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SCHEDULE—The first members of the Leo Cussen Institute are:

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An Act to establish a Body Corporate under the Name of the Leo Cussen Institute for Continuing Legal Education and for other purposes.

Preamble

WHEREAS the University of Melbourne, Monash University, the Victorian Bar Council and the Law Institute of Victoria desire that there be established in Victoria an organization to provide continuing education for legal practitioners in Victoria and to perform certain functions in connexion with legal education:

AND WHEREAS it is desired to honour the name of the late Sir Leo Finn Bernard Cussen a Justice of the Supreme Court of Victoria from 1906 to 1933 and to establish the organization under the name of the "Leo Cussen Institute for Continuing Legal Education":

AND WHEREAS it is expedient to incorporate such an organization:

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title

This Act may be cited as the Leo Cussen Institute Act 1972.
2 Definitions

In this Act, unless the contrary intention appears—

* * * * *

**Australian lawyer** has the same meaning as in the **Legal Profession Act 2004**;

* * * * *

**member** means a member of the Leo Cussen Institute;

**Monash University** means the Council of Monash University as established under the **Monash University Act 2009**;

**University of Melbourne** means the Council of the University of Melbourne as constituted under the **University of Melbourne Act 2009**.
3 Leo Cussen Institute

(1) There shall be established in Victoria a body corporate by the name "Leo Cussen Institute" which shall have perpetual succession and a common seal and shall be capable in law of suing and of being sued and of taking purchasing holding demising selling transferring conveying mortgaging and otherwise acquiring and disposing of real and personal property for the purposes of and subject to this Act and of doing and suffering all acts matters and things which bodies corporate may by law do or suffer.

(2) The common seal of the Leo Cussen Institute shall be kept in such custody as the Leo Cussen Institute directs and shall not be used except as authorized by the Leo Cussen Institute.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Leo Cussen Institute affixed to a document and until the contrary is proved shall presume that it was duly affixed.

4 Objects of the Leo Cussen Institute

(1) The objects of the Leo Cussen Institute are—

(a) to provide continuing education for Australian lawyers in Victoria;

(b) to conduct in Victoria courses of training in the law;

(c) to establish in Victoria schools for training in the law;

(d) to undertake legal studies and conduct legal research;
(e) to communicate to Australian lawyers and other persons information on the law and matters related to the law;

(f) to promote the efficient practice of the law in Victoria;

(g) to publish material relating to, resulting from or connected with carrying out the objects of the Leo Cussen Institute; and

(h) to do anything incidental or conducive to the carrying out of any of the foregoing objects.

(2) The Leo Cussen Institute has power to do all things that are necessary or convenient to be done for or in connexion with the carrying out of its objects and in particular has power—

(a) to erect buildings;

(aa) to take, purchase, lease, hold, mortgage, charge, sell and dispose of and otherwise deal with real and personal property for the purpose of enabling the Leo Cussen Institute to perform its functions and exercise its powers under this Act;

(b) to accept gifts, devises and bequests made to the Leo Cussen Institute whether on trust or otherwise and to act as trustee of moneys or other property vested in the Leo Cussen Institute upon trust;

(c) to charge fees for attending schools for training in the law or courses of training in the law provided by the Leo Cussen Institute;

(d) to reimburse to members reasonable travelling and other expenses incurred in attending meetings of the Leo Cussen Institute or otherwise in connexion with carrying out its business;
(e) to raise or borrow money in such manner and upon such security (if any) as the Leo Cussen Institute determines; and

(f) to invest and deal with moneys of the Leo Cussen Institute not immediately required for any of its objects upon such security or otherwise in such manner as may from time to time be determined by the Leo Cussen Institute and to consolidate, divide or in any way alter any such investments.

(3) The Leo Cussen Institute may with the approval of the Treasurer and subject to such terms, conditions and limits as the Treasurer imposes—

(a) borrow money from any authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth or other lending institution approved by the Treasurer; and

(b) obtain financial accommodation secured or arranged in such manner and for such period as the Treasurer approves for each particular case.

(4) The due repayment of money borrowed by the Leo Cussen Institute under subsection (3) and, if the Treasurer so approves, the payment of any interest, charges and expenses of enforcing and obtaining or endeavouring to enforce and obtain payments of the debt and the interest, charges and expenses are guaranteed by the Government of Victoria.

(5) Any sums required by the Treasurer in fulfilling a guarantee given under subsection (4) shall be paid out of the Consolidated Fund (which is hereby to the necessary extent appropriated accordingly) and any sums received or recovered by the Treasurer from the Leo Cussen Institute or
elsewhere in respect of any sums to be paid by the Treasurer shall be paid into the Consolidated Fund.

5 Appointment of members of the Leo Cussen Institute

The Leo Cussen Institute consists of eight members of whom—

(a) two shall be appointed by the University of Melbourne;
(b) two shall be appointed by Monash University;
(c) two shall be appointed by the Bar Council; and
(d) two shall be appointed by the Law Institute.

6 Term of office of members of the Leo Cussen Institute

(1) A member shall hold office for the period of 5 years after his appointment takes effect unless he resigns or the appointment is terminated but he is eligible for re-appointment.

(2) The office of a member becomes vacant if the member—

(a) resigns his office by writing under his hand delivered to the Chairman or Deputy Chairman;
(b) is removed from office by the body by which he was appointed;
(c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes assignment of his estate for the benefit of his creditors;
(d) becomes of unsound mind; or
(e) is absent from three consecutive meetings of the Leo Cussen Institute without the consent of the Leo Cussen Institute.

(3) Notwithstanding the provisions of this section a member continues to hold office after the expiration of the term for which he was appointed until his successor is appointed unless he resigns or the appointment is terminated.

(4) An act or decision of the Leo Cussen Institute is not invalid by reason only of a vacancy in the office of a member or a defect or irregularity in the appointment of a member.

(5) The first members are the persons named in the Schedule and notwithstanding subsection (1) shall each hold office for a term that expires on the 31st October, 1976 or until he resigns or the appointment is terminated whichever first occurs but he is eligible for re-appointment.

7 Executive Director of the Leo Cussen Institute

(1) The Leo Cussen Institute may by instrument in writing appoint a person to hold the office of Executive Director of the Leo Cussen Institute for such period and upon such terms and conditions and for such remuneration as it determines and specifies in the instrument.

(2) The person appointed under subsection (1) to hold the office of Executive Director is entitled while he holds that office to attend and vote at meetings of the Leo Cussen Institute.

(3) A person appointed under subsection (1) may, if no provisions are contained in the instrument of appointment for his removal from office, be removed from office by resolution of not less than six members.
8 Chairman of the Leo Cussen Institute

(1) There shall be a Chairman and a Deputy Chairman of the Leo Cussen Institute both of whom shall be elected by the members from amongst their number and shall each hold office for such term as the members from time to time determine.

(2) The Chairman or Deputy Chairman shall cease to hold office upon ceasing to be a member.

(3) A person appointed under subsection (1) may resign his office as Chairman or Deputy Chairman by writing under his hand delivered to at least three members.

(4) The Chairman and the Deputy Chairman are eligible for re-election.

9 Meetings of the Leo Cussen Institute

(1) Meetings of the Leo Cussen Institute shall be held at such times and places as the Leo Cussen Institute from time to time determines or as the Chairman or Deputy Chairman may direct.

(2) At a meeting of the Leo Cussen Institute four persons constitute a quorum.

(3) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Leo Cussen Institute and in the absence of both the Chairman and the Deputy Chairman the members present shall elect one of the members to preside.

(4) A question arising at a meeting shall be decided by a majority of votes of the persons voting whether personally or by proxy and in the case of an equality of votes the member presiding at the meeting has a second or casting vote.
(5) A member of the Leo Cussen Institute may by writing under his hand appoint a proxy to attend and vote at meetings of the Leo Cussen Institute held during his absence from Victoria or, with the consent in writing of the Leo Cussen Institute, at such other meetings as the Leo Cussen Institute determines and specifies in the consent.

(6) Subject to this Act, the Leo Cussen Institute shall govern its own procedure.

10 Officers

The Leo Cussen Institute may from time to time appoint for such period and upon such terms and conditions as it thinks fit an Assistant Executive Director and such other officers as it thinks necessary for the carrying out of its objects.

11 Accounts

(1) The Leo Cussen Institute shall cause to be kept proper accounts and records of the transactions and affairs of the Leo Cussen Institute and shall do all things necessary to ensure that all payments out of moneys are correctly made and properly authorized and that adequate control is maintained over the assets of or in the custody of the Leo Cussen Institute and over the incurring of liabilities by the Leo Cussen Institute.

(2) The accounts and records shall be kept at the office of the Leo Cussen Institute or at such other place or places as the Leo Cussen Institute thinks fit and shall be open to inspection by members and the Executive Director at all times and to such other persons as the Leo Cussen Institute shall from time to time determine at such times and places and subject to such conditions as it thinks fit.
(3) The Leo Cussen Institute shall cause the accounts of the Leo Cussen Institute to be audited once in each year by a registered company auditor.

(4) The Leo Cussen Institute shall as soon as practicable after the end of each financial year submit to the Council of Legal Education such audited income and expenditure accounts, balance sheets and reports as properly record the affairs of the Leo Cussen Institute.
SCHEDULE

The first members of the Leo Cussen institute are:
Harold Arthur John Ford and Peter Brett (appointed by the University of Melbourne).
David Ernest Allan and Patrick Gerard Nash (appointed by Monash University).
Harold George Ogden and Albert Edward Woodward (appointed by the Bar Council).
Ralph Freadman and Bernard James Walter (appointed by the Law Institute).
ENDNOTES

1. General Information

The Leo Cussen Institute Act 1972 was assented to on 26 April 1972 and came into operation on 26 April 1972.

The name of this Act was changed from the Leo Cussen Institute for Continuing Legal Education Act 1972 to the Leo Cussen Institute Act 1972 by Act No. 10252 section 24(2)(a).
## 2. Table of Amendments

This Version incorporates amendments made to the **Leo Cussen Institute Act 1972** by Acts and subordinate instruments.

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<thead>
<tr>
<th>Act Title</th>
<th>Assent Date</th>
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<tr>
<td><strong>Legal Practice Act 1996, No. 35/1996</strong></td>
<td>6.11.96</td>
<td>S. 453(Sch. 1 item 49) on 1.1.97: s. 2(3)</td>
<td>This information relates only to the provision/s amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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<td><strong>Legal Practice (Amendment) Act 1999, No. 52/1999</strong></td>
<td>7.12.99</td>
<td>8.12.99: s. 2</td>
<td>This information relates only to the provision/s amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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<td><strong>Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001</strong></td>
<td>8.5.01</td>
<td>S. 3(Sch. item 40) on 1.6.01: s. 2(2)</td>
<td>This information relates only to the provision/s amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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<td><strong>Legal Profession (Consequential Amendments) Act 2005, No. 18/2005</strong></td>
<td>24.5.05</td>
<td>S. 18(Sch. 1 item 59) on 12.12.05: Government Gazette 1.12.05 p. 2781</td>
<td>This information relates only to the provision/s amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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<td><strong>Monash University Act 2009, No. 76/2009</strong></td>
<td>1.12.09</td>
<td>S. 64 on 1.7.10: Government Gazette 24.6.10 p. 1273</td>
<td>This information relates only to the provisions amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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<td><strong>University of Melbourne Act 2009, No. 78/2009</strong></td>
<td>1.12.09</td>
<td>S. 64 on 1.7.10: Government Gazette 24.6.10 p. 1273</td>
<td>This information relates only to the provisions amending the <strong>Leo Cussen Institute Act 1972</strong></td>
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3. **Explanatory Details**

No entries at date of publication.