

MASTERS OF OUR FATE

2017–2025



Judicial
College of
Victoria



*Men at some time are masters of their fates;
The fault, dear Brutus, is not in our stars,
But in ourselves, that we are underlings.*

(Cassius to Brutus)
Julius Caesar, Act 1, Scene 2

William Shakespeare
(1564–1616)



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FROM THE CHIEF JUSTICE OF VICTORIA

The oath of judicial office articulates the essence of judicial responsibilities: to discharge our duties according to law, to the best of our knowledge and ability, and without fear, favour or affection. Implicit in this promise is a commitment to acquire and maintain a range of competencies essential to our work. For this, Victorian judicial officers look to the Judicial College of Victoria.

We each come to the role of judge, magistrate, coroner or tribunal member with differing backgrounds and experience. We work in vastly varied situations, whether as a lone decision maker in a hectic suburban court or tribunal hearing dozens of matters each day; or as a trial judge guiding a jury through the criminal process or resolving complex commercial disputes; or as an appellate judge on a multi-member court reviewing decisions and providing guidance to other courts to promote the rule of law.

From orientation on day one, throughout the length of one's judicial career, the College brings us together to learn from and with each other, in a spirit of open mindedness and collegiality. The College provides education, research and publications of the highest standard that ensure we remain up-to-date and that our decisions are made in accordance with current laws. It offers us opportunities to develop the nuanced skills particular to the judicial role, which cannot be learned by reading legislation or case law.

Learning is never static. As the world rapidly changes, our work and that of the College continues to evolve and grow, and it is important to clearly identify the ongoing purpose and scope of judicial education.

To that end the College has undertaken a strategic project to help determine its future. This document builds on a solid organisational foundation to guide the College's next era: to be 'masters of our fate'.

The next era will also be marked by a transition to new leadership. Later this year I will retire as Chief Justice and Chair of the Board of the College.

As I reflect on my time as Chair, I feel deeply fortunate for the opportunity to be part of both the College's flourishing and the community of people who bring it to life – my fellow Board members, the many Victorian judicial officers who generously contribute their time, knowledge, skills and expertise to judicial education, and the staff who strive for excellence.

I am confident the unfaltering commitment of the judicial community will ensure the College's ongoing success and organisational health.



The Honourable Chief Justice Marilyn Warren AC

Supreme Court of Victoria
Chair of the Judicial College of Victoria

STEPPING INTO OUR FUTURE

'Masters of our fate'. This expression of our strategic direction for 2017–2025 and our vision for the future articulates a simple but profound message – that it lies in our own hands and our own control to determine our destiny.

Adapted from a passage in Shakespeare's Julius Caesar, written in 1599, the phrase, like much of Shakespeare's work, has since been widely interpreted outside its original context. Indeed, the strength and relevance of Shakespeare's writing lies in the universality and timelessness of his themes.

In this instance, Shakespeare's words are emblematic of the College's foundations, the values it holds, and its attitude to the future.

Established as an independent statutory entity, the College is founded on the principle of 'judge-led' education. We primarily value education and learning, and are dedicated to supporting a knowledgeable and highly skilled judiciary to achieve mastery in law and judicial practice. We ensure the education that is delivered is both compatible with and supports judicial independence, a fundamental element of the rule of law.

As an organisation we need to be clear about our purpose and what we want to happen; and be prepared to ensure we are not blown off course by challenges that will inevitably confront us – to attain self-mastery.

So to the future. We do not hold a misguided belief that we are able to predict or control external events. This is a testing and competitive world and we must do what

we can to ensure the College's ongoing sustainability and accountability. With creativity and enthusiasm we will embrace new opportunities, and continue to expand and deepen our learning partnerships with the judiciary, the wider legal profession, academia and other relevant organisations.

We also contemplate the retirement of our Chair, Chief Justice Marilyn Warren AC. We will miss her Honour's authentic and passionate advocacy for learning in the judiciary; and her fine leadership that recognises the importance of judicial education, particularly as a means for achieving excellence and change. We thank her for her ideas and her encouragement to innovate and to explore all the possibilities that education and research offer. A College of which the Victorian judiciary can be proud with the promise of a vibrant future is part of Chief Justice Warren's rich legacy.

The approach of the College's 15th anniversary in late 2017 is an opportunity to take our bearings and imagine the College's future, into which we boldly step.



Samantha Burchell
Chief Executive Officer

OUR STORY SO FAR

The College was established in 2002 with bi-partisan support under the Judicial College of Victoria Act 2001. Chaired by the Chief Justice of the Supreme Court of Victoria, the College Board comprises the heads of the six Victorian jurisdictions and two Governor in Council appointees.

The College is founded on the idea of peer education. Judicial officers drive and shape the education we provide.

Like our education, our publications are also judge-led. The expertise of our judicial editors allows us to write and publish a range of authoritative publications. These publications have become irreplaceable tools for both the judiciary and the legal profession and have raised the standard of legal practice in Victoria.

Our work ensures judicial officers in all Victorian jurisdictions are:

- Aware of the nature and expectations of the judicial role
- Up-to-date with the latest developments in the law
- Knowledgeable about judicial practice and the judicial process
- Well-versed in disciplines other than the law
- Familiar with a range of cultures and how cultural factors may be relevant to court proceedings
- In touch with pressing community and social issues
- Equipped to manage the unique pressures of judicial office and maintain wellbeing
- Able to enhance their practical skills, particularly their capacity to communicate clearly, manage their courtrooms and effectively use and understand new technologies.

The College has a proven track record of delivering education on topics relevant to all facets of the judicial role, including decision making, logic and legal reasoning, the laws of evidence, managing criminal and civil proceedings, judicial ethics, historical sex offences, family violence and procedural fairness. We ground many of our educational programs in the stories of those with lived experience of the justice system and wider communities, ensuring they are heard and understood by judicial officers. The College is innovative and engages with some of the best thinkers and experts in Australia and the world to foster ideas and to expand our horizons.

Every Victorian judicial officer is expected to participate in ten 'continuing professional development hours' at the College each year. This may include involvement in programs, preparing and delivering papers, chairing and facilitating sessions, and other contributions to education and publication development and review.

WHY JUDICIAL EDUCATION MATTERS

Every day judicial officers exercise powers that affect the lives of individuals, corporations and government bodies. They hear and decide cases that come before the courts by exercising reasoned decision making. They identify the relevant law, determine the facts of the case based on the evidence and apply the law to those facts. They are expected to be independent, impartial, ethical and fair, and to effectively communicate their decisions.

Judicial work requires being knowledgeable about and sensitive to the human needs of individuals in the courtroom, such as defendants, plaintiffs, jury members, victims, witnesses and court staff. In turn this requires awareness of the increasingly diverse contexts in which legal disputes occur, whether as a result of criminal offending, commercial or civil disagreement, injury, family violence, mental health issues, addictions or substance abuse or other circumstances.

Further, judicial work is inherently complex. The inexorable growth of common law and statutes presents a constant pressure for judicial officers to maintain their knowledge and mastery of the law. Judicial officers require accessible, comprehensive and reliable reference material which is tailored to the questions that arise in the courtroom.

It is now well recognised that those appointed to judicial roles have a need for lifelong learning that only experience, education and reflective practice can bring. Judicial education fosters and enhances the unique combination of knowledge, competencies and attributes necessary for a high standard of judicial behaviour and performance. It also significantly contributes to maintaining public confidence in the justice system as a whole.

The judicial role continues to expand to include significant responsibilities beyond hearing and deciding cases. Judicial officers also hold leadership and management responsibilities. Contemporary judicial education reflects a need for guidance about how to meet the organisational demands of the court environment, whether it be to develop the attributes of good governance, to build strategic thinking, to manage work load and change or to support the wellbeing of self and others.

The College ensures that judicial officers can deal appropriately with these many and varied responsibilities, in accordance with the high standards expected of them, by delivering exceptional education programs and resources.

NAVIGATING FUTURE CHALLENGES

The courts and tribunals of Victoria function in a changeable environment and predicting the future is difficult. What is certain is that, like many institutions, over the next decade the judiciary will confront significant disruptions. As best we can imagine, they are likely to include:

- Challenges to judicial independence
- Heightened demands of public accountability and transparency
- Growing need for justice services, including accessible justice
- Progressively more intricate laws and legislation
- Developments in science and technology, including social media, artificial intelligence and automation
- Threats to security, including cyber security
- Constantly evolving social, cultural and environmental issues
- Dynamic policy settings.

In addition to these external impacts, the judiciary must also come to terms with changes in the judicial role as it extends beyond decision making and adjudicative functions. It must operate in an evolving internal environment which includes:

- The formation of Court Services Victoria, giving judicial officers the major role in the governance and administration of Victorian courts and the Victorian Civil and Administrative Tribunal (VCAT)
- The establishment of the Judicial Commission of Victoria, enabling closer scrutiny of judicial performance
- The implementation of the International Framework for Court Excellence, sharpening the focus on the ability of courts to serve the community.

EMBRACING OPPORTUNITY

With challenges come opportunities. There are endless openings for the College to support the judiciary in meeting whatever the future may bring. Over coming years, we will enhance our existing offerings and expand our scope, including by improving our digital presence and our information services. We will make our services available to a wider audience, seek appropriate value for our intellectual property and diversify our sources of funding and revenue.

Specific opportunities include:

- **Providing all judicial education in Victoria**

The College's experience demonstrates that judicial education must be tailored to jurisdictional priorities and conditions. As a specialised education provider, the College is uniquely placed to take on this resource-intensive work for all courts and tribunals in Victoria, a proportion of which has historically been retained by jurisdictions 'in-house'.

The College will provide educational programs aligned with the priorities of, and in partnership with, each jurisdiction. We will also continue to offer education on key universal areas such as judicial wellbeing, leadership, court craft, cultural awareness and substantive law.

- **Information, research and analysis services**

The Victorian judiciary currently has limited access to the research and information necessary to underpin innovation, improve the justice system and evaluate court initiatives.

The College is ideally placed to provide these services. With demonstrated expertise in research that is attuned to the needs and values of the court system, and strong relations with all courts and tribunals, the College can deliver higher quality services at lower cost than consultants from the private sector.

- **Commercialising College offerings**

The College has a national and international reputation as a premium service provider and is often approached to develop and deliver bespoke education programs and publications for courts and tribunals and other legal organisations both in Victoria and beyond.

Taking up these opportunities enhances our organisational health and sustainability. It allows us to expand our offerings to a wide range of agencies responsible for the delivery of justice and contributes to the betterment of the justice system as a whole.

- **Advancing capability**

We are an organisation comprised of legal and other professionals with broad skills and experience of the highest calibre, as well as areas of specialisation. Our own knowledge combined with strong working relationships with judicial officers, policy makers and academic experts enables us to provide wide-ranging educational opportunities for the judiciary.

In the years ahead, the College will further diversify its skills base to broaden our ability to identify and respond to the assorted challenges and opportunities facing the judiciary and the Victorian courts and tribunal system.

OUR VISION: TO BE MASTERS OF OUR FATE

We support the Victorian judiciary to successfully meet the unique challenges of their roles through judicial education, research, and knowledge creation and dissemination.

In everything we do we strive to reflect the sentiment of the judicial oath: 'to the best of our knowledge and ability'.

We embrace:

Mastery

We fundamentally value education and learning. We are dedicated to assisting a knowledgeable and highly skilled judiciary to achieve mastery of law and judicial practice.

Collegiality

We provide a vibrant, collegiate environment where judicial officers from Victoria, interstate and around the world learn from and with each other, together with those proficient in different fields and disciplines.

Creativity

We are a centre of information, research and analysis. We look for new solutions to old problems, providing the basis for improvement and innovation in the justice system.

Collaboration

We build on existing partnerships with the judiciary, the courts and VCAT, Court Services Victoria and others to achieve more than we can alone.

Organisational health

We continually adapt our capabilities, structures and processes to respond to the latest developments and ensure sustainability through varied income sources. We foster a culture of professionalism, trust and accountability.

OUR GOALS AND STRATEGIES: 2017–2025

GOAL	Build from strength Enhance our existing offerings and develop stronger learning partnerships with each Victorian jurisdiction	Expand our scope Expand our scope and assist the judiciary to further improve the justice system	Ensure sustainability Seek appropriate value from our education, information and intellectual property, and diversify our sources of funding and revenue	Advance capability Evaluate and adjust our capabilities, structure, processes and culture to achieve our purpose and realise our vision
STRATEGY	<ul style="list-style-type: none"> • Act on high priority and emerging education and other service needs • Develop jurisdiction specific education in accordance with a new model of engagement • Deliver annual conferences in partnership with the jurisdictions • Provide a balanced blend of core and new education programs • Publish new bench books in areas of priority and emerging need 	<ul style="list-style-type: none"> • Expand our range of information systems and services • Improve our digital presence • Conduct applied research • Assist the judiciary to enhance their leadership skills • Offer leadership development programs to court executives in conjunction with the judiciary • Support evaluation of judiciary-led innovation programs • Provide training for judiciary-led multi-disciplinary teams 	<ul style="list-style-type: none"> • Raise revenue through commercial growth • Develop bespoke education programs on a fee-for-service basis • Commercialise our intellectual property 	<ul style="list-style-type: none"> • Operate with an appropriately skilled and sustainable critical mass of staff • Build and maintain high level internal capability, including in business development, policy development, intellectual property management, instructional design and evaluation skills • Operate a best practice performance and development process



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