The JCV College Board

The Honourable Marilyn Warren AC  
*Chief Justice, Supreme Court of Victoria  
Chair of the College*

The Honourable Gregory Garde AO RFD  
*President, Victorian Civil and Administrative Tribunal*

His Honour Chief Judge Michael Rozenes AO  
*County Court of Victoria*

Chief Magistrate Ian L. Gray  
*Magistrates' Court of Victoria*

Two appointees of the Governor-in-Council on the recommendation of the Attorney-General:  

Associate Professor Pamela O’Connor  
Adjunct Professor Susan Long

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The Judicial College of Victoria approaches the end of its first decade. Starting from a very modest base and responding to the legislative expectations of the then parliament, the JCV has grown into an outstanding Victorian institution.

In 2002 the JCV set about ensuring ongoing education for all Victorian judicial officers, mostly using traditional legal lecture methods. The purpose of the JCV was primarily to promote community confidence in the judiciary.

Very quickly, the JCV shifted its approach to include all of the key elements of judicial education: conventional legal teaching, practical training and cultural awareness. This shift allowed the JCV to focus upon ongoing education development for all judicial officers, both new and longstanding, and was consistent with changes that were implemented about the same time for continuing professional development for the entire Victorian legal profession.
By 2011–12 the JCV had become a national and international leader, with its structures and program regarded as a model. In 2012 the JCV Board resolved to refocus its direction again. The JCV will continue to provide legal teaching, practical training and cultural awareness, but with greater academic rigour. This new direction, based on the tertiary model, will lift the standard and intensity of judicial education. It is consistent with approaches now under consideration elsewhere in the world.

However, the golden thread that runs through the decade-long history of the JCV is its judicial foundation. The JCV provides ‘judge-led education’. Indeed, the success of the JCV lies in the level of commitment from the Victorian judiciary. This commitment is enduring.

The success of 2011–12 could not have been achieved without the innovation, devotion and professionalism of the JCV CEO, Ms Lyn Slade, and her staff. The JCV is fortunate to be supported by such a first-class team. On behalf of the JCV Board I express our deep appreciation.

Finally, I encourage all Victorians to visit the JCV website to see our activities.

The Honourable Marilyn Warren AC
Chief Justice of Victoria
Chair of the Board
The heart of the Victorian legal district and court system is at the busy intersection of William and Lonsdale Streets, Melbourne. With courts on three of the four corners, the streetscape is now complete with the addition of the William Cooper Justice Centre (‘WCJC’) on the fourth. The WCJC, which has risen Lazarus-like from the site of the old County Court, houses various units within the Department of Justice that serve to support the work of the courts, as well as adaptable, multi-jurisdictional courtrooms. In November 2011, it also became the new home of the Judicial College of Victoria.

From its bright, seventh-floor vantage point, the College has never been better placed to work with and support Victoria’s 500 judicial officers and to collaborate widely across the justice sector and the community. The office has views of the great dome of the Supreme Court library and the contemporary representation of Justicia on the façade of the County Court, reminding us of the foundations of the Victorian legal system as well as its modern evolution. When the sun starts to disappear behind the Magistrates’ Court in the afternoon, we know that the sometimes frenetic court day draws to a close.

The move to WCJC also affords the College the opportunity to consolidate its physical presence through the addition of its first dedicated training facility for all judicial officers, adjacent to its offices in the WCJC.

Message from the Chief Executive Officer

‘...the College approaches the milestone of its tenth birthday in November 2012, affording an opportunity to consider a rich decade of supporting the Victorian judiciary and of organisational growth and development.’
This development will reflect the vision of the College Board under the leadership of Chief Justice Marilyn Warren, which was explored at a Board Strategic Planning Day in March 2012. While the Board recognised that sustainability and financial viability are always the priority and practical reality of organisational life, it nonetheless considers it important to hold in mind the College’s potential as it makes the transition from a young organisation to an agile and mature educational institution. It sees the College as:

- maintaining and raising awareness of its character as a ‘judge-led’ educational institution, in particular:
  • by informing key stakeholders, the broader legal community and the public about the College’s activities and the impact of these activities;
  • by increasing the visibility of the judicial contribution in the planning, design and delivery of the College’s programs and publications;
- building strong collaborative links and partnerships, particularly with other educational and academic institutions and their teaching faculties, as well as with other key institutions with authoritative and relevant expertise; and
- occupying premises appropriate to its standing as a mature and independent educational institution.

The dedicated training space will represent a concrete step along this path. It will provide a centralised and convenient location for highly specialised judicial education programs, in an environment connected to the courts and conducive to learning. It will allow the College to bring program development work to fruition in an integrated way and in an appropriate setting. It will also entail considerable operational savings and has benefits in terms of security.

The annual ritual of writing this report always allows for reflection on the year that has passed. This occasion is of particular significance, as the College approaches the milestone of its tenth birthday in November 2012, affording an opportunity to consider a rich decade of supporting the Victorian judiciary and of organisational growth and development.

Since its modest beginnings ten years ago, the College has become an indispensable part of the Victorian legal system and the delivery of open and transparent justice. It is also a leader among judicial educational providers nationally and internationally. Through partnerships and collaboration with others, it has been able to foresee and respond to new and emerging issues in the legal system and society generally, and to deepen and broaden its work and its impact. All this is achievable because at its core the College is a cohesive team of innovative and dedicated individuals, working with the Victorian judiciary to meet multifaceted and varied judicial education and professional development needs. The College is now well-placed to embrace the opportunities and challenges of its second decade.

All that the College achieves is possible only through a collective collaborative endeavour. I am grateful for the dedication, enthusiasm and innovation demonstrated on a daily basis by my staff. Led by their Heads of Jurisdiction, Victorian judicial officers’ commitment to judicial education and continuing professional development continues to be of the highest order. It is a privilege to work with them to deliver on the Board’s vision.

Lyn Slade
Chief Executive Officer
About the Judicial College of Victoria

Photo arranged through The Liberty Group, owner of the Victorian County Court Facility.
What is the Judicial College of Victoria?

The College is the continuing education and professional development arm of the Victorian judiciary. Its functions are:

– to assist the professional development of Victorian judicial officers and to provide continuing education and training for judges of the Supreme and County Courts, magistrates, coroners, judicial registrars and VCAT members; and

– to produce relevant publications.

Approximately 500 Victorian judicial officers have access to College professional development programs and its suite of online bench books and practice manuals.

Who benefits?

The Victorian justice system and the wider community benefit from the work of the College, through the development of high-performing and skilled judicial officers able to respond to the challenges of the role and the needs of a socially and culturally diverse Victorian community.

How and when was the College established?

The College is an independent statutory authority established under the *Judicial College of Victoria Act 2001*. The passing of the Act had bipartisan political support. The College commenced operation in November 2002, with the appointment of the current Chief Executive Officer. November 2012 marks the College’s tenth anniversary.

What is the College’s governance structure?

The Board meets four times each year and comprises the Heads of each Victorian jurisdiction and two Governor-in-Council appointees. Current Board members are:

– The Honourable Justice Marilyn Warren AC  
  *Chief Justice, Supreme Court of Victoria, Chair of the College*

– The Honourable Justice Gregory Garde AO RFD  
  *President, Victorian Civil and Administrative Tribunal*

– His Honour Chief Judge Michael Rozenes AO  
  *County Court of Victoria*

– Chief Magistrate Ian L. Gray  
  *Magistrates’ Court of Victoria*

– Associate Professor Pamela O’Connor

– Adjunct Professor Susan Long
College Highlights 2011–12
While always keeping organisational development and the future in mind, most of the College’s work on a day-to-day basis involves regular delivery of judicial education programs and resources that are highly relevant and timely. Each year the College conducts more than 40 programs in fulfilment of its commitment to a Continuing Professional Development Scheme for judicial officers – the only such scheme in Australia. As well, it researches and maintains 15 online publications on JOIN (Judicial Officers Information Network) – a ‘one stop’ repository of electronic legal resources, bench books and manuals.

Sentencing Reforms

A current educational priority for the College is in the area of sentencing law and related reforms occurring in Victoria. Sentencing has long been recognised as one of the most challenging aspects of the judicial role and as such is an overarching component of the College’s agenda, forming the basis of programs developed under the guidance of a judicial steering committee chaired by Chief Justice Warren.

Specifically, in response to the Sentencing Amendment (Community Correction Reform) Act 2011, the College delivered two sessions addressing the scope of the new Community Correction Order, which in early 2012 changed the Victorian sentencing regime significantly by replacing the Combined Custody Treatment Order, the Intensive Correction Order, the Intensive Correction Management Order and the Community Based Order. These introductory sessions provided a timely opportunity for judicial officers to become familiar with the changes that would soon have an impact on their work.

Further sessions on the Community Correction Order were held at a Sentencing workshop in April, where judges and magistrates considered the practical implications of the new orders and reflected on the first few months of operation. As well as the reforms, the program addressed other challenges in the sentencing process, with sessions on sentencing in the Children’s Court; online resources to assist with the sentencing process; sentence indications; and sentencing for Commonwealth and State offences.

In June, a further Sentencing workshop featured sessions on sentence appeals; pre-sentence detention; sentencing practices in respect of violent offences; and procedural justice. This highly interactive workshop provided judges and magistrates with a rare opportunity to discuss and compare approaches to difficult and complex sentencing matters.

The past year has seen considerable legislative activity in this area, and next year promises further changes with the proposed introduction of baseline sentences and statutory minimum sentences for gross violence offences. The College will continue its important work in assisting judicial officers to manage the burden of sentencing, by conducting practical workshops on sentencing issues and by publishing regular updates to the Victorian Sentencing Manual.
Jury Directions Simplification Project
In May 2009, the Victorian Law Reform Commission’s *Report on Jury Directions* recommended legislative intervention to simplify the directions that judges are required to give to juries. Because of the complexities, it was felt that trial judges were increasingly likely to fall into error, resulting in unnecessary appeals, retrials and delays in the courts and causing unnecessary stress and trauma for victims of crime, particularly in cases involving sexual offences.

In late 2011, the Board approved the College’s involvement in a collaborative project on the Jury Directions Simplification Project. The College was approached because of the skill and expertise of its senior research officers, who, over the past five years, have produced the Criminal Charge Book. The Charge Book is an ongoing work in progress that requires constant updating as the law across a range of areas evolves.

Between March and June 2012, led by the Honourable Justice Mark Weinberg of the Victorian Court of Appeal, College senior research officers worked intensively with officers from the Department of Justice on this project. The project examined in detail four areas that had been identified as causing great complexity in jury directions: complicity; tendency and coincidence evidence; circumstantial evidence; and unreliable evidence warnings. Following consultations with current and retired judges, defence counsel, the Office of Public Prosecutions, the Law Institute of Victoria and Victoria Legal Aid, the project produced draft simplified directions to be considered by the College Criminal Charge Book judicial editorial committee. It also produced recommendations for legislative amendments to promote simpler directions.

Iftar Dinner
Victoria is home to a third of Australia’s Muslim population, comprising over 70 different ethnicities and over 130 linguistic groups alone.

In September 2011, at the invitation of members of the Islamic community, the Judicial College of Victoria collaborated with the Australian Intercultural Society (AIS) to participate in an Iftar, conducted at the Magistrates’ Court of Victoria and hosted by the Chief Magistrate, Mr Ian Gray. Judicial officers from across the Victorian jurisdictions attended.

An *Iftar* is an evening meal just after *maghrib* (sunset) during the Islamic month of Ramadan, when Muslims gather as a community to break their fast together.

As an exercise in engagement, participation in the Iftar provided a unique educational opportunity for Victorian judicial officers to learn about the Islamic faith and the beliefs that underpin it: specifically, the importance and significance of Ramadan, a time of reflection and devotion, and of fasting in Islamic societies. In an evening of relaxed intercultural and interfaith dialogue, it also provided a forum for Muslim community members to increase their understanding of the Victorian justice system, through direct contact with judges, magistrates and VCAT members.

Ms Tasneem Chopra, the community member who addressed the Iftar dinner, spoke about the need for mutual recognition:

‘We need one another to validate ourselves. That is to say, we need the law to keep us in check, as much as the law needs us to realise its relevance.’
We are in the midst of a technological and social media revolution, raising significant potential for new forms of human communication and behaviour, and bringing with it huge challenges.

Judicial education is essential to ensure that the judiciary comes to terms with these challenges and the implications of the digital age generally, as they affect the judicial role, the Victorian legal landscape and the wider world.

In the past year, the College has taken a number of steps to support the judiciary in the face of such unrelenting change. In particular:

- The College has convened a ‘Courts Social Media Group’: a forum allowing the courts and associated public sector organisations to consider technology and social media from a systemic perspective, including the exploration of social media strategies, the sharing of resources, and learning from experts in the field. The objective is to contribute to open and transparent justice and confidence in the courts and in individual judicial officers as they engage with the issue.

- The College has delivered a number of programs specifically aimed at skills development and at equipping judicial officers to respond to the challenges and opportunities presented by the digital age and technology generally.

The tremendously successful workshop on *iPads and Apps for Judicial Officers*, held in March 2012, was designed to increase participants’ awareness of how an iPad and its applications can assist them in their work as judicial officers. Participants were provided with an interactive demonstration of the most useful apps available and offered tips on how to make the best use of their iPad in court and in chambers. Due to the level of interest generated by this program, with approximately 80 participants, the College is devising more programs related to emerging technologies.

At the *Understanding Digital Evidence* workshop held in June, new and emerging crimes were explored, along with the implications for criminal investigations, the gathering of digital evidence, and its presentation in court. Topics included understanding the emerging issues in digital forensics; disclosure and admissibility of digital evidence; emerging offences in relation to social media; key defences; and the future of technology-enabled crime.
Judicial Education in a Globalised World

Fifth International Conference on Training of the Judiciary

The work of the JCV does not occur in isolation. Like many contemporary phenomena, judicial education is a global movement, and the JCV a significant participant in wider national and international networks of organisations committed to this work.

This was demonstrated in late 2011 when, under the auspices of the International Organization for Judicial Training (IOJT), 250 judges and judicial educators from 74 countries gathered in Bordeaux, France, for the Fifth International Conference on Training of the Judiciary. Regions and countries represented included Europe, the USA and Canada, Australia and New Zealand, South America, Africa and Israel.

The IOJT is a volunteer, non-profit organisation established in 2002 to promote the rule of law by supporting the work of judicial education institutions around the world. It comprises 105 member organisations from 64 countries.

The conference, titled ‘Judicial Training in a Globalised World: Restoring Trust and Stability’, was held at the French National School for the Judiciary (École Nationale de la Magistrature). It explored such themes and ideas as the relationship between judicial training, legitimacy and effectiveness; communication; ethics; and multiculturalism.

Chief Justice Warren was to attend the conference and to present a paper on ‘globalisation, contemporary judicial education and public confidence’. However, due to other commitments the Chief Justice was unable to participate, so on behalf of the JCV, Ms Samantha Burchell, Director Education, spoke on this topic at a session on ‘multicultural societies and judicial training’.

The paper argued that the potential value of judicial education goes beyond learning for individual judicial officers. Where judicial education is truly collaborative and is a form of engagement with the community, it can be mutually educative and build confidence in the courts. The paper illustrated the argument with images and descriptions of innovative programs.
conducted by the JCV; namely:

- Back to Country;
- Sudanese Cultural Awareness;
- the Iftar dinner.

Like previous IOJT conferences (which are held biennially), this occasion presented a remarkable opportunity:

- to meet and share knowledge and experiences with judicial educators from around the world;
- to establish and further develop contacts with representatives from other judicial education bodies, particularly in Australia and New Zealand, as well as Canada, the USA and the United Kingdom, including the Judicial Studies Board in England and the Judicial Studies Committee in Scotland;
- to inform future JCV program development work in line with worldwide trends; and
- to affirm that the JCV is a leader and innovator, not just in Victoria, but also nationally and internationally, in the delivery of judicial education.

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**National Judicial College – Reno, Nevada**

To assist the Board with its strategic priorities of building the College’s academic status and increasing awareness of its role as a judge-led institution, Ms Burchell also attended the National Judicial College (NJC) in Reno, Nevada to investigate an innovative project that involves close collaboration between a judicial college and a university postgraduate suite of courses.

Ms Burchell provided a report that the Board is considering in formulating its strategy for the future.

In brief, the NJC, which is located on the campus of the University of Nevada, Reno, has been offering judicial education programs to judges from across the United States and from around the world since 1963. It offers an average of 95 courses/programs annually with more than 3,000 judges attending from all 50 states, several US territories and more than 150 countries. It occupies an enviable purpose-built judicial education facility incorporating, among other things, a state-of-the-art courtroom, lecture theatres, a library, small break-out rooms, dining hall and computer lab.
As well as providing professional development programs, for 25 years the NJC has collaborated with the University of Nevada, together with the National Council of Juvenile and Family Court Judges, to offer academic qualifications in Judicial Studies for judge-participants, specifically a Master of Judicial Studies and a Doctor of Philosophy in Judicial Studies (‘the academic program’).

The visit was timely as the JCV embarks upon its next phase of organisational development.

The NJC is a bigger, more mature, national organisation, working for and with a potential pool of 20,000 judicial officers for almost 50 years.

It can also be distinguished from the JCV by its dedicated facility in a learning environment removed from judges’ day-to-day work space, and its academic program, a formal process of professional study for judges.

But the two organisations have much in common. In particular, the NJC and the JCV share the same core task: the delivery of professional development programs for state-based judicial officers. There are striking similarities in the design and delivery of programs that help to equip judicial officers with the skills and technical knowledge required to perform their roles.
Each year, the JCV delivers a structured Continuing Professional Development scheme. Recently, more than 1,000 attendances by judicial officers have been recorded over approximately 40 programs annually.

<table>
<thead>
<tr>
<th>Topic</th>
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<tr>
<td>Jury Charges: From Draft to Delivery</td>
<td>29 July</td>
<td>Substantive Law and Practice</td>
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<td>Court Craft 1: 360-degree Feedback</td>
<td>8 August</td>
<td>Judicial Practice</td>
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<td>JCV Iftar Dinner</td>
<td>10 August</td>
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<td>Recent Developments in Causation</td>
<td>16 August</td>
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<td>Overview of the skills of current law graduates with Professor Carolyn Evans</td>
<td>18 August</td>
<td>Social Context</td>
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<td>Judgment Writing</td>
<td>24-26 August</td>
<td>Skills Development</td>
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<td>Recent Developments in Defamation</td>
<td>30 August</td>
<td>Substantive Law and Practice</td>
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<td>Developments in England and Wales with Lord Chief Justice Igor Judge</td>
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<td>Coroner's series: ‘Unascertainable’ Causes of Death: Inquests after an acquittal</td>
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<td>Visit to Worawa Aboriginal College</td>
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<td>Aboriginal Intergenerational Grief</td>
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<td>Personal Safety Intervention Orders</td>
<td>14 October</td>
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<td>Self-Represented Litigants: Managing the Challenges</td>
<td>21 October</td>
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<td>Court Craft 2: Communication in the Courtroom</td>
<td>4 November</td>
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<td>Walkin' Birrarung</td>
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<td>Coroner’s Series: The Decision not to hold an Inquest</td>
<td>9 November</td>
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<td>Sentencing: The New Community Correction Order</td>
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<td>15 December</td>
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<td>Judicial Orientation</td>
<td>15–17 February</td>
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<td>Visit to Victorian Institute of Forensic Medicine</td>
<td>24 February</td>
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### Program Participation as at 30 June 2012

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### Topics and Dates

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<td>The Art of Sustained Attention: Mindfulness Practices for Judicial Officers</td>
<td>28 February</td>
<td>Judicial Practice</td>
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<td>Indigenous Cultural Safety</td>
<td>6 March</td>
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<td>Coroners’ Series: Head Injuries in Reportable Deaths</td>
<td>7 March</td>
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<td>Decision Making</td>
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<td>Conveying a Clear Message: Communication Skills for an Accessible Court</td>
<td>16 March</td>
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<td>Personal Property Securities Act 2009</td>
<td>20 March</td>
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<td>iPads and Apps for Judicial Officers</td>
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<td>Judicial Mentoring</td>
<td>16 April</td>
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<td>Statutory Interpretation</td>
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<td>Sentencing I: Recent Reforms</td>
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<td>Oral Decisions</td>
<td>3–4 May</td>
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<td>Justice and the Judiciary through the Eyes of Charles Dickens</td>
<td>7 May</td>
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<td>Metropolitan Prison Visit</td>
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<td>Current Issues in Sexual Offences</td>
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<td>Writing Coronial Findings</td>
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<td>Understanding Digital Evidence and Cybercrime</td>
<td>1 June</td>
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<td>Sentencing II: Emerging Issues</td>
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<td>Addictions: Alcoholism, Substance Abuse, Gambling and Internet Pornography</td>
<td>15 June</td>
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<td>Evidence: Disputed Issues</td>
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<td>Koori Victims of Crime</td>
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<td>Coroners’ Intensive 2012</td>
<td>28–29 June</td>
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## Steering and Specific Purpose Committees

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<td><strong>Addictions: Alcoholism, Substance Abuse, Gambling and Internet Pornography</strong></td>
<td>Judge Mark Taft&lt;br&gt;Magistrate Pauline Spencer&lt;br&gt;Magistrate Margaret Harding&lt;br&gt;Senior Member Genevieve Nihill&lt;br&gt;Ms Carly Schrever (JCV)</td>
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<td><strong>Coroners' Education Committee</strong></td>
<td>Judge Jennifer Coate&lt;br&gt;Magistrate Clive Alsop RCM&lt;br&gt;Magistrate Audrey Jamieson&lt;br&gt;Ms Gayle Chirgwin, Principal Registrar&lt;br&gt;Ms Fiona Brice (JCV)&lt;br&gt;Ms Cassie Carter (JCV)</td>
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<td><strong>Current Issues in Sexual Offences</strong></td>
<td>Justice Marcia Neave AO&lt;br&gt;Judge Susan Pullen&lt;br&gt;Judge Gerard Mullaly&lt;br&gt;Magistrate Felicity Broughton DCM&lt;br&gt;Ms Carly Schrever (JCV)</td>
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<td><strong>Decision Making</strong></td>
<td>Justice David Habersberger&lt;br&gt;Judge Felicity Hampel&lt;br&gt;Magistrate Ann Collins&lt;br&gt;Senior Member Genevieve Nihill&lt;br&gt;Professor Tania Sourdin (Monash University)&lt;br&gt;Ms Carly Schrever (JCV)</td>
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<td><strong>Evidence: Disputed Issues</strong></td>
<td>Justice Mark Weinberg&lt;br&gt;Judge Felicity Hampel&lt;br&gt;Magistrate Peter Lauritsen DCM&lt;br&gt;Magistrate Duncan Reynolds&lt;br&gt;The Hon. Tim Smith QC&lt;br&gt;Ms Fiona Brice (JCV)</td>
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<td>Topic</td>
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| Indigenous Cultural Awareness              | Justice Stephen Kaye (Chair)  
Judge Sandra Davis  
Judge Paul Grant  
Judge David Parsons  
Magistrate Jelena Popovic DCM  
Magistrate Ann Collins  
Member Robert Scott  
Justice Peter Gray (Federal Court of Australia)  
Justice Victoria Bennett (Family Court of Australia)  
Magistrate Kate Hughes (Federal Magistrates’ Court)  
The Hon. John Coldrey QC  
The Hon. Geoff Eames AO QC  
Ms Munya Andrews  
Mr Mason Atkinson  
Mr Hans Bokeland  
Ms Annie Braybrook  
Ms Wanda Braybrook  
Ms Abbie Burchill  
Ms Rose Falla  
Mr Andrew Jackomos  
Mr Rudolph Kirby  
Ms Millicent Lang  
Mr Brendan Loizou  
Mr Ted Lovett  
Mr Bevan Mailman  
Ms Aislinn Martin  
Mr Wayne Muir  
Ms Jacki Turfrey  
Ms Amy Peek (JCV)  
Ms Carly Schrever (JCV) |
| Judgment Writing                           | Professor James Raymond  
Justice Kim Hargrave  
Justice Linda Dessau (Family Court of Australia)  
His Honour Tom Wodak  
Ms Amy Peek (JCV) |
| Judicial Mentoring                         | Chief Judge Michael Rozenes AO  
Magistrate Jennifer Bowles  
Magistrate Audrey Jamieson  
Deputy President Heather Lambrick |
| Judicial Orientation                       | Chief Judge Michael Rozenes AO  
Chief Magistrate Ian Gray  
Ms Amy Peek (JCV) |
| Jury Charges: From Draft to Delivery       | Justice Elizabeth Curtain  
Justice Paul Coghlan  
Judge Felicity Hampel  
Justice Robert Chambers (NZ Court of Appeal)  
Ms Carly Schrever (JCV) |
<table>
<thead>
<tr>
<th>Topic</th>
<th>Committee Members</th>
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| Justice and the Judiciary through the Eyes of Charles Dickens | Professor Edward Berry  
Judge Irene Lawson  
Member Elisabeth Wentworth  
The Hon. Philip Cummins QC  
Ms Amy Peek (JCV) |
| Oral Decisions                                    | Professor Edward Berry  
Justice Lex Lasry  
Judge Frank Gucciardo  
Magistrate Kate Hawkins  
Deputy President Bernadette Steele  
Ms Amy Peek (JCV) |
| Personal Safety Intervention Orders               | Magistrate Gerard Lethbridge  
Ms Mereana White (JCV)  
Ms Amy Peek (JCV) |
| Self-Represented Litigants: Managing the Challenges | Justice Katherine Williams  
Judge Rachelle Lewitan AM  
Magistrate Caitlin English  
Deputy President Bernadette Steele  
Ms Carly Schrever (JCV) |
| Sentencing                                        | Chief Justice Marilyn Warren AC  
Judge Carolyn Douglas  
Judge Frank Gucciardo  
Magistrate Jennifer Bowles  
Magistrate David Fanning  
Magistrate Gerard Lethbridge  
Mr Stephen Farrow (Sentencing Advisory Council)  
Ms Fiona Brice (JCV) |
| Understanding Digital Evidence and Cybercrime     | Judge Irene Lawson  
Magistrate Kate Hawkins  
Magistrate Mandy Chambers  
The Hon. Bernard Teague AO  
Dr Jonathan Clough (Monash University)  
Ms Fiona Brice (JCV) |
Online Resources

Supplementing the College’s programs are its online publications and its resource centre, JOIN. The publications and JOIN are both constantly updated to ensure that judicial officers always have at their fingertips the technical, legal and other information they require to fulfil their roles. As one magistrate explained: ‘These are our essential tools of trade; these are like a doctor’s scalpel.’

Online Publications
This year the College maintained its position as a key publisher of practical legal resources for the judiciary and the legal profession. It made one significant addition to its portfolio, publishing the *Personal Safety Intervention Orders Bench Book* in September 2011. The College focused significant activity on its two flagship publications:

*Criminal Charge Book*
- Added new chapters on topics such as voluntariness, intoxication, arson, and historical sexual offences
- Revised existing chapters to reflect significant recent High Court decisions on sexual offences (*Getachew v The Queen*) and drug trafficking (*Momcilovic v The Queen*)

*Victorian Sentencing Manual*
- Added information on the new Community Correction Order
- Revised commentary on non-parole periods, child offenders and mental impairment
- Expanded the recent case collection, monthly review of cases and sentence overviews
- Introduced a new feature to help users learn about ‘current issues in sentencing’

The College also published revisions to the *Family Violence Bench Book*, the *Victorian Criminal Proceedings Manual*, the *Uniform Evidence Manual*, the *Civil Procedure Bench Book* and the *Coroners’ Bench Book* to reflect the latest legislation and case law.

These updates ensure that College publications continue to be leading resources on their respective topics, and help the judiciary and the legal profession to stay up-to-date with the latest changes in the law.

*Evidence of the indispensability of JOIN is the continued growth in usage, set out in the graph below:*

![JOIN Usage Graph](image-url)
Publishing for the Profession and the Victorian Community

On its website the College publishes ten of its online publications free of charge for the benefit of the legal profession and the public:

- Civil Procedure Bench Book (CPBB)
- Family Violence Bench Book (FVBB)
- Introduction to the Uniform Evidence Act in Victoria: Significant Changes (Intro to UEA)
- Personal Safety Intervention Orders Bench Book
- Search Warrants Manual (SWM)
- Sexual Assault Manual: Investigation, Prosecution and Sentencing in Victoria (SAM)
- Uniform Evidence Manual (UEM)
- Victorian Criminal Charge Book (Charge Book)
- Victorian Criminal Proceedings Manual (VCPM)
- Victorian Sentencing Manual (VSM)

In 2011–12, the Legal Services Board contributed to the publication and maintenance of these resources by means of a one-off grant.

**July updates**

- Charge Book – new charges: Handling stolen goods
- VSM – recent cases alerts and new material: Theft and deception
- VCPM – revisions: Confidential communications and judicial bias
- VSM – recent cases collection updated

**August updates**

- Charge Book – revisions: Sexual offence directions, tendency and coincidence
- VSM – recent cases collection updated

**September updates**

- Personal Safety Intervention Orders Bench Book – new publication
- Charge Book – new and revised material: Trafficking, voluntariness, intoxication
- VSM – recent cases collection updated

**October updates**

- Charge Book – new and revised material: Sexual offences and automatism, criminal damage and arson
- VSM – revisions: Non-parole periods
- FVBB – revisions
- VCPM – recent case updates
- VSM – recent cases collection updated

**November updates**

- VSM – recent cases alerts: Current issues in sentencing
- Charge Book – revisions: Mental impairment
- VSM – recent cases collection updated

**December updates**

- VSM – new material: Community Correction Order
- VSM – recent cases collection updated
- Charge Book – new material: Historical sexual offences
- VSM – recent cases collection updated

**January updates**

- VSM – New and revised material: Community Correction Order quizzes, pre-sentence reports and residential treatment orders
- VSM – recent cases collection updated

**February updates**

- VSM – Revised material: Child offenders, mental impairment, Community Correction Order quiz, recent case collection updates
- SAM – Revised material: Conduct of victim and breach of extended supervision order

**March updates**

- Charge Book – new material: Historical sexual offences
- VSM – recent cases collection updated

**April updates**

- UEM – revised material: Opinion evidence, tendency and coincidence
- Charge Book – revised material: Sexual offences

**May updates**

- CPM – new material: Double jeopardy reforms
- CPBB – updates
- Charge Book – revised material: Sexual offences

**June updates**

- VSM – new material: Guilty plea discounts and suspended sentences
Promoting online publications

All updates are flagged on the College website, and subscribers are notified by e-mails and RSS alerts. Key stakeholder groups also receive targeted alerts, including:

- Solicitors for inclusion in the Law Institute of Victoria’s ‘Friday Facts’
- Barristers for inclusion in the Victorian Bar’s ‘In Brief’
- Office of Public Prosecutions and Victoria Legal Aid by e-mails forwarded for internal circulation.

The College ensures that its free online publications are actively promoted in the wider justice system and the community, and College staff have delivered presentations or provided information to the following:

- Victoria Police, Research and Training Unit on 19 July
- Monash University on 25 July
- Victoria Police, Police Prosecutors Conference on 29 July
- Law Institute of Victoria Criminal Law Section Conference on 29 July
- Victoria Police, Centre for Investigator Training on 9 August
- PILCH Careers Fair on 16 August
- Victorian Bar, Criminal Bar Association on 30 August
- Victoria University staff and students on 31 August
- Law Institute of Victoria, Criminal Law Section on 1 September
- Victoria Police, Police Prosecutors Sexual Assault course on 2 December
- Victoria Police, Detective Senior Sergeants course on 6 December
- Law Institute of Victoria Library on 13 March
- Victoria Police, Detective Sergeants course on 20 March
- Law Institute of Victoria Library on 20 April

‘These are our essential tools of trade; these are like a doctor’s scalpel.’
<table>
<thead>
<tr>
<th>Title</th>
<th>Status</th>
<th>Editorial Committee</th>
</tr>
</thead>
</table>
| Justice and the Judiciary | Published progressively since 2010 | Judge Maree Kennedy  
Magistrate Peter Lauritsen DCM  
Ms Jane Mevel (JCV) |
| Coroners’ Bench Book | Published progressively since 2009 | Judge Jennifer Coate  
Magistrate Clive Alsop RCM  
Magistrate Audrey Jamieson  
Ms Gayle Chirgwin, Principal Registrar  
Mr Matt Weatherson (JCV) |
| Family Violence Bench Book | Published progressively since 2009 | Judge Paul Grant  
Magistrate Cathy Lamble DCM  
Magistrate Kate Hawkins  
Magistrate Pauline Spencer  
Magistrate Jane Gibson  
Mr Matt Weatherson (JCV)  
Ms Jane Mevel (JCV) |
| Magistrates’ Court Bench Book | Published progressively since 2004 | Magistrate Peter Lauritsen DCM  
Magistrate Caitlin English  
Magistrate Duncan Reynolds  
Magistrate Marc Sargent  
Magistrate Annabel Hawkins  
Mr Chris Michell (JCV) |
| Personal Safety Intervention Orders Bench Book | 2011 publication | Magistrate Gerard Lethbridge  
Ms Jane Mevel (JCV)  
Ms Mereana White (JCV) |
| Search Warrants Manual | Published progressively since 2004 | Magistrate Jennifer Bowles |
| Sexual Assault Manual | 2007 publication, fully revised in 2010 | Judge Meryl Sexton  
Judge Susan Pullen  
Magistrate Felicity Broughton DCM  
Mr Matt Weatherson (JCV) |
<table>
<thead>
<tr>
<th>Title</th>
<th>Status</th>
<th>Editorial Committee</th>
</tr>
</thead>
</table>
| Uniform Evidence Manual                   | Published progressively since 2009          | The Hon. Tim Smith QC  
Mr Stephen Odgers SC  
Mr Chris Michell (JCV)  
Ms Jane Mevel (JCV)                                                          |
| Victorian Criminal Charge Book            | Published progressively since 2005          | Justice Robert Redlich  
Justice Mark Weinberg  
Justice Elizabeth Curtain  
Justice Paul Coghlán  
Justice Lex Lasry  
Judge Margaret Rizkalla  
Judge Carolyn Douglas  
Judge Susan Pullen  
Judge Jeanette Morrish  
Judge Gerard Mullaly  
Judge Paul Lacava  
Mr Chris Michell (JCV)  
Mr Jamie Walvisch (JCV)  
Mr Matt Weatherson (JCV) |
| Victorian Criminal Proceedings Manual     | Published progressively since 2009          | Justice Betty King  
Judge Mark Taft  
Magistrate Charlie Rozencwajg  
Magistrate Rosemary Carlin  
Mr Matt Weatherson (JCV) |
| Victorian Sentencing Manual               | Published progressively since 2004          | Justice Betty King  
Judge Carolyn Douglas  
Judge Jane Patrick  
Magistrate Jo Metcalf  
Professor Arie Freiberg AM  
Mr Patrick Tehan QC  
Mr Bruce Gardner PSM (OPP)  
Mr Chris Michell (JCV)  
Ms Jane Mevel (JCV) |
‘All that the College achieves is possible only through a collective collaborative endeavour.’

Lyn Slade
*Chief Executive Officer*
Chief Executive Officer
Lyn Slade BA, LLB, MBus (Org Dynamics)

Director Project Development
Maria Lusby PSM, BA, LLB

PA to CEO and Program Support
Kylie Pearse

CONTINUING PROFESSIONAL DEVELOPMENT

Director Education
Samantha Burchell BA, LLB, M App Sci (Org Dynamics)

Program Managers
Carly Schrever BSc, LLB, Grad Dip Psych

Project Officer
Sally Hyatt BA, LLB (Hons) (currently on parental leave)

Events Officer
Amy Peek BA (Hons), MA, JD, GDLP

RESEARCH AND PUBLICATIONS

Director, Research and Publications
Chris Michell BA (Hons), LLB (Currently on secondment)

Acting Director, Research and Publications
Matthew Weatherson BSc (Hons), LLB (Hons)

Senior Research Officers
Jamie Walvisch BA (Hons), LLB (Hons)

JOIN Coordinator
Jane Mevel BA, LLB (Hons), GDLP

Damian Siracusa BA, LLB, GDLP

ADMINISTRATION

Operations Manager
Julie Venturini Dip Business Administration (Accounting), Dip Business (Leadership)

Administrative Assistant
Stephanie Siriwardene BA

LEGAL INTERNS IN 2011–12

Victoria Law Foundation
Amy Hulett, Michael Mirtsis and Jeremy Shelley

Monash University
Andrew Kemp

The University of Melbourne
Bridie Kelly and Ryan Kornhauser

Leo Cussen Institute
Patrick Noyelle
Organisational Governance and Statutory Compliance
As a Public Entity, accountable and effective governance is required under the Financial Management Act 1994, the Public Administration Act 2004, the Audit Act 1994, and other applicable laws, regulations and standing directions from the Minister of Finance.

This financial year the College has undertaken two internal audits by Pitcher Partners:
1. Legislative Compliance Review, in which the College developed a Governance and Monitoring Manual to ensure ongoing compliance;
2. Budgeting and Forecasting to ensure efficiency in monitoring the College’s budget.

Human Resource Management
The College promotes the personal and professional development of its staff to achieve sustained improvements and create satisfying career paths. The College actively promotes safe work practices, career development, balanced lifestyles and a friendly non-discriminatory working environment.

Staff Development and Training
During 2011–12, the College offered a wide range of opportunities to equip staff with the knowledge and skills required for their jobs. Staff members were encouraged to extend their professional skills through participation in:
- internal and external professional development courses in business, finance, personal development and information technology,
- conferences dealing with judicial education and training, and
- executive and management training programs.

Financial Management
The College abides by a Financial Code of Practice that covers procurement, the use of assets and resources, potential conflicts of interest, secondary employment and financial gifts and gratuities. Regular financial reporting is scrutinised through internal audits by the Department of Justice Courts and Tribunals Unit.

Merit and Equity
Department of Justice merit and equity principles are applied in the appointment and management of staff and the College’s guiding principles are consistent with the public sector values and employment principles articulated in the Public Administration Act 2004.

Disclosures
As a statutory authority, the College is required to comply with a number of Victorian Acts and regulations.
Privacy
The College manages personal information in accordance with the *Information Privacy Act 2000*. There were no privacy-related complaints for the year ending 30 June 2012.

Freedom of Information
The *Freedom of Information Act 1982* allows the public the right to obtain access to documents held by the College. In the 12 months ending 30 June 2012, the College did not receive any applications.

Whistleblowers
The *Whistleblowers Protection Act 2001* encourages and facilitates disclosures of improper conduct by public officers and public bodies. For the 12 months ending 30 June 2012, the College did not receive any disclosures.

Compliance with the Building Act 1993
In accordance with the directions of the Minister for Finance, the annual report must include a statement about compliance with the building and maintenance provisions of the *Building Act 1993* for publicly owned buildings controlled by the College. However, the College does not own or control any government buildings.

Victorian Industry Participation Policy
In October 2003, the Victorian Parliament passed the *Victorian Industry Participation Policy Act*, which requires public bodies and departments to report on the implementation of the Victorian Industry Participation Policy. Departments and public bodies are required to apply the policy in all tenders over $3 million in metropolitan Melbourne and $1 million in regional Victoria. This did not apply to the College.

Occupational Health and Safety
During 2011–12, there were no human or financial costs of occupational injury or illness. Many staff took advantage of the subsidised influenza immunisation program organised by the Department of Justice. Staff participated in fire-drill evacuation exercises, and have access to ergonomic equipment and assessments by qualified professionals.

Outsourced Consultancies and Major Contracts
There were no outsourced consultancies or contracts in excess of $100,000 for the year ending 30 June 2012.

Industrial Relations
The College enjoys a cooperative relationship with employee representative organisations. No time was lost during the year through industrial disputes or accidents.

Diversity
The College is required to report on its responsiveness to the following Victorian community areas:
- culturally and linguistically diverse (CALD) communities,
- Indigenous communities,
- women, and
- youth.

The College strives for an inclusive approach, balanced with the need to uphold principles of judicial independence and deliver programs and resources to meet the judicial education needs of judicial officers.

The College holds a three-day Judicial Orientation program, one full day of which is devoted to Koori cultural awareness training at the Koori Heritage Trust. In addition, in 2011–12 the College conducted four further programs on Aboriginal cultural awareness.

The ‘Iftar Dinner’, held in August 2011, was an educational opportunity and an exercise in engagement with Victoria’s Muslim community. It aimed to inform judicial officers about the Islamic faith, and specifically the importance and significance of Ramadan, while also increasing community understanding about the justice system.

The College also conducted a program on the key changes introduced by the *Personal Safety Intervention Orders Act 2010*. The area of personal safety is of particular pertinence to women and child victims. The program specifically considered:
- the behavioural characteristics and risk factors associated with predatory stalking;
- child victims of bullying and harassment.
Overseas Study Tour
In November 2011, the Director Education undertook an overseas study tour, which included:

- Presentation of a paper on ‘globalisation, contemporary judicial education and public confidence’ at the International Organisation for Judicial Training (IOJT) Conference in Bordeaux, France; and
- Attendance at the National Judicial College and the University of Nevada in Reno, Nevada, USA, to investigate projects that require close collaboration between a judicial college and a university postgraduate suite of courses.

Audit and Finance Committee
The College and the Sentencing Advisory Council, due to their small size and to maximise the use of limited resources, have a joint Audit and Finance Committee to oversee both organisations’ financial operations.

In 2011–12 the Audit and Finance Committee comprised:

- Mr David Greenall (Chairperson),
- Ms Karol Hill (Independent member from July 2011),
- Mr David Jorgensen (Independent member from September 2011),
- Ms Julie Venturini (College representative),
- Ms Prue Boughey (Sentencing Advisory Council representative to December 2011), and
- Ms Sally Hay (Sentencing Advisory Council representative from January 2012).

Mr Anthony Phillips is the College’s Chief Financial Accounting Officer and attends Committee meetings by standing invitation, providing finance support as required. The Chief Executive Officers of the College and the Sentencing Advisory Council also attend meetings as required. Representatives of the Auditor-General’s Office and internal auditors, Pitcher Partners, also attend meetings by standing invitation. The Audit and Finance Committee met five times in 2011–12.

The Audit and Finance Committee has responsibility for the oversight of:

- financial performance and reporting processes, including the annual financial statements;
- scope of work, performance and independence of internal audit;
- scope of work, independence and performance of the external auditor;
- the risk management framework;
- matters of financial accountability and internal control affecting the operations of the College;
- processes for monitoring compliance with laws and regulations; and
- selection, appointment and removal of the College’s Chief Financial Accounting Officer.

In fulfilling these responsibilities the Committee has:

- reviewed the financial statements for the annual report and recommended them to the responsible bodies (or delegates) for approval;
- monitored the follow-up by management of the recommendation reports received from the Internal Auditors, Pitcher Partners, in relation to:
  - Records and Publications Management (2010–11 audit),
  - Legislative Compliance Management (2011–12 audit);
- formally reviewed the Audit and Finance Committee (AFC) Charter, after the AFC members for the Sentencing Advisory Council and the Judicial College of Victoria had rewritten the Charter;
- reviewed the Chief Financial Accounting Officer requirements and noted his self-assessment report;
- completed a Committee self-assessment and submitted a summary of the results to the entities;
- reviewed the Risk Register and confirmed that the risks were being appropriately addressed by management; and
- reviewed regularly the Chief Financial Accounting Officer’s financial reports on the entities’ finances.
### Five year financial summary

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### Notes - movements between 2010-11 and 2011-12

(a) Income received increased by $340,155 with funding from the Department of Justice for two additional projects and a grant from the Legal Services Board.

(b) Expenses reduced by $20,942 mainly attributable to a reduction in staffing levels for part of the year.

(c) Other economic flows reflects gains and losses arising from revaluation of long service leave liability due to movements in bond rates.

(d) Total assets increased by $218,224 due to an increase in the amount receivable from the Department of Justice.

(e) Total liabilities increased by $17,591 mainly attributable to an increase in employee provisions.

### Risk Management

I, Lyn Slade, certify that the Judicial College of Victoria has risk management processes in place consistent with the Australian/New Zealand Risk Management Standard, and an internal control system is in place that enables the executive to understand, manage and satisfactorily control risk exposures. The Audit and Finance Committee verifies this assurance and that the risk profile of the Judicial College of Victoria has been critically reviewed within the last 12 months.

Lyn Slade
Chief Executive Officer