



JUDICIAL COLLEGE OF VICTORIA  
ANNUAL REPORT 2002-2003



**Judicial  
College of  
Victoria**

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ISBN 1 74145 001 2

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“It is pleasing and heartening to see the enthusiasm with which the Victorian judiciary have embraced the College.”

**The Honourable John Harber Phillips AC**  
*Chief Justice of the Supreme Court of Victoria*  
*Chairperson of the Judicial College of Victoria*

## CHAIRPERSON’S FOREWORD

.....

As Chairperson of the Board of the Judicial College of Victoria, I am pleased to introduce the College’s inaugural Annual Report.

I should at the outset acknowledge the contribution of the Honourable Rob Hulls MP, Attorney-General of Victoria, who was instrumental in the establishment of the College.

The Attorney-General invited me to chair the working party on this project, which I did over 2000—2001. The working party devoted a great deal of time and effort to its research and deliberations and it was indeed gratifying that all our recommendations were accepted. The Attorney-General then proceeded to pilot the legislation through Parliament, achieving bi-partisan support for the *Judicial College of Victoria Act 2001*.

The College began its work in 2002. Judicial officers, through the Education Committees in each jurisdiction and the College’s Syllabus Advisory Committee, set the agenda for College activities. It is pleasing and heartening to see the enthusiasm with which the Victorian judiciary have embraced the College.

The period of time covered by this Annual Report is significant in a number of ways. It marks the first year that the College Board met, the first year that a full complement of staff were employed, and the first year that the College ran programs for judicial officers.

Work is now underway on the development of an integrated College curriculum. I am particularly delighted to see that a full complement of

programs and publications have been scheduled for the coming year, with many already in planning for the following years.

On behalf of the Board of the Judicial College of Victoria, I thank the staff of the College, in particular the Chief Executive Officer, Ms Lyn Slade. The professionalism and skill she has shown in this establishment period have earned the respect of judicial officers.

In addition, it is important to recognise the support of Judges, Masters, Magistrates and Tribunal Members, who are freely giving their time as Committee members, session presenters and authors to ensure that College activities form an integral part of the work of Victorian judicial officers.

Finally, I thank my colleagues on the Board who have, with their enthusiasm and dedication, made my role as Chairperson easier.

It is with a deal of regret that I retire as Chairperson of the College Board. I have greatly enjoyed being involved in the planning and implementation of this exciting initiative.

**The Honourable John Harber Phillips AC**  
*Chief Justice of the Supreme Court of Victoria*  
*Chairperson of the Judicial College of Victoria*  
 October 2003

## CHIEF EXECUTIVE OFFICER'S REPORT

.....

The function of the College is to assist the professional development of Victorian judicial officers, in particular, through the provision of continuing education and training services and the production of relevant publications.



**Ms Lyn Slade**  
Chief Executive Officer

To meet the varied education needs of Victorian judicial officers, a range of educational interventions are being planned and developed that will reflect the broad scope of judicial work. These programs and publications will be practical and effective. The focus will be on assisting judicial officers to develop and maintain high-level professional skills in a dynamic social context.

### ESTABLISHMENT PHASE

Establishing the College over recent months has literally been a 'work in progress'. This process has been both complex and multi-faceted.

During this establishment period, the primary focus has been to develop the organisation's strategic direction; establish Board sub-committees that are linked to the jurisdictions' professional development committees; and to develop and implement the College's business plan, which sets out its education priorities.

Establishing the College office and recruiting and training staff has also been energising and rewarding. The hard work of College staff as they have taken up their positions, created their individual roles, and forged a collaborative College team is appreciated.

The College logo, based on the intertwined letters 'JCV', symbolises three inter-related concepts: the symmetry of the scales of justice, a shield defending justice, and a continuum of life-long learning.

### ROLE OF THE JUDICIARY

The College now has its own domain name and stage 1 of the website will commence operation in early 2004. Stage 2 of the project will include the development of a separate, restricted area of the website that will provide online delivery of information and resources to Victorian judicial officers.

### STRATEGIC RELATIONSHIPS WITH JUDICIAL EDUCATORS

Over these past months, the assistance of colleagues has been invaluable. Special thanks go to Mr Ernest Schmatt PSM and Ms Ruth Windeler of the Judicial Commission of New South Wales, Professor Greg Reinhardt and Ms Anne Wallace of the Australian Institute of Judicial Administration, and Mr Richard Moss of the New Zealand Institute of Judicial Studies, all of whom have been generous in sharing their knowledge and experience.

The College has also developed collaborative links with other judicial education organisations, both in Australia and overseas, including:

- Asia Pacific Judicial Educators Forum (Philippines);
- Commonwealth Judicial Education Institute (Canada);
- Judicial Conference of Australia;
- Judicial Studies Board (England & Wales);
- National Judicial College of Australia;
- National Judicial Institute (Canada); and
- Sir Zelman Cowen Centre, Victoria University.

During the Commonwealth Law Conference, in Melbourne in April 2003, the College hosted a meeting of judicial educators. The meeting provided an opportunity for Australian judicial educators to meet their counterparts from around the Commonwealth to exchange information and knowledge.

Victorian judicial officers have embraced the College and have been strong in their support for the College in these early days.

Faculties of judicial educators are being developed, together with a library of judicial education resources. The College is also providing support to judicial authors and members of editorial committees, who are so essential for the development of successful bench books and manuals.

Judicial officers, themselves, are best placed to provide knowledge and insights into judicial education. Their close involvement in College activities is evident in the committee structures and in their active participation in the planning and implementation of programs and resources.

The support and enthusiasm of the members of various committees is unstinting. The enthusiasm and commitment of the College Board is greatly valued. I especially appreciate the encouragement and wise counsel of the College's inaugural Chairperson, the Honourable John Harber Phillips AC, throughout this first year. The College and its staff wish him well in his retirement.

On behalf of the College and its staff, I would also like to extend a warm welcome to the Honourable Justice Marilyn Warren, Chief Justice, who has now taken up her role as Chair of the College Board. We look forward to working with Her Honour into the future.

Creating the College and implementing the *Judicial College of Victoria Act 2001* has been, and continues to be, an exciting and challenging venture. The staff of the College looks forward to working with Victorian judicial officers into the future to provide relevant and timely judicial education.

**Ms Lyn Slade**  
Chief Executive Officer  
December 2003

## BACKGROUND

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### PURPOSE AND ROLE OF THE COLLEGE CHALLENGES

The Judicial College of Victoria is an independent statutory authority established by the *Judicial College of Victoria Act 2001*. The primary function of the College is to assist the professional development and continuing education of Victorian judicial officers by:

- developing and conducting judicial education programs;
- producing relevant publications;
- providing (on a fee for service basis) professional development services, or continuing judicial education and training services, to others who are not covered by the Act; and
- liaising with persons and organisations in connection with the performance of its functions.

Under the Act, judicial officers include: judges and masters of the Supreme Court and the County Court, magistrates, coroners, and members of the Victorian Civil and Administrative Tribunal.

In carrying out its mandate the College must:

- consult with judicial officers;
- consider the differing needs of different groups of judicial officers; and
- give particular attention to the training of newly appointed judicial officers.

Establishing the College and developing and delivering a coherent judicial professional development program for Victorian judicial officers presents a number of challenges. These include:

- realising the College's statutory function creatively and energetically across the jurisdictions, so as to identify and meet the education needs of all Victorian judicial officers;
- championing the constitutional principle of an independent judiciary, whilst establishing and maintaining effective working relationships with the legislative and executive arms of government; and
- enhancing public confidence in the work of Victorian judicial officers, now and into the future.

### STAKEHOLDERS

The primary stakeholders in the College are Victorian judicial officers. The College aims to identify and meet judicial education needs in ways that are timely, relevant and informative.

The Victorian public is another important stakeholder. The College also aims to enhance public confidence in the work of judicial officers by the provision of timely, relevant and informative judicial education programs and resources.

The College is transparent and accountable in its expenditure of public funds to achieve these aims.

### HISTORY

In July 2000 the Honourable Rob Hulls MP, Attorney-General of Victoria, formed a working party of senior judicial officers, Crown Counsel, and officers of the Department of Justice.

The purpose of the working party was to advise the Attorney-General in relation to the establishment of a judicial education scheme that would address the ongoing education needs of Victorian judicial officers.

The working party was chaired by the Honourable Justice John Harber Phillips AC, Chief Justice of the Supreme Court of Victoria.

The working party's report was delivered to the Attorney-General in February 2001 and its recommendations were accepted. In May that year the Judicial College of Victoria was established under the *Judicial College of Victoria Act 2001*.

The College commenced effective operation in November 2002 with the occupation of its premises and the appointment of the inaugural Chief Executive Officer, Ms Lyn Slade.

### LAUNCH ON 13TH MAY 2003

The Attorney-General formally launched the College on 13th May 2003. The launch acknowledged the culmination of many months of hard work since the *Judicial College of Victoria Act 2001* was passed, and marked the commencement of the operational stage.

Numerous judges, masters, magistrates, coroners, and VCAT members attended to witness the official launch of the College.

At the launch, the Attorney-General was enthusiastic in his endorsement of the College:

*"It is naive to expect the judiciary to function at its optimum without adequate support or*

*access to information and training, and opportunities for exploring the complex issues facing the community.*

*"The Judicial College of Victoria, I believe, is a very important instrument in harnessing the intellect and passion of the judiciary for the law as an evolving body of knowledge."*

Similarly, the Chair of the College, the Honourable Justice John Harber Phillips AC, Chief Justice, warmly supported the Attorney-General's initiative, stating that:

*"With the government wishing to broaden appointments to the bench, there must be facilities for judicial education in place so that new appointees can learn the special skills required for their important work."*

### PROFESSIONAL DEVELOPMENT

To meet the varied education needs of Victorian judicial officers, a range of educational initiatives are being planned and developed that will reflect the broad scope of judicial work. These programs and publications will be practical and effective. The focus will be on assisting judicial officers to develop and maintain high-level professional skills in a dynamic social context.

The College curriculum (passed by the Board in April 2003) sets out five categories:

1. New Appointees;
2. Skills Development;
3. Substantive Law and Practice;
4. Social Context; and
5. Conferences.

In addition to its formal program and publication activities, the College provides a framework to assist the sharing of judicial knowledge and experience and fosters collegial support amongst Victorian judicial officers.

## GOVERNANCE

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### JUDICIAL COLLEGE BOARD

In accordance with the *Judicial College of Victoria Act 2001*, the governing Board of Directors of the College comprises six members:

- Chief Justice of the Supreme Court;
- President of VCAT;
- Chief Judge of the County Court;
- Chief Magistrate; and
- two appointees of the Governor-in-Council on the nomination of the Attorney-General:
  - one of whom must have experience as an academic member of staff of a tertiary institution; and
  - the other of whom must have broad experience in community issues affecting courts.

As at 1st July 2002, the members of the Board were:

- The Honourable Justice John Harber Phillips AC, Chief Justice;
- The Honourable Justice Murray Kellam, President of VCAT;
- His Honour Chief Judge GRD Waldron AO;
- Mr Ian Gray, Chief Magistrate;
- Professor Peter Sallmann, Crown Counsel;
- Professor Susan Campbell, Faculty of Law, Monash University.

As at 30th June 2003, the members of the Board were:

- The Honourable Justice John Harber Phillips AC, Chief Justice;
- The Honourable Justice Stuart Morris, President of VCAT;
- His Honour Chief Judge Michael Rozenes;
- Mr Ian Gray, Chief Magistrate;
- Professor Peter Sallmann, Crown Counsel;
- Professor Susan Campbell, Faculty of Law, Monash University.

With the close involvement of the heads of each jurisdiction in setting the College's strategic direction and overseeing its activities, the College is well placed to be the judicial education arm of the Victorian judiciary.

## COMMITTEE STRUCTURES

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### SYLLABUS ADVISORY COMMITTEE

In February 2003, the Board endorsed the College's committee structures, including the establishment of its Syllabus Advisory Committee. The Committee comprises one judicial officer from each jurisdiction and one Board member.

An Education Committee from each of the four jurisdictions feeds information in relation to that jurisdiction's judicial education needs to the Syllabus Advisory Committee.

The Syllabus Advisory Committee considers the submissions from the Education Committees. It then makes recommendations to the Board in relation to the College's judicial education activities, having regard to the College's education priorities, core curriculum, and budgetary constraints.

The members of the Syllabus Advisory Committee for 2002–2003 were:

- The Honourable Justice Geoffrey Nettle (representing the Supreme Court's education committee);
- His Honour Judge Tom Wodak (representing the County Court's education committee);
- Magistrate Wendy Wilmoth, until her appointment to the County Court in April 2003, and thereafter Magistrate Peter Lauritsen (representing the Magistrates' Court's education committee);
- Deputy President Anne Coghlan (representing VCAT's education committee); and
- Professor Peter Sallmann, Crown Counsel (representing the College Board).

### EDUCATION COMMITTEES

As stated previously, each jurisdiction has an Education Committee comprising judicial officers who are actively interested in judicial education.

The role of these committees is to identify the jurisdiction's education needs and priorities, including those of new appointees, and decide upon the outcomes they wish to achieve.

The education committees organise professional development programs within their own jurisdiction. They also provide input to the Syllabus Advisory Committee for the College's education activities.

## COMMITTEE STRUCTURES

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As at 30th June 2003, the judicial members of the education committee for each jurisdiction were:

### SUPREME COURT

#### Chairperson

The Honourable Justice Stephen Charles

#### Committee Members

The Honourable Justice Bernard Teague

The Honourable Justice Philip Cummins

The Honourable Mr Justice David Ashley

The Honourable Justice David Byrne

The Honourable Justice Geoffrey Nettle

Master Kathryn Kings

### MAGISTRATES' COURT

#### Chairperson

Magistrate Ian McGrane

#### Committee Members

Chief Magistrate Ian Gray

Magistrate Thomas Barrett

Magistrate Susan Blashki

Magistrate Jennifer Bowles

Magistrate Jillian Crowe

Magistrate Caitlin English

Magistrate Lesley Fleming

Magistrate Margaret Harding

Magistrate Jon Klestadt

Magistrate Peter Lauritsen

Magistrate Denise O'Reilly

Magistrate Jane Patrick

Magistrate Christine Stewart-Thornton

### COUNTY COURT

#### Chairperson

His Honour Judge Tom Wodak

#### Committee Members

His Honour Judge John Nixon

His Honour Judge John Barnett

Her Honour Judge Carolyn Douglas

His Honour Judge Graham Anderson

His Honour Judge John Smallwood

Her Honour Judge Susan Cohen

### VICTORIAN CIVIL & ADMINISTRATIVE TRIBUNAL

#### Chairperson

His Honour Judge John Bowman

#### Committee Members

His Honour Judge Michael Higgins

Deputy President Cate McKenzie

Deputy President Anne Coghlan

### PURPOSE-SPECIFIC COMMITTEES OF THE COLLEGE

Where appropriate, the College establishes purpose-specific committees to oversee the development of particular programs and publications. For example, a committee has been established to oversee the update and expansion of the *Victorian Sentencing Manual*.

## COLLEGE PERSONNEL

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The College has four full time staff. A background in the law is a common denominator amongst the staff at the College, and there is a wide range of complementary skills.

The Chief Executive Officer is Lyn Slade BA, LLB, MBus. Lyn's background is as a lawyer and legal educator, having been the Director of Legal Professional Development at Leo Cussen Institute from 1995 to 2002.

Alison Fulcher BSc (Hons), LLB, DTertT is the College's Program Manager. Alison has high-level legal education experience, particularly in pre-admission course development and delivery, at the Institute of Professional Legal Studies in New Zealand. More recently, Alison was at the Law Faculty, Monash University, in its Educational Development and Flexible Learning Unit.

Anna Stokes BA (Hons), LLB, MA is the Publication Manager. Anna has extensive legal publishing experience, both in Australia and the United Kingdom. As well as conventional publishing formats, Anna has valuable experience in website development and online publishing.

The College also has a full time Administrator. Until November 2003, this position was filled by Ms Wendy Pearce. The position is currently being filled on a temporary basis; a permanent appointment will be made in early 2004.

It is anticipated that, as the range of projects being undertaken by the College expands, additional staffing and contract support will be utilised.



College personnel, from left:  
Lyn Slade, Alison Fulcher, Jeni Bright, Anna Stokes

Ms Jeni Bright, a lawyer and legal educator, has recently been engaged to co-ordinate the development and production of a range of forthcoming publications.

The College is also in the process of appointing a project manager to assist with publications and programs.

## REPORT ON COLLEGE ACTIVITIES (1 JULY 2002 TO 30 JUNE 2003)

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### PROGRAMS

During the 2002–2003 year, the College conducted or assisted with the following judicial education programs:

- a series of twilight sessions in late 2002 on **Contempt in the Face of the Court** (presented by the Honourable Robert Brooking for the Supreme and County Courts and VCAT);
- assisting with the one-day March 2003 **Magistrates' Conference**;
- a two-day workshop on **Advanced Mediation** for VCAT Members in April 2003 (conducted by Professor John Wade and Professor Laurence Boule of the Dispute Resolution Centre, Bond University);
- a series of five sessions on **Judicial Involvement in Techno-Trials** (conducted for the Supreme Court over March and April 2003 by IT consultant Ms Sandra Potter and several judges of the Supreme Court);
- the **National Coroners' Conference** in May 2003 (held jointly with the Sir Zelman Cowen Centre) with participants from around Australia, New Zealand and Papua New Guinea.

Overall, from its commencement of operation in November 2002 to 30 June 2003, the College provided 56 hours of continuing judicial education with the participation of 250 Victorian judicial officers.

### PUBLICATIONS

A review of judicial publications and resources has also been conducted. Updating the *Victorian Sentencing Manual* has been identified as a priority and preliminary work has commenced. The *Victorian Trial Manual* also requires significant work and this will commence shortly.

## FUTURE ACTIVITIES

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In keeping with the College's Strategic Plan 2003–2006 (see Appendix 2), the future activities of the College are designed to meet the needs of newly appointed judicial officers, and to meet the needs of judicial officers generally.

### PROGRAMS

#### Induction Framework

A framework for integrated induction processes for newly appointed judicial officers is under development. Some components are already conducted by the courts; others are being developed by the College in collaboration with the courts.

The aim of the integrated framework is to provide a coherent introduction to the work of judicial officers in each jurisdiction, and to provide information and knowledge to new judicial officers at the earliest stage possible after appointment.

The framework sets out a two-year induction process, during which new appointees will have the opportunity to participate in a range of formal and informal activities and will be provided with several useful resources.

The two-year induction framework comprises:

- **jurisdiction-specific components**, including:
  - components which are specifically designed for new appointees to a jurisdiction (for example: orientation programs, supported by induction manuals); and
  - components which are offered to judicial officers in a particular jurisdiction (for example: bench books); and
- **across-jurisdiction components**, which are offered to judicial officers in all jurisdictions (for example, judgment writing, equality issues).

#### Across Jurisdictions Programs

The Board sees it as important for the College to conduct a range of across-jurisdiction programs that are open to judicial officers in all jurisdictions.

Mixing judicial officers presents an opportunity to build collegiality and to maximise the effective use of College resources.

In addition to the programs facilitated by the College in 2002–2003 (see previous page), since 30 June 2003 the College has conducted a range of additional programs, for example:

- **DNA Profiling: Science & Law**—two twilight sessions in October 2003;
- **Children as Witnesses**—a one day workshop in November 2003; and
- **Law Reports, Transcripts, and the Fabric of the Law**—a twilight session in December 2003.

#### Future Across-Jurisdiction Programs

Major programs planned for 2004 include:

- |   |                 |
|---|-----------------|
| • <i>Sexual Offences Workshop</i>                 | 30 April 2004   |
| • <i>Vietnamese Cultural Awareness</i>            | 21 May 2004     |
| • <i>Judgment Writing Workshop</i>                | 17–20 Aug. 2004 |
| • <i>Aspects of Mental Health</i>                 | 10 Sept. 2004   |
| • <i>Aboriginal Cultural Awareness</i>            | 22–24 Oct. 2004 |
| • <i>Additional Dispute Resolution Strategies</i> | 19 Nov. 2004    |

A short description of each of the major programs offered by the College for 2004 is contained in Appendix 1.

## FUTURE ACTIVITIES

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### TAILORING OF PROGRAMS AND RESOURCES

Appropriate program formats are an important aspect of adult education. To best meet the learning needs of judicial officers, the College is focussing on smaller group learning workshops (rather than conference or lecture formats). This format is particularly suited to encouraging interaction and the sharing of ideas and knowledge.

The College is also assisting appropriate judicial officers to develop presentation and facilitation skills, to enable them to teach effectively in the small group format.

#### Website and Electronic Learning Tools

A major focus of the College's activities is the face-to-face delivery of programs and the development of paper-based resources.

To complement these services, and to further enhance its service delivery, the College is also developing the use of electronic and internet-based formats that will provide additional services and resources for judicial officers into the future.

Stage 1 of the College website will be completed in early 2004. It comprises a public area with general information on the College, generic information on the activities and services provided by the College, and links to relevant sites.

Stage 2 of the College website will comprise a restricted area that provides judicial officers with access to electronic resources and information.

#### Judicial Research Database

Planning has commenced to develop an online judicial research database for Victorian judicial officers. To progress this, the College has established a sub-committee of the Board to oversee the project, together with a steering committee (comprising representatives from each jurisdiction who have an interest in technology and online resources) to drive the project.

### PROGRAM EVALUATION

Evaluation of College programs concentrates on: the quality of the program content and materials, the relevance of the program to the work of judicial officers, and the standard of presentation. The College has set a target of 80% satisfaction rating by participants.

Performance measure	Performance target
Quality of content/ materials	80% satisfaction/ approval
Relevance to work of judicial officers	Numbers attending, and 80% satisfaction
Standard of delivery/ presentation	80% satisfaction

## APPENDIX 1: 2004 CALENDAR OF MAJOR PROGRAMS OFFERED BY THE JUDICIAL COLLEGE OF VICTORIA

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### LIST OF MAJOR PROGRAMS

#### Across-Jurisdiction Programs

- *Common Law Negligence: Problems of Duty, Breach and Damages*  
Twilight Seminars Parts 1 and 2  
18 and 25 February 2004
- *Sexual Offences Workshop*  
30 April 2004
- *Vietnamese Cultural Awareness*  
21 May 2004
- *Judgment Writing Workshop*  
17–20 August 2004
- *Aspects of Mental Health*  
10 September 2004
- *Aboriginal Cultural Awareness*  
22–24 October 2004
- *Additional Dispute Resolution Strategies*  
19 November 2004

#### Jurisdiction-Specific Programs

- *Tribunal Orientation*  
5 March 2004
- *Magistrates' Intensive*  
3-5 June 2004

### SHORT DESCRIPTION OF MAJOR PROGRAMS

#### Across-Jurisdiction Programs

##### *Common Law Negligence: Problems of Duty, Breach and Damages*

(Twilight Seminars Parts 1 and 2  
18 and 25 February 2004)  
Presented by the Honourable Justice K M Hayne AC.

##### *Sexual Offences Workshop*

(Friday 30 April 2004)  
This half-day workshop is designed to provide an overview of the social context relating to sexual offences and an opportunity to examine and discuss the legal complexities.

##### *Vietnamese Cultural Awareness*

(Friday 21 May 2004)  
The focus of this one-day program is to provide an understanding Vietnamese culture and life and includes presentations by members of the Vietnamese community.

##### *Judgment Writing Workshop*

(17-20 August 2004)  
This residential workshop is designed to enhance judicial writing skills. The program involves three and a half days of lectures, workshops, individual and group tutoring.

#### **Aspects of Mental Health**

(Friday 10 September 2004)

This half-day workshop will cover a range of issues such as the differences between mental illness and other disabilities, the range of 'mental health' orders and the range of services and resources available.

#### **Aboriginal Cultural Awareness**

(22–24 October 2004)

The focus of this two-day residential program is to provide an understanding of Aboriginal culture and life and includes presentations by members of Aboriginal communities.

#### **Additional Dispute Resolution Strategies**

(Friday 19 November 2004)

Sir Laurence Street suggests that *the 'A' in 'ADR' more appropriately represents 'Additional' rather than 'Alternative'*.

This one-day program is designed to be a practical, 'hands on', interactive workshop discussing a variety of ADR techniques and strategies that judicial officers might wish to include in their repertoire of judicial skills.

#### **Jurisdiction-Specific Programs**

##### ***Tribunal Orientation***

(Friday 5 March 2004)

This one-day program for new VCAT members includes sessions on judicial conduct, social context & equality issues, hearing room management, decision-making and writing reasons.

##### ***Magistrates' Intensive***

(3–5 June 2004)

This three day residential program includes refreshers on judicial conduct, social context and equality issues, courtroom management, judgment writing, decision-making and sentencing.

#### **Program Enquiries**

The College Administrator, phone (03) 9603 9200

## APPENDIX 2: STRATEGIC PLAN (2003–06)

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The Judicial College of Victoria was established by the *Judicial College of Victoria Act 2001*. The College commenced operation in November 2002 with the occupation of its premises and the appointment of the inaugural Chief Executive Officer.

This Strategic Plan provides an overall framework for the role and direction of the College over the next three years. Establishing the College and developing and delivering a coherent judicial education program for Victorian judicial officers presents a number of challenges.

1. To realise the College's statutory function creatively and energetically across the jurisdictions to identify and meet the education needs of Victorian judicial officers.
2. To champion the constitutional principle of an independent judiciary while establishing and maintaining effective working relationships with the executive arm of government.
3. To enhance public confidence in the work of Victorian judicial officers now and into the future.

Along with its formal activities—programs and publications—the College provides a framework to assist the sharing of judicial knowledge and experience and contributes to providing collegial support amongst Victorian judicial officers.

## MANDATE

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The Judicial College of Victoria is an independent statutory authority established to assist the professional development of Victorian judicial officers by:

- developing and conducting judicial education programs;
- producing relevant publications;
- providing (on a fee for service basis) professional development services, or continuing judicial education and training services, to others who are not covered by the Act;
- liaising with persons and organisations in connection with the performance of any of its functions.

In carrying out its mandate the College must:

- consult with judicial officers;
- consider the differing needs of different groups of judicial officers; and
- give particular attention to the training of newly appointed judicial officers.

A strength of the College is the composition of its Board:

- Chief Justice of the Supreme Court;
- President of VCAT;
- Chief Judge of the County Court;
- Chief Magistrate; and
- two appointees of the Governor in Council on the nomination of the Attorney-General.

With the close involvement of the heads of each jurisdiction in setting the College's strategic direction and overseeing its activities, the College is well placed to be the judicial education arm of the Victorian judiciary.

## KEY ISSUES

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### PRIMARY AND SECONDARY STAKEHOLDERS

The primary stakeholders in the College are Victorian judicial officers and the College aims to identify and meet their judicial education needs in ways that are timely, relevant and informative.

The Victorian public is a secondary stakeholder and the College aims, by the provision of timely, relevant and informative judicial education programs and resources to Victorian judicial officers, to enhance public confidence in the work of judicial officers and to be transparent and accountable in the expenditure of public funds.

### JUDICIAL INDEPENDENCE— EDUCATION ACTIVITIES

Victorian judicial officers recognise that they are accountable in a broad sense to the society in which they carry out their roles. The establishment of the College recognises that education developed by and delivered to Victorian judicial officers fosters accountability and enhances public confidence in their work, without compromising judicial independence.

### JUDICIAL INDEPENDENCE— INSTITUTIONAL ARRANGEMENTS

Judicial independence is a cornerstone of government. It is an imperative that underpins the operation of our system of justice. The College comes within the Justice Portfolio and is linked to the Department of Justice. In order to preserve judicial independence, internal management and administrative structures have been established so that the College maintains control over its judicial education activities while endorsing the efficient use of available resources.

### CALL ON JUDICIAL TIME

The involvement of Victorian judicial officers in the development of a coherent curriculum is a vital component to ensure the effectiveness of College activities. However judicial time is a valuable resource. With this in mind, the College aims to maximise the efficient use of judicial knowledge and expertise in the organisation and development of its activities.

### TECHNOLOGICAL CHANGE

A dynamic technological environment provides the potential for new education interventions and for the delivery of judicial education programs, publications and other relevant information. In so far as it is cost effective and an efficient use of available resources, the College will utilise technology to deliver relevant information to Victorian judicial officers.

### STRATEGIC RELATIONSHIPS

The College sees great value in strengthening collaborative links with like-minded organisations and monitoring developments in judicial education both in Australia and overseas, for example:

- Australian Institute of Judicial Administration,
- Judicial Commission of New South Wales,
- Judicial Conference of Australia,
- National Judicial College of Australia,
- Commonwealth Judicial Education Institute (Canada),
- Institute of Judicial Studies (New Zealand),
- Judicial Studies Board (England & Wales),
- National Judicial Institute (Canada),
- Philippine Judicial Academy.

The College also encourages the development of collaborative relationships with bodies that conduct research into, or work in, areas involving complex legal, social, cultural and diversity issues.

## SUCCESS FACTORS

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It is critical to the success of the College that it identifies and provides timely, relevant and informative judicial education, enabling Victorian judicial officers to keep abreast of developments in substantive and procedural areas of the law, to build on and maintain the skills necessary for effective judicial work, and to enhance awareness of relevant social issues.

The College implements a range of educational interventions to reflect the broad scope of judicial work. The focus is on developing the high level skills required of judicial officers and assisting them to maintain a superior level of competence in these areas in a dynamic social context. Priority is given to programs and publications that are practical and effective.

The College has adopted the following education priorities:

- meeting the needs of newly appointed judicial officers; and
- meeting the needs of judicial officers generally.

Continuous evaluation systems have been developed and are used to ensure that the College's activities are timely, relevant and informative. This evaluation process forms part of a larger organisational improvement continuum, the purpose of which is to ensure that the College develops the capacity to adapt appropriately to changing circumstances.

The College's annual performance is monitored and evaluated to ensure that its activities are appropriate to identify and meet the education needs of Victorian judicial officers.

## PRIMARY AND SECONDARY GOALS

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### PRIMARY GOALS

1. To initiate and develop timely, relevant and informative education programs directed to:
  - the skills, knowledge and abilities that will enable new judicial officers to perform their duties with confidence;
  - the specialist skills, knowledge and abilities required of judicial officers of each jurisdiction;
  - the skills knowledge and abilities that are central to all judicial work incorporating developing jurisprudence, developments in associated disciplines and developments that will enhance public confidence in the work of the judiciary.
2. To provide regular and up-to-date information to judicial officers in the form of:
  - bench books,
  - manuals; and
  - other resources.

### SECONDARY GOALS

1. Develop an organisation committed to learning and enhance the quality of its activities through systems of continuous improvement.
2. Promote awareness of the College's role and its contribution to the work of Victorian judicial officers.
3. Enhance the College's performance through procedures that ensure the fair, equitable and efficient management of staff and the effective use of available resources.

## PRIMARY GOALS AND STRATEGIES

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PRIMARY GOALS	STRATEGIES
<p>1. Initiate and develop timely, relevant and informative education programs directed to:</p> <ul style="list-style-type: none"> <li>the skills, knowledge and abilities that will enable new judicial officers to perform their duties with confidence;</li> <li>the specialist skills, knowledge and abilities required of judicial officers of each jurisdiction;</li> <li>the skills knowledge and abilities that are central to all judicial work incorporating developing jurisprudence, developments in associated disciplines and developments that will enhance public confidence in the work of the judiciary.</li> </ul>	<p>1.1 Conduct periodic reviews to determine judicial education requirements.</p> <p>1.2 Provide resources and programs as required.</p> <p>1.3 Provide assistance to associated groups and committees to develop programs and resources to meet the needs of judicial officers.</p> <p>1.4 Develop and maintain a library of training and education resources.</p> <p>1.5 Investigate new education delivery modes and implement as appropriate.</p>
<p>2. Provide regular and up-to-date information to judicial officers in the form of bench books, manuals and other resources.</p>	<p>2.1 Review and supplement bench books and manuals on a regular basis in loose-leaf and electronic formats.</p> <p>2.2 From time to time publish papers, journals and bulletins bearing upon judicial education.</p> <p>2.3 Investigate new technology and implement as appropriate.</p>

## SECONDARY GOALS AND STRATEGIES

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SECONDARY GOALS	STRATEGIES
<p>1. Develop an organisation committed to learning and enhancing the quality of its activities through systems of continuous improvement.</p>	<p>1.1 Develop detailed annual business plans in line with the three year strategic plan and review the College's performance at regular intervals.</p> <p>1.2 Implement systems for evaluation and review of all College activities.</p> <p>1.3 Create and maintain a climate that values the contributions of all staff and contributors.</p>
<p>2. Promote awareness of the College's role and contribution to the work of Victorian judicial officers.</p>	<p>2.1 Identify relevant agencies and government departments and establish and maintain good working relationships and information flows.</p> <p>2.2 Establish and maintain contacts with similar organisations in other states and overseas.</p> <p>2.3 Develop an awareness of the work of the College among the legal profession and the broader community.</p>
<p>3. Enhance the College's performance through procedures that ensure the fair, equitable and efficient management of staff and the effective use of available resources.</p>	<p>3.1 Develop and review annually position descriptions and associated competencies.</p> <p>3.2 Develop and implement policies regarding skill enhancement and career progression.</p> <p>3.3 Develop and maintain a performance management system.</p> <p>3.4 Develop and maintain a manual of accurate and full information about relevant policies and procedures.</p>

## PERFORMANCE MEASURES

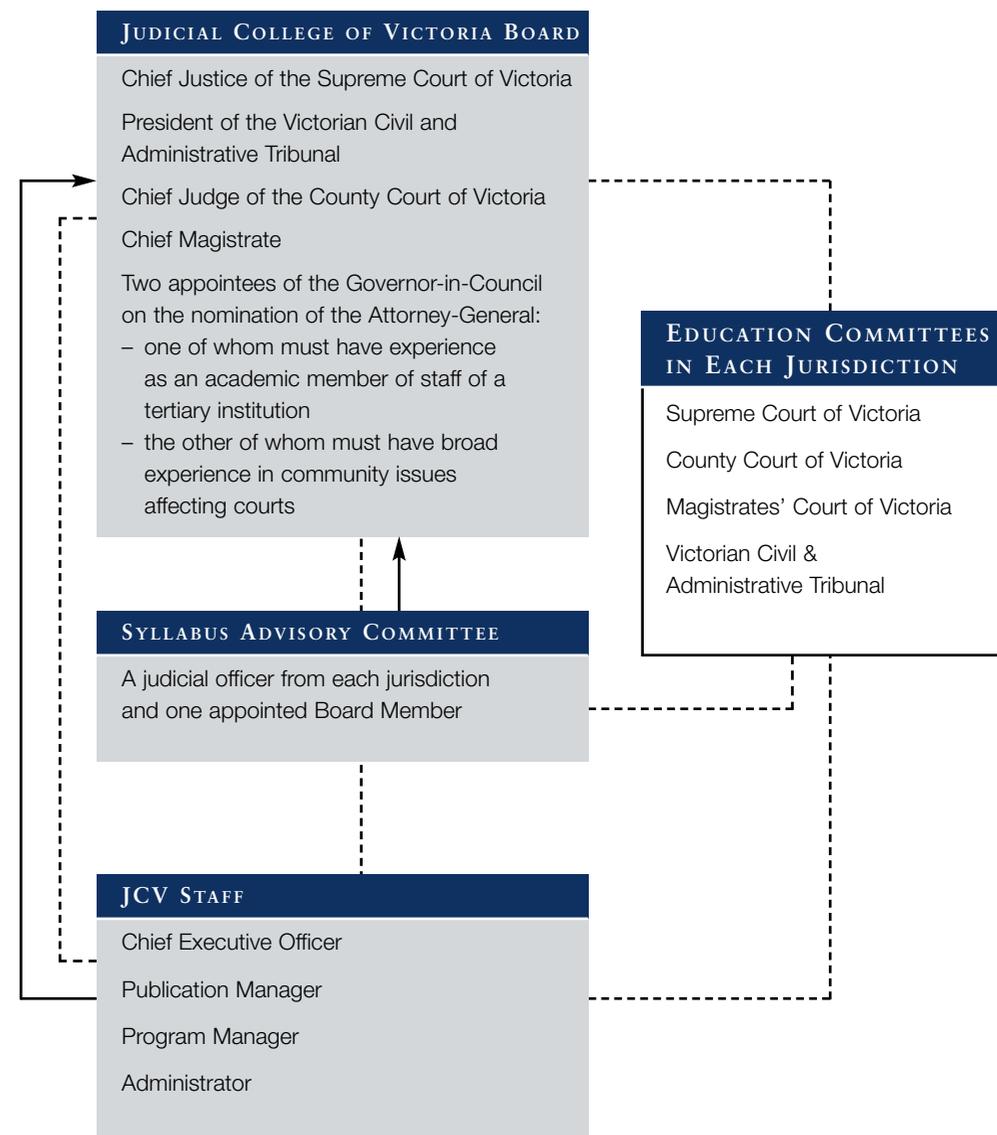
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To ensure that the College's activities meet the needs of judicial officers, participants are asked to evaluate each activity according to its usefulness, content and delivery.

The College's target is a high satisfaction rating for each activity and College activities should demonstrate innovation, leadership and a commitment to judicial excellence.

## ORGANISATION STRUCTURE

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### KEY TO LINES OF COMMUNICATION

- Reporting
- - - Consultation

APPENDIX 3:  
*JUDICIAL COLLEGE ACT OF VICTORIA 2001*  
 (ACT NO. 20/2001)

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Table of Provisions as amended to 1st December 2003.

**PART 1—PRELIMINARY**

1. Purpose
2. Commencement
3. Definitions

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

4. Establishment of the College
5. Functions of the College
6. Powers of the College
7. Delegation

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

8. Board of directors
9. Terms and conditions of office of directors
10. Payment of appointed directors
11. Vacancies and removal of appointed directors from office
12. Alternate directors
13. Validity of acts or decisions
14. Meetings of the Board
15. Committees
16. Staff
17. Appointment of consultants

**PART 4—MISCELLANEOUS**

18. Control on expenditure
19. Parliamentary requirement for information
20. Regulations

*Judicial College of Victoria Act 2001*  
*[Assented to 29 May 2001]*  
*The Parliament of Victoria enacts as follows:*

PART 1—PRELIMINARY

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**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 sub-section (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 officer’** means—

- (a) a Judge or Master of the Supreme Court; or
- (b) a judge or master of the County Court; or
- (c) a magistrate of the Magistrates’ Court or 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

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### 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 sub-section (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 sub-sections (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

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### 8. BOARD OF DIRECTORS

- (1) There shall be a board of directors of the College consisting of 6 directors of whom—
  - (a) one is the Chief Justice of the Supreme Court, or another Judge or a Master 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
  - (c) one is the Chief Judge of the County Court or another judge or a master 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 Sector Management and Employment Act 1998* does not apply to a director in respect of the office of director.
- (3) Service by a judge, master or magistrate as a director of the College must be taken to be service as a judge, master or magistrate, as the case requires.

### 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 sub-section (3); or
  - (c) if he or she is removed from office under sub-section (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 sub-section (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 Sector Management and Employment Act 1998*.
- (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 Sector Management and Employment Act 1998*.

## 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

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### 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

- (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, the House Committee or the Library 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.

### 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.



**Judicial  
College of  
Victoria**

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