação Moçambicana de Juizes. It will take place at the Hotel Ravumo (Maputo). Delegates attending may also stay at the Polana Serena Hotel, the Hotel Cardoso or the Hotel Avenida. The contact details for the conference hotel are: Tel: +258 21 498765 Fax +258 21499643, Email: reservasgirassol@visabeira.co.mz.

Contact details of the organizing group are:

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Tel. +258 84 7183145.
Please communicate directly to the Mozambican

President of the African
Regional Group
Justice Cagney Musi



colleagues (and not to the General Secretariat of the IAJ).

Meeting of the African Group in Istanbul, Turkey on 4 September 2011

The meeting was chaired by the president of the African group, Justice Cagney Musi. The countries that attended were Algeria (extraordinary member), Benin (extraordinary member), Democratic Republic of Congo, Guinea, Ivory Coast, Mali, Mozambique (observer), Senegal and Togo. The minutes of the meeting held in Bamako were approved and adopted. The Bamako resolutions relating to the role of the judiciary in consolidating democracy in Africa and the role of the judiciary in protecting the environment was discussed, but the matter was postponed for further discussion.

The president of the African group stated that at the Group meeting in Bamako, Mali, on 23 June 2011, it was resolved that the statutes of the IAJ should be amended in order to have only ordinary membership.

The president stated that the situation in Tunisia needed attention as although a new executive committee of the Association of Tunisia had taken place, no delegate was present in Istanbul representing Tunisia. Mr Bennour, as honorary president of the IAJ and not as delegate of Tunisia, stated that although a new steering committee had been created for the Association of Judges, the revolution of the 14th of January 2011 had created much confusion. A new association in Tunisia had also since been created.

The president reported that Benin and Algeria had applied for ordinary membership and Guinea and Mozambique had applied for extraordinary membership. The reports were ready and would be submitted to the Central Council for consideration and approval.

The various countries participating then gave their reports.

Algeria stated that a National Commission presided by the president of the Senate was set up to amend several laws of the country. The Algerian Association had participated in this commission making proposals in respect to the introduction of a semi-presidential system, the separation of powers and the separate budget for the judiciary. Much was also done to reinforce the representation of judges in the High Council for the judiciary. Their association was also working hard to ensure better living and working conditions for judges. Algeria sought the support of the African group for a successful application for ordinary membership.

Benin also sought the support from the African group for a successful application for ordinary membership.

Guinea also sought the support from the African group for a successful application for membership, and stated the desire that the distinction between extraordinary and ordinary membership would be abolished soon.

Ivory Coast reported that their Association was involved in the reform of the Judiciary and the Statute of Judges.

Judge Toure' thanked everyone who participated in the successful African group meeting held in Bamako. He also reported that the situation in Mali was good. There were many bills reforming the fundamental principles of law.

Senegal pledged their support to the African associations that were submitting applications for membership. It was stated that much has been done in Senegal to reinforce the independence of the judiciary and to secure the tenure of judges.

Congo stated that there had been some problems with the Executive power interfering with the management of the budget of the judiciary. It was stated that the Association of Congo was doing a lot of work to reform the current system concerning the resolutions of the general assembly of the High Council for the judiciary.

Togo pledged its support for the successful application of membership of Benin. He stated that the relationship between the Executive had improved due to the appointment of a new Minister of Justice. It was stated that Togo was aiming to reform the fundamental texts pertaining to the Constitution, the laws pertaining to the judiciary and the High Council for the judiciary.

The president of the African group once again requested the African group to support the candidatures of Benin, Algeria, Guinea and Mozambique.

The way forward in respect to the admission criteria to membership of the IAJ was discussed. The position of the African group was in favour of the abolition of the two levels of membership, underlining that, since the independence of the judiciary is determined by the legislative power, what should be taken into account is only the independence of the association. The resolution taken in Bamako was confirmed.

As regards the finances of the African group, the President requested all countries to pay their fees as soon as possible in order to avoid the sanctions imposed by the statutes of the IAJ. He requested that the countries in arrears should pay before the first session of the first meeting of the Central Council.

The president informed the meeting that Mr Foudie' Toure' had been appointed to sit on a committee representing the African group. The task of this committee would be to investigate how best to deal with the expenses incurred by a rapporteur compiling a report for the country seeking membership.

Justice Musi thanked the Turkish group for the perfect organisation and thanked Mr Bennour for his presence and great contribution to the African group.



(Pictures of Maputo)

THE IBEROAMERICAN REGIONAL GROUP

President of the Ibero American Regional Group
Mrs Cristina CRESPO,
Judge of the Civil Court of Montevideo (Uruguay)

**The next meeting of the Ibero American Group**

The next meeting of the Ibero American group will take place in San Juan Bautista, Puerto Rico from 29 April to 4 May 2012. The reunion will take place at the Sheraton Hotel in the old city. The IBA group will meet contemporaneously with the Federation of Latin American Magistrates (FLAM). There are common themes and

activities that will be dealt with jointly by both groups and a day devoted to each of the separate groups. A welcome reception will take place on 29 April at 7pm. The Puerto Rico Association will provide delegates transport from the airport to the hotel and back to the airport, starting on 27 April until 4 May.

**Meeting of the Ibero American Regional Group in Istanbul, (Turkey), 4 September 2011**

The meeting was opened by the President of the Ibero American group, Madam Cristina Crespo.

The countries that participated were Argentina, Brazil, Spain, Mexico, Panama, Paraguay, Portugal, Puerto Rico and Uruguay. The delegate from the Association of Judges of Peru attended as an observer.

A short account of the state of events after the Recife meeting was given by the President, including the various petitions received for admission to the UIM by the Association of Judges of Columbia, Ecuador, Peru and the Dominican Republic and the rapporteurs appointed to complete these reports. Two reports, one completed by Judge Igreja in respect to reform proposals to suppress the special member rating to become a member of the UIM and secondly, one completed Judge Flemming in respect to Judicial Independence were discussed.

The President of the Ibero American group confirmed she would represent the UIM at the ceremony of the flag of peace at the meeting of FLAM, which is to be held at the Parliament of Argentina.

The possible expulsion of Bolivia from the UIM due to failure of paying subscription fees was discussed. The decision was taken to retain Bolivia in the UIM, as the non-payment of fees is due to the difficult political situation the association is facing.

The minutes of the previous meeting held in Recife, Brazil on 18 May 2011 were adopted.

In respect to the illegibility criteria to become a member of the IAJ, Judge Igreja stressed that the special membership category must be suppressed. All associations should be seen as equal, fighting for one common goal, namely, the independence of the judiciary.

The various countries present then reported what was happening in their respective countries.

Argentina reported that even though there were strong conflicts between the judiciary and government, there were no signs of attacks on judicial independence.

Brazil reported that their government cut down on the budget available for the administration of justice.

Spain reported that despite cuts, due to a financial crisis, the judiciary in general was in a positive position.

Mexico reported a major concern in respect to the security of judges. Brazil expressed solidarity with this concern, citing the recent murder of a colleague from Rio De Janeiro, namely, Patricia Lourival Acioli.

Panama reported that the situation of their judiciary has improved significantly, except for a recent remark by their President requesting a maximum period of stay as a judicial officer.

Paraguay stated that their judges need to be appointed every five, ten or fifteen years. Security of tenure is not yet a right of judges.

Peru, as an observer, also expressed a concern that their judges need to be re-appointed every seven years.

Portugal stated that a lack of funding is affecting the development of the courts and their salaries have also been significantly reduced.

Puerto Rico explained that their association is working closely with reporters in the press to explain the judicial mechanisms, thereby preventing and limiting the damage to the judiciary caused by the press.

Uruguay reported that the scarcity of resources is preventing the implementation of good laws. Judges have lost their pay increase and are considering approaching the Constitutional Court for recourse.

THE ASIA, OCEANIA AND NORTH AMERICA REGIONAL GROUP



Mr Robert Blair
President of the ANAO Regional Group

Next meeting of the ANAO Regional Group

Due to the many countries falling within the ANAO Regional group, consisting of Canada, the USA, Australia, Taiwan, Japan, Bermuda, Kazakhstan, Mongolia, and Puerto Rico, and taking into consideration all the different time zones, a “virtual” meeting on the internet will take place sometime in April or May 2012. The items that will most probably

be included in the agenda will be:- the report of the working group on funding, as well as the working group on changes to the constitution. Preparatory discussions on two topics, that will occupy most of the annual meeting of the IAJ later this year, namely, 1) Judicial Mentoring and 2) Judicial involvement in alternative dispute resolution, will also be discussed.

Summary of the last meeting of the ANAO regional group held in Istanbul, Turkey on 3 September 2011

The president of the ANAO group, Justice Robert Blair opened the meeting and thanked Judge Joanna Seybert for her diligent work as previous president. The President of the IAJ, Judge Diakite and Secretary-General Judge Mura, thanked the USA delegates for offering to hold the 2012 annual IAJ in the USA.

The topics discussed related to:

- i. The “virtual” meeting held in June 2011, and how to ameliorate the technical difficulties encountered. A discussion took place in respect to the ANAO’s response to the IAJ questionnaire regarding membership criteria.
- ii. A report back from the ANAO president about the Presidency Committee held in July 2011 in Rome with specific reference to revisions of the procedures regarding applications for membership and membership criteria. The ANAO’s proposal to the Presidency committee requesting efficient

“Clicker” technology to speed up voting procedures at Central Council meetings was also discussed.

- iii. The successful desire that Kazakhstan and Mongolia be granted membership was discussed.
- iv. Judge Royal Ferguson, President of the Federal Judges Association of the United States of Judges invited the IAJ and the ANAO regional group to the annual IAJ meeting to take place at the Global Intellectual Property Academy (GIPA) conference facilities in Alexandria just outside Washington D.C.

v. Reports of member Associations:

- The Taiwanese delegation reported back on long awaited legislation reinforcing the independence of the judiciary.

- The Japanese delegation reported back on a newly implemented regime allowing lay persons to sit with professional judges on criminal cases.
- The Canadian delegation reported back on the federally appointed judges review of their salaries and benefits by an independent Commission.
- The Australian delegation reported back on the rising tendency of the media and public officials to engage in attacks against the judiciary, and concerns pertaining to an intended monitoring of public confidence in sentencing by the Victorian government.
- The Kazakhstan delegation reported back on its initiatives to enhance its judges and also the Associations activities to enhance educational, technological and media initiatives. A report on legislative reforms pertaining to criminal and civil cases and civil enforcement procedures was presented by Judge Borisov.

vi. Application of Kazakhstan's Association for ordinary membership:

It was unanimously resolved that the ANAO region will support the Kazakhstan Judges Association's application for admission as an ordinary member of the IAJ.

vii. Report of IAJ delegates to the UN:

The honourable Louise Mailhot referred to her written report to the Central Council and Judge Joanna Seybert referred to various NGO meetings attended by the Association's representatives to the UN.

viii. Judicial mentoring

Justice Jennifer Davies re-emphasized the importance of judicial mentoring. It was resolved that in advance of the 2012 annual meeting the member association of the ANAO will describe the informal and formal mentoring processes in their respective jurisdictions with the assistance of a questionnaire to be developed by Justice Davies.

ix. IAJ Membership criteria

A debate ensued about the retention of the two tiered approach to membership or not. The Kazakhstan, Japan, USA, Canada and Taiwan associations were in favour of maintaining the two- tiered membership model.

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NEWS FROM AROUND THE WORLD

News from Australia

Offended Magistrates and Judges hit back at Prime Minister Julia Gillard's criticism of the High Court and Chief Justice Robert French

In September 2011, the Prime Minister of Australia, Ms Julia Gillard, criticized the High Court of Australia and Chief Justice Robert French, for overturning the Malaysia Solution. Ms Gillard described the judgment as "a missed opportunity to enhance our region's response to the evil of people smuggling". (The Saturday Age, page 22, 3/9/2011)

The Judicial Conference of Australia with a membership of more than 600 judicial officers across the nation suggested that Ms Gillard had gone too far.

Vice President of the Judicial Conference of Australia, Justice Philip McMurdo stated that Ms Gillard's criticism was "misguided". He stated further that "Responsible criticism by one branch of government of another is a healthy sign of a free society..." Irresponsible criticism especially from a Prime Minister, could tend to upset the balance of separated powers which is essential to that society". He

indicated Ms Gillard's decision to single out Chief Justice French was described as 'extraordinary' and 'unfair'. The JCA stated "It is not the court's role to look for and take 'opportunities'. Its job here was to decide whether the Minister's actions were lawful, according to the statute which the Parliament had enacted". (Weekend Australian, Saturday, 3/9/2011).

The judicial conference of Australia stated that "any criticism should go to the legal merit of the court's judgment and it should not misrepresent the court's task in upholding the rule of law". (The Saturday Age, page 22, 3/9/2011).

Ms Gillard dismissed suggestions she had challenged the separation of powers as "ridiculous" and provided a reassurance her government had accepted the court's decision. (Weekend Australian, Saturday 3/9/2011).