

**Version No. 012**  
**Victoria Law Foundation Act 1978**  
**Act No. 9174/1978**

Version incorporating amendments as at 12 December 2005

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**Version No. 012**  
**Victoria Law Foundation Act 1978**  
**Act No. 9174/1978**

Version incorporating amendments as at 12 December 2005

An Act to amend the Constitution of the Victoria Law  
Foundation, to amend the **Legal Profession Practice Act 1958**  
and for other purposes.

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

**1. Short title and commencement**

- (1) This Act may be cited as the **Victoria Law Foundation Act 1978**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

**2. Definitions**

In this Act unless inconsistent with the context or subject-matter—

*	*	*	*	*	S. 2 def. of "Bar Council" repealed by No. 35/1996 s. 453(Sch. 1 item 87.1)
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**"Foundation"** means the Victoria Law  
Foundation;

S. 2 def. of  
"Law  
Institute"  
repealed by  
No. 35/1996  
s. 453(Sch. 1  
item 87.1).

\* \* \* \*

S. 2 def. of  
"Law Reform  
Commission"  
inserted by  
No. 10131  
s. 25(a),  
repealed by  
No. 84/1992  
s. 8(a).

\* \* \* \*

S. 2 def. of  
"lawyer"  
substituted by  
No. 18/2005  
s. 18(Sch. 1  
item 114.1).

"lawyer" includes—

- (a) an Australian lawyer (within the meaning of the **Legal Profession Act 2004**); and
- (b) a person who is eligible for admission to the legal profession (within the meaning of the **Legal Profession Act 2004**); and
- (c) a person who holds or has held judicial office; and
- (d) a graduate in law;

"member" means a member of the Victoria Law Foundation;

S. 2 def. of  
"Solicitors'  
Guarantee  
Fund"  
repealed by  
No. 35/1996  
s. 453(Sch. 1  
item 87.1).

\* \* \* \*

### 3. Amendment of No. 6291

The **Legal Profession Practice Act 1958** is hereby amended as follows—

(a) In section 1 the expression "Part IIA—  
Victoria Law Foundation ss 14A–14D." is  
**repealed**;

(b) Part IIA is **repealed**.

**4. Constitution of Victoria Law Foundation**

The Foundation shall consist of the following members, namely, the Chief Justice of Victoria who shall be the President of the Foundation, the Attorney-General of Victoria or his or her nominee, the President for the time being of the Law Institute or his nominee, the Chairman for the time being of the Bar Council or his nominee and no less than nine and no more than twelve other persons (of whom at least six shall be lawyers) of whom—

**S. 4  
amended by  
Nos 10131  
s. 25(b),  
38/1986  
s. 5(a),  
84/1992  
s. 8(b).**

(a) nine shall be appointed by the Governor in Council of whom—

- (i) three shall be appointed on the nomination of the Chief Justice;
- (ii) three shall be appointed on the nomination of the Attorney-General;
- (iii) three shall be appointed on the nomination of the Law Institute; and

(b) no more than three may be appointed by co-option by the Foundation.

**5. Foundation capable of suing and being sued etc.**

The Foundation shall be a body corporate with perpetual succession and a common seal and shall be capable in law of suing and of being sued and of purchasing leasing holding demising selling transferring conveying mortgaging and otherwise acquiring and disposing of real and personal property for the purposes of and subject to this Act and of doing and suffering all acts matters and things which bodies corporate may by law do or

suffer and as are necessary or expedient for the purposes of carrying out its objects and powers under this Act.

**6. No member liable to action or suit in respect of any act etc. of Foundation**

No member of the Foundation shall be liable to any action or suit whatsoever in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power or duty conferred or imposed upon the Foundation or on any member or members of the Foundation by or under this Act.

**7. Common seal**

- (1) The common seal of the Foundation shall be kept and used according to such regulations as the Foundation may make in respect thereto.
- (2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Foundation affixed to a document and until the contrary is proved shall presume that it was duly affixed.

**8. Term of office**

- (1) Subject to the provisions of this Act an appointed member shall hold office for the period of five years from the date of his appointment unless sooner cancelled but he is eligible for re-appointment.
- (2) The Governor in Council may at any time cancel the appointment of any member if the member—
  - (a) resigns his office by writing under his hand delivered to the President;
  - (b) becomes bankrupt, applies to take the benefit of any laws for the relief of bankrupt or insolvent debtors, compounds with his

creditors or makes assignment of his estate for the benefit of his creditors;

- (c) becomes of unsound mind;
- (d) is absent from three consecutive meetings of the Foundation without the consent of the Foundation—

or, if the body or person by which or whom he was nominated or co-opted requests his removal.

## **9. Meetings**

- (1) Meetings of the Foundation shall be held at such times and places as the Foundation may from time to time determine or as the President may direct.
- (2) In the absence of the Chief Justice the members present at any meeting shall appoint a chairman of the meeting.
- (3) At any meeting of the Foundation six members shall form a quorum, unless the number of members of the Foundation exceeds fourteen, in which case seven shall form a quorum.
- (4) All questions coming before a meeting of the Foundation shall be decided by a majority of votes of the members present at the meeting and in the event of an equality of votes the chairman shall have an additional vote.
- (5) An act or decision of the Foundation is not invalid by reason only of a vacancy in the office of a member or a defect or irregularity in the appointment of a member.

## **10. Executive Director**

The Foundation may appoint an Executive Director and may appoint such other officers and employees as it may consider to be necessary for the purposes of the Foundation.

**11. Objects of the Foundation**

The objects of the Foundation are—

- (a) to promote or undertake legal research, whether being conducted within or without Victoria, which in the opinion of the Foundation may be of value in the reform of the law in Victoria;
- (b) to promote legal education in Victoria, including the education and training of lawyers, and persons employed by lawyers, in any subject or field that in the opinion of the Foundation is likely to promote the efficient practice of law in Victoria;
- (c) to establish maintain or improve law libraries in Victoria;
- (d) to investigate or inquire into proposals for the improvement of the administration of law in Victoria, including the work of the legal profession, and to promote or undertake projects directed towards such improvements;
- (e) to promote or undertake within Victoria community education in law and the legal system, including programmes in schools;
- (f) to communicate to lawyers and other persons information on the law and matters related to the law;
- (g) to publish or subsidize the publication of material relating to, resulting from or connected with carrying out the objects of the Foundation;
- (h) to do anything incidental or conducive to the carrying out of the foregoing objects.

S. 11(b)  
substituted by  
No. 18/2005  
s. 18(Sch. 1  
item 114.2(a)).

S. 11(f)  
amended by  
No. 18/2005  
s. 18(Sch. 1  
item 114.2(b)).

## **12. Powers of the Foundation**

Subject to this Act the Foundation may do all things that are necessary or convenient to be done for or in connexion with the carrying out of its objects and in particular may—

- (a) acquire by purchase gift grant bequest or devise any property whether on trust or otherwise and to agree to and carry out any conditions of any such purchase gift grant bequest or devise, and the Foundation may create and administer any trust fund or funds in connexion therewith or for any other purpose whatsoever;
- (b) raise or borrow money in such manner and upon such security (if any) as the Foundation may determine;
- (c) invest and deal with money held by the Foundation not immediately required for any of the objects of the Foundation either in a common fund or funds or otherwise in any manner in which trust moneys may be invested by a trustee under the **Trustee Act 1958** or any other Act and may consolidate divide or in any way alter any such investments;
- (d) create an Endowment and Reserve Fund to be managed and used as the Foundation may by regulation determine;
- (e) defray any expenses incurred by the Foundation for the purposes of this Act;
- (f) charge fees for lectures seminars courses or other activities conducted by the Foundation;
- (g) re-imburse to members reasonable travelling and other expenses incurred in attending meetings of the Foundation or otherwise in connexion with carrying out its business.

S. 12(c)  
amended by  
No. 35/1996  
s. 453(Sch. 1  
item 87.2).



S. 12A  
inserted by  
No. 38/1986  
s. 5(b),  
repealed by  
No. 84/1992  
s. 8(c).

\* \* \* \* \*

### 13. Power of Foundation to make regulations

The Foundation may make amend and repeal regulations—

- (a) with respect to the proceedings of the Foundation; and
- (b) for or with respect to any matter or thing which in the opinion of the Foundation is necessary or expedient for the purposes of this Act.

S. 14  
amended by  
Nos 10131  
s. 25(c)(d),  
38/1986  
s. 5(c)–(e),  
repealed by  
No. 35/1996  
s. 453(Sch. 1  
item 87.3).

\* \* \* \* \*

### 15. Accounts

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

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

**16. Annual report**

The Foundation shall at least once in each year make a report to the Attorney-General on the performance of its functions and every such report shall be laid before both Houses of Parliament.

**17. Members appointed under Legal Profession Practice Act 1958**

Any member of the Foundation who at the commencement of this Act was holding office under the provisions of Part IIA of the **Legal Profession Practice Act 1958** shall be deemed to have been appointed as a member of the Foundation pursuant to section 4 and to continue to hold office until the expiration of his term of appointment under the **Legal Profession Practice Act 1958** unless sooner cancelled pursuant to the provisions of section 8.

**18. Foundation deemed same body corporate after this Act as before**

- (1) The body corporate of the Foundation shall be and be deemed to be the same body corporate after the commencement of this Act as before the said commencement notwithstanding the alterations made in the constitution thereof by the provisions of this Act.

- (2) The Foundation shall, whether all the members thereof to be appointed in accordance with section 4 have been so appointed or not, be deemed to be duly and legally constituted under this Act.

**19. Saving**

No act matter or thing shall be in any way abated or affected by reason of the alteration in the constitution of the Foundation and any such act matter or thing may be continued and concluded in all respects as if this Act had not been passed and all things validly done by the Foundation before the coming into operation of this Act shall remain valid and operative notwithstanding the passing of this Act and in particular all regulations validly made by the Foundation before such passing shall continue in operation until repealed or amended under this Act.

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## ENDNOTES

### 1. General Information

The **Victoria Law Foundation Act 1978** was assented to on 31 October 1978 and came into operation on 1 January 1979: Government Gazette 20 December 1978 page 3884.

## 2. Table of Amendments

This Version incorporates amendments made to the **Victoria Law Foundation Act 1978** by Acts and subordinate instruments.

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### **Law Reform Commission Act 1984, No. 10131/1984**

*Assent Date:* 13.11.84  
*Commencement Date:* 4.12.84: Government Gazette 30.11.84 p. 4211  
*Current State:* All of Act in operation

### **Legal Profession Practice (Amendment) Act 1986, No. 38/1986**

*Assent Date:* 20.5.86  
*Commencement Date:* 25.6.86: Government Gazette 25.6.86 p. 2179  
*Current State:* All of Act in operation

### **Law Reform Commission (Repeal) Act 1992, No. 84/1992**

*Assent Date:* 24.11.92  
*Commencement Date:* 24.11.92: s. 2  
*Current State:* All of Act in operation

### **Legal Practice Act 1996, No. 35/1996**

*Assent Date:* 6.11.96  
*Commencement Date:* S. 453(Sch. 1 item 87) on 1.1.97: s. 2(3)  
*Current State:* This information relates only to the provisions amending the **Victoria Law Foundation Act 1978**

### **Legal Profession (Consequential Amendments) Act 2005, No. 18/2005**

*Assent Date:* 24.5.05  
*Commencement Date:* S. 18(Sch. 1 item 114) on 12.12.05: Government Gazette 1.12.05 p. 2781  
*Current State:* This information relates only to the provision/s amending the **Victoria Law Foundation Act 1978**

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**3. Explanatory Details**

No entries at date of publication.