

Version No. 011
Judicial College of Victoria Act 2001
No. 20 of 2001

Version incorporating amendments as at 17 December 2008

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Purpose	1
2 Commencement	1
3 Definitions	1
PART 2—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COLLEGE	3
4 Establishment of the College	3
5 Functions of the College	3
6 Powers of the College	4
7 Delegation	5
PART 3—MANAGEMENT AND PROCEDURE OF THE COLLEGE	6
8 Board of directors	6
9 Terms and conditions of office of directors	7
10 Payment of appointed directors	7
11 Vacancies and removal of appointed directors from office	8
12 Alternate directors	9
13 Validity of acts or decisions	10
14 Meetings of the Board	10
15 Committees	11
16 Staff	11
17 Appointment of consultants	11
PART 4—MISCELLANEOUS	12
18 Control on expenditure	12
19 Parliamentary requirement for information	12
20 Regulations	12

<i>Section</i>	<i>Page</i>
ENDNOTES	13
1. General Information	13
2. Table of Amendments	14
3. Explanatory Details	15

Version No. 011
Judicial College of Victoria Act 2001
No. 20 of 2001

Version incorporating amendments as at 17 December 2008

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to establish the Judicial College of Victoria with the function of assisting the professional development of judicial officers and providing continuing education and training for judicial officers.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before 1 February 2002, it comes into operation on that day.

3 Definitions

In this Act—

appointed director means a director appointed under section 8(1)(e);

Board means board of directors of the College;

chairperson means chairperson of the Board;

College means Judicial College of Victoria established under section 4;

director means chairperson or other director of the College;

Judicial College of Victoria Act 2001
No. 20 of 2001
Part 1—Preliminary

s. 3

S. 3 def. of
judicial officer
amended by
Nos 79/2006
s. 26, 24/2008
s. 80(1).

judicial officer means—

- (a) a Judge or an Associate Judge of the Supreme Court; or
 - (b) a judge or an associate judge of the County Court; or
 - (c) a magistrate or judicial registrar of the Magistrates' Court or a magistrate of the Children's Court; or
 - (d) a coroner within the meaning of the **Coroners Act 1985**; or
 - (e) a member of the Victorian Civil and Administrative Tribunal.
-

**PART 2—ESTABLISHMENT, FUNCTIONS AND POWERS OF
THE COLLEGE**

4 Establishment of the College

- (1) The Judicial College of Victoria is established by this Act.
- (2) The College—
 - (a) is a body corporate with perpetual succession;
 - (b) has an official seal;
 - (c) may sue and be sued in its corporate name;
 - (d) subject to section 6, may acquire, hold and dispose of personal property;
 - (e) subject to section 6, may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) All courts must take judicial notice of the official seal of the College affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (4) The official seal of the College must be kept in such custody as the College directs and must not be used except as authorised by it.

5 Functions of the College

- (1) The functions of the College are—
 - (a) to assist in the professional development of judicial officers;
 - (b) to provide continuing education and training for judicial officers;
 - (c) to produce relevant publications;

-
- (d) to provide (on a fee for service basis) professional development services, or continuing judicial education and training services, to persons who are not judicial officers within the meaning of this Act;
 - (e) to liaise with persons and organisations in connection with the performance of any of its functions.
- (2) In performing its functions under subsection (1)(a), (b) and (c), the College must—
- (a) consult with judicial officers about the nature and extent of the College's professional development activities and continuing education and training activities;
 - (b) have regard to the differing needs of different classes of judicial officers and give particular attention to the training of newly appointed judicial officers;
 - (c) have regard to any other matters that appear to the College to be relevant.
- (3) The College may perform its functions, and exercise its powers, within or outside Victoria.

6 Powers of the College

- (1) Subject to subsections (2) and (3), the College has power to do all things necessary or convenient to be done for, or in connection with, performing its functions.
- (2) The College does not have power to acquire, hold or dispose of real property.

-
- (3) The College must not, without the prior written approval of the Attorney-General—
- (a) acquire any personal property, right or privilege for a consideration of more than \$50 000 or any higher amount prescribed for the purposes of this paragraph; or
 - (b) dispose of any personal property, right or privilege that has a value, or for a consideration, of more than \$50 000 or any higher amount prescribed for the purposes of this paragraph.

7 Delegation

The College, by instrument under its official seal, may delegate to—

- (a) a director; or
- (b) the chief executive officer of the College; or
- (c) an employee referred to in section 16(2); or
- (d) the members of a committee established under section 15—

any function or power of the corporation, other than this power of delegation.

**PART 3—MANAGEMENT AND PROCEDURE OF THE
COLLEGE**

8 Board of directors

(1) There shall be a board of directors of the College consisting of 6 directors of whom—

S. 8(1)(a)
amended by
No. 24/2008
s. 80(2)(a).

(a) one is the Chief Justice of the Supreme Court, or another Judge or an Associate Judge of that Court nominated by the Chief Justice, who is to be the chairperson; and

(b) one is the President of the Victorian Civil and Administrative Tribunal or another member of that Tribunal nominated by the President; and

S. 8(1)(c)
amended by
No. 24/2008
s. 80(2)(b).

(c) one is the Chief Judge of the County Court or another judge or an associate judge of that Court nominated by the Chief Judge; and

(d) one is the Chief Magistrate or another magistrate nominated by the Chief Magistrate; and

(e) 2 are persons appointed by the Governor in Council on the nomination of the Attorney-General of whom—

(i) one must have experience as a member of the academic staff of a tertiary or other educational institution; and

(ii) one must be a person who, in the opinion of the Attorney-General, has broad experience in community issues affecting courts.

(2) The Board—

- (a) is responsible for the management of the affairs of the College; and
- (b) may exercise the powers of the College.

9 Terms and conditions of office of directors

(1) An appointed director holds office—

- (a) subject to section 11, for the term (not exceeding 5 years) that is specified in his or her instrument of appointment, and is eligible for re-appointment; and
- (b) on any other terms and conditions, not inconsistent with this Act, that are specified in his or her instrument of appointment.

(2) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a director in respect of the office of director.

S. 9(2)
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 106.1),
80/2006
s. 26(Sch.
item 55).

(3) Service by a judge, associate judge or magistrate as a director of the College must be taken to be service as a judge, associate judge or magistrate, as the case requires.

S. 9(3)
amended by
No. 24/2008
s. 80(3).

10 Payment of appointed directors

An appointed director is entitled to be paid the remuneration and allowances that are specified in his or her instrument of appointment or are fixed from time to time in respect of him or her by the Governor in Council.

11 Vacancies and removal of appointed directors from office

- (1) An appointed director's office becomes vacant—
- (a) on the expiry of his or her term of office; or
 - (b) if he or she resigns from office under subsection (3); or
 - (c) if he or she is removed from office under subsection (4); or
 - (d) if he or she is convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
 - (e) if he or she, without the Attorney-General's approval, fails to attend 3 consecutive meetings of the Board.
- (2) The office of a director, other than an appointed director, becomes vacant if he or she ceases to hold the judicial office that he or she held on becoming a director.
- (3) An appointed director may resign from office by writing delivered to the Governor in Council.
- (4) The Governor in Council may remove an appointed director from office if of the opinion that the director—
- (a) is guilty of improper conduct in carrying out the duties of his or her office; or
 - (b) is mentally or physically incapable of carrying out satisfactorily the duties of his or her office; or
 - (c) has failed to comply with any term or condition of appointment.

12 Alternate directors

- (1) A director, other than an appointed director, may, with the approval of the Board, appoint another judicial officer (from the same court or tribunal as him or her) to be an alternate director.
- (2) The Governor in Council may, on the nomination of the Attorney-General, appoint another person (qualified for appointment under section 8(1)(e)) to be an alternate director of an appointed director.
- (3) If a director is absent from duty or is, for any reason, unable to attend a meeting of the Board or perform any other duty of the office of director, his or her alternate—
 - (a) may act in the place of the director; and
 - (b) while so acting, has all the powers, and may perform all the functions and duties of the director and is to be taken to be a director.
- (4) An appointment of an alternate director is—
 - (a) subject to subsection (6), for the period (not exceeding 12 months) that is specified in his or her instrument of appointment; and
 - (b) subject to any other terms and conditions, not inconsistent with this Act, that are specified in his or her instrument of appointment.
- (5) An alternate director is eligible for re-appointment.
- (6) The director or Governor in Council may at any time revoke the appointment of an alternate director appointed by him or her.

13 Validity of acts or decisions

An act or decision of the Board is not invalid merely because of—

- (a) a defect or irregularity in, or in connection with, the appointment of a director or alternate director; or
- (b) a vacancy in the membership of the Board; or
- (c) the occasion for an alternate director acting in the place of a director not having arisen or having ceased.

14 Meetings of the Board

- (1) The chairperson must convene as many meetings of the Board as he or she considers necessary for the efficient conduct of its affairs but must ensure that the Board meets at least once every 3 months.
- (2) The chairperson must preside at any meeting of the Board at which he or she is present.
- (3) If the chairperson is absent, a director elected by the directors present must preside.
- (4) The quorum for a meeting of the Board is 4 directors, including at least one appointed director.
- (5) A question arising at a meeting of the Board is determined by a majority of the votes of the directors present and voting on the question.
- (6) The person presiding has a deliberative vote and, in the event of an equality of votes on any question, a second or casting vote.
- (7) Subject to this Act, the Board may regulate its own procedure.

15 Committees

- (1) The College may establish committees to assist it in performing any of its functions.
- (2) It does not matter that any or all of the members of a committee are not directors.
- (3) Subject to any determination made by the College, the procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be determined by the committee.

16 Staff

- (1) A chief executive officer of the College must be employed under Part 3 of the **Public Administration Act 2004**.
- (2) Subject to the College's budget, as many other employees as are necessary to enable the College to perform its functions may be employed under Part 3 of the **Public Administration Act 2004**.

S. 16(1)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 106.2).

S. 16(2)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 106.2).

17 Appointment of consultants

- (1) The College may engage persons with suitable qualifications and experience as consultants to the College either in an honorary capacity or for remuneration.
 - (2) The remuneration of consultants shall be determined by the College having regard to its budget.
-

PART 4—MISCELLANEOUS

18 Control on expenditure

Money must only be spent by the College in defraying expenses incurred by it in performing its functions, including paying any remuneration, salaries or allowances payable to appointed directors, staff or consultants.

19 Parliamentary requirement for information

S. 19(1)
substituted by
No. 110/2003
s. 59.

- (1) The College must comply with any information requirement lawfully made of it by—
 - (a) a House of the Parliament; or
 - (b) a Joint Investigatory Committee or the House Committee, within the meaning of the **Parliamentary Committees Act 2003**; or
 - (c) a committee of the Legislative Council or Legislative Assembly on a private Bill.
- (2) In this section *information requirement* means a requirement to give information of a specified kind within a specified period relating to—
 - (a) the performance by the College of its functions; or
 - (b) the exercise by the College of its powers; or
 - (c) the College's expenditure or proposed expenditure.

S. 19(1)(b)
amended by
No. 20/2005
s. 43.

20 Regulations

The Governor in Council may make regulations for or with respect to any matter or thing required or permitted to be prescribed or necessary to be prescribed to give effect to this Act.

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 3 May 2001

Legislative Council: 22 May 2001

The long title for the Bill for this Act was "A Bill to establish the Judicial College of Victoria and define its functions and powers and for other purposes."

The **Judicial College of Victoria Act 2001** was assented to on 29 May 2001 and came into operation on 1 February 2002: section 2(2).

Judicial College of Victoria Act 2001
No. 20 of 2001

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Judicial College of Victoria Act 2001** by Acts and subordinate instruments.

Parliamentary Committees Act 2003, No. 110/2003

Assent Date: 9.12.03
Commencement Date: S. 59 on 10.12.03: s. 2
Current State: This information relates only to the provision/s amending the **Judicial College of Victoria Act 2001**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 106) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Judicial College of Victoria Act 2001**

Parliamentary Administration Act 2005, No. 20/2005

Assent Date: 24.5.05
Commencement Date: S. 43 on 1.7.05: s. 2(4)
Current State: This information relates only to the provision/s amending the **Judicial College of Victoria Act 2001**

Justice Legislation (Further Amendment) Act 2006, No. 79/2006

Assent Date: 10.10.06
Commencement Date: S. 26 on 18.10.06: Special Gazette (No. 273) 17.10.06 p. 1
Current State: This information relates only to the provisions amending the **Judicial College of Victoria Act 2001**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 55) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Judicial College of Victoria Act 2001**

Courts Legislation Amendment (Associate Judges) Act 2008, No. 24/2008

Assent Date: 3.6.08
Commencement Date: S. 80 on 17.12.08: Special Gazette (No. 377) 16.12.08 p. 1
Current State: This information relates only to the provision/s amending the **Judicial College of Victoria Act 2001**

3. Explanatory Details

No entries at date of publication.