

**Authorised Version No. 001**  
**Supreme Court Library Rules 2019**

**S.R. No. 20/2019**

Authorised Version as at  
25 March 2019

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The Judges of the Supreme Court make the following Rules:

**1 Object**

The object of these Rules is to make Rules with respect to the Supreme Court Library.

**2 Authorising provisions**

These Rules are made under section 25 of the **Supreme Court Act 1986** and all other enabling powers.

**3 Commencement**

These Rules come into operation on 25 March 2019.

**4 Revocation**

The Supreme Court Library Rules 2009<sup>1</sup> are **revoked**.

**5 Definitions**

In these Rules—

***Committee*** means the Supreme Court Library Committee established by Rule 6;

***Judge of the Supreme Court*** has the same meaning as ***Judge of the Court*** has in section 3 of the **Supreme Court Act 1986**;

**Note**

This means a Judge of the Court referred to in section 75(3) of the **Constitution Act 1975** and includes a reserve Judge engaged under section 81B

of the **Constitution Act 1975** to undertake the duties of a Judge of the Court during any period of engagement.

*local legal practitioner* means a legal practitioner whose principal place of practice is Victoria and who is on the local legal profession register maintained under the Legal Profession Uniform Law (Victoria).

## **6 Supreme Court Library Committee**

The Supreme Court Library shall be under the control of a committee called the "Supreme Court Library Committee".

## **7 Composition of Committee**

- (1) The Committee shall consist of—
  - (a) the Chief Justice; and
  - (b) three Judges of the Supreme Court who shall be appointed from time to time as members of the Committee by the Council of Judges; and
  - (c) four local legal practitioners who shall be appointed by the Council of Judges in December of each year to act during the ensuing year.
- (2) The Council of the Law Institute of Victoria and the Victorian Bar Council may each nominate two local legal practitioners for appointment to the Committee.
- (3) In the event of a vacancy occurring during the year, the Council of Judges may fill that vacancy.

## **8 Chair of Committee**

The Chair of the Committee shall be—

- (a) the Chief Justice; or
- (b) a Judge of the Supreme Court nominated by the Chief Justice as Chair from the Judges appointed under Rule 7(1)(b).

## **9 Quorum**

The Committee shall meet at such times and places as the Chair of the Committee directs and four members shall be a quorum.

## **10 Alternates**

A judicial member of the Committee may appoint a Judge of the Supreme Court to be an alternative or substitute member in the place of the appointor during such period as the appointor thinks fit and any person so appointed may exercise all the powers of the appointor in place of the appointor.

## **11 Voting**

The Chair of the Committee present at a meeting of the Committee shall have both a deliberative and a casting vote.

## **12 Secretary**

Unless some other person is appointed so to act, the Supreme Court Librarian shall be Secretary to the Committee.

## **13 Rules**

- (1) The Committee may make recommendations to the Judges of the Supreme Court for Rules to be made by the Judges providing for—
  - (a) the management and good government of the library; and
  - (b) penalties for breaches of the Rules.

- (2) Subject to the Rules, members of the legal profession of Victoria shall have access to the library.

**14 Transitional**

The members of the Supreme Court Library Committee established by the Supreme Court Library Rules 2009 who were in office immediately before the commencement of these Rules, subject to these Rules—

- (a) hold office, as members of the Committee on and after that commencement for the balance of their period of appointment; and
- (b) are eligible for re-appointment.

Dated: 21 March 2019

ANNE FERGUSON, *C.J.*

PAMELA TATE, *J.A.*

DAVID F. R. BEACH, *J.A.*

STEPHEN KAYE, *J.A.*

S. G. E. McLEISH, *J.A.*

R. NIALL, *J.A.*

TERRY FORREST, *J.A.*

KARIN EMERTON, *J.A.*

ANTHONY CAVANOUGH, *J.*

CLYDE CROFT, *J.*

M. L. SIFRIS, *J.*

PETER ALMOND, *J.*

JOHN R. DIXON, *J.*

C. MACAULAY, *J.*

KATE McMILLAN, *J.*

GREG GARDE, J.  
G. J. DIGBY, J.  
T. J. GINNANE, J.  
MELANIE SLOSS, J.  
MICHAEL McDONALD, J.  
RITA ZAMMIT, J.  
P. J. RIORDAN, J.  
JANE A. DIXON, J.  
A. J. KEOGH, J.  
MAREE KENNEDY, J.  
J. R. CHAMPION, J.  
M. N. CONNOCK, J  
MELINDA RICHARDS, J  
KEVIN J. A. LYONS, J.  
S. J. MOORE, J.  
ANDREW J. TINNEY, J.

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Supreme Court Library Rules 2019, S.R. No. 20/2019 were made on 21 March 2019 by the Judges of the Supreme Court under section 25 of the **Supreme Court Act 1986**, No. 110/1986 and came into operation on 25 March 2019: rule 3.

The Supreme Court Library Rules 2019 will sunset 10 years after the day of making on 21 March 2029 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

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1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

## **2 Table of Amendments**

There are no amendments made to the Supreme Court Library Rules 2019 by statutory rules, subordinate instruments and Acts.

### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

<sup>1</sup> Rule 4: S.R. No. 96/2009.