

Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021

No. of 2021

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No. of 2021

The Parliament of Victoria enacts:

1 Purposes

(a) to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to federal subject matter and to consequentially amend the **Magistrates' Court Act 1989** and other Acts; and

Victorian Civil and Administrative Tribunal and Other Acts Amendment
(Federal Jurisdiction and Other Matters) Act 2021
No. of 2021

Part 1—Preliminary

- (b) to amend the **County Court Act 1958** and the **Judicial Entitlements Act 2015** to create the office of Deputy Chief Judge of the County Court; and
- (c) to amend the **Public Prosecutions Act 1994**—
 - (i) to broaden the circumstances in which an acting Chief Crown Prosecutor may be appointed; and
 - (ii) to make amendments consequential to the creation of the office of Deputy Chief Judge of the County Court.

2 Commencement

- (1) This Part and Part 4 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 1 January 2022, it comes into operation on that day.

Part 2—Federal subject matter amendments

Division 1—Amendment of Victorian Civil and Administrative Tribunal Act 1998

3 New Part 3A inserted

After Part 3 of the **Victorian Civil and
Administrative Tribunal Act 1998** insert—

"Part 3A—Federal subject matter

57A Definitions

In this Part—

designated judicial officer has the same
meaning as in the **Courts (Case
Transfer) Act 1991**;

federal subject matter means subject matter
of a kind referred to in section 75 (other
than section 75(v)) or 76 of the
Constitution of the Commonwealth;

invalid Tribunal decision means a decision,
order or declaration, or purported
decision, order or declaration, made
before the commencement of this Part
by the Tribunal in any proceeding
determined by exercising judicial
power involving federal subject matter
which is invalid only because of that
reason;

substituted proceeding means a proceeding
in the Magistrates' Court on an
application made under section 57B.

57B Applications to Magistrates' Court

- (1) The following persons may apply to the Magistrates' Court under this section—
 - (a) a person who is entitled to apply to the Tribunal in its original jurisdiction, or would have been so entitled if the Tribunal had jurisdiction to exercise judicial power to resolve controversies involving federal subject matter;
 - (b) a person whose application to the Tribunal in its original jurisdiction was, before, on or after the commencement of this Part, struck out, dismissed, rejected or withdrawn on the ground that the Tribunal had no jurisdiction to exercise judicial power to resolve controversies involving federal subject matter;
 - (c) a person who was a party to a proceeding in the Tribunal in which an order of the Tribunal was set aside by a court, on an appeal or review commenced on or before the relevant day, on the ground that the Tribunal had no jurisdiction to exercise judicial power to resolve controversies involving federal subject matter.
 - (2) The Magistrates' Court may hear and determine an application made under this section if satisfied that—
 - (a) the application raises, or there is some doubt as to whether it raises, a controversy involving federal subject matter; and
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- (b) resolution of that controversy would involve, or there is some doubt as to whether it would involve, an exercise of judicial power; and
 - (c) the Tribunal would have had original jurisdiction enabling it to determine an application involving the same subject matter if the application did not raise a controversy involving federal subject matter the resolution of which would involve an exercise of judicial power.
- (3) The fee payable for an application under this section is the relevant fee (if any) payable to the Tribunal under this Act.
- (4) Subject to section 57D, any limitation period that would apply to the making of an application to the Tribunal applies to the making of an application to the Magistrates' Court under this section.
- (5) The Magistrates' Court may strike-out, dismiss or reject an application if the Court is not satisfied under subsection (2).
- (6) In this section—
relevant day means the day on which the
Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021 received the Royal Assent.

57C Substituted proceedings

- (1) If the Magistrates' Court decides to hear and determine an application made under section 57B—
 - (a) the Court must hear and determine it in accordance with this Part; and
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- (b) the Court may make any orders it considers appropriate to facilitate the hearing and determination of the application.
 - (2) Without limiting any other function or power of the Magistrates' Court but subject to subsection (3), the Magistrates' Court has, and may exercise, all of the functions and powers in relation to a substituted proceeding that the Tribunal would have had if the proceeding were before the Tribunal and it had jurisdiction to exercise judicial power to resolve controversies involving federal subject matter, including functions and powers conferred or imposed by or under this Act or an enabling enactment.
 - (3) For the purposes of a substituted proceeding—
 - (a) the Magistrates' Court is to be constituted as provided for by or under the **Magistrates' Court Act 1989** instead of as provided for by or under this Act or an enabling enactment; and
 - (b) subject to paragraphs (c) to (i), the practice and procedure applicable in the Magistrates' Court (including in relation to enforcement of orders) apply, unless the Court determines otherwise; and
 - (c) the **Evidence Act 2008** and the rules of evidence do not apply except to the extent that the Court determines otherwise; and
 - (d) sections 62 (representation of parties), 63 (interpreters) and 63A (support persons) of this Act apply as if a reference in those sections to a
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proceeding were a reference to the substituted proceeding; and

- (e) section 105 of this Act (self-incrimination) applies as if a reference in that section to a proceeding were a reference to the substituted proceeding; and
- (f) a person who could have been made a party to, or intervened in, the proceeding if it were before the Tribunal, with the leave of the Court, may also be made a party or intervene; and
- (g) section 120 of this Act (re-opening an order on substantive grounds) applies in addition to section 110 of the **Magistrates' Court Act 1989**; and
- (h) section 120A of this Act (re-opening an order for enforcement reasons) applies; and
- (i) the Court may award or order costs or reimbursement or payment of fees in the proceeding only in the circumstances that the Tribunal would have been permitted to award or order costs or reimbursement or payment of fees (and costs are to be assessed in the same way as they would have been) if the proceeding were before the Tribunal; and

Note

See sections 74(2), 75(2) and 109 and Division 8A of Part 4 of this Act in relation to costs and reimbursement or payment of fees.

- (j) subject to subsection (4), the law applicable to appeals from the Magistrates' Court in civil proceedings applies to decisions of the Court in the substituted proceeding instead of Part 5 of this Act.
- (4) A party to a substituted proceeding may appeal against an order of an interim or interlocutory nature made by the Magistrates' Court in the proceeding in the same way as a party may appeal against a final order made by the Magistrates' Court.
- (5) A party that appeals under subsection (4) must notify the principal registrar of the Magistrates' Court.
- (6) A reference to the Tribunal in this Act or an enabling enactment includes a reference to the Magistrates' Court in relation to any function or power conferred on the Court because of the operation of this section.
- (7) In this section—
costs include amounts of the nature referred to in section 75(2).

57D Extension of limitation periods

- (1) The Magistrates' Court may extend any limitation period that applies to the making of an application under section 57B so as to allow the application to be made and determined, if satisfied that—
 - (a) the application involves the same subject matter as an application to the Tribunal that was struck out, dismissed, rejected or withdrawn for lack of jurisdiction; and
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- (b) the late making of the application is attributable to additional steps the applicant was required to take to have the matter determined by the Court because the application to the Tribunal was struck out, dismissed, rejected or withdrawn; and
 - (c) it is fair and reasonable to extend the limitation period.
 - (2) The Tribunal may extend any limitation period that applies to the making of an application to the Tribunal so as to allow the application to be made and determined, if satisfied that—
 - (a) the application involves the same subject matter as an application to the Magistrates' Court under section 57B that was—
 - (i) struck out, dismissed, rejected or withdrawn because the Court was not satisfied as referred to in section 57B(2); or
 - (ii) withdrawn before the Court had determined whether or not it was satisfied as referred to in section 57B(2); and
 - (b) the late making of the application is attributable to additional steps the applicant was required to take to have the matter determined by the Tribunal because the application under section 57B was struck out, dismissed, rejected or withdrawn; and
 - (c) it is fair and reasonable to extend the limitation period.
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- (3) A limitation period may be extended under this section even though the limitation period has already expired.

57E Time limits for dealing with applications

- (1) Any time limits for dealing with an application that would apply to the Tribunal if an application that is the subject of a substituted proceeding had been an application to the Tribunal apply to the Court, with any periods being reckoned from the time the application was made to the Court.
- (2) Despite subsection (1), if a substituted proceeding involves the same subject matter as an application to the Tribunal that was struck out, dismissed, rejected or withdrawn for lack of jurisdiction, the Magistrates' Court must—
- (a) have regard to that fact in observing any time limits; and
 - (b) hear and determine the proceeding as expeditiously as possible.
- (3) If an application to the Tribunal involves the same subject matter as an application to the Magistrates' Court under section 57B that was struck out, dismissed, rejected or withdrawn because the Court was not satisfied as referred to in section 57B(2), or withdrawn before the Court had determined whether or not it was satisfied as referred to in section 57B(2), the Tribunal must have regard to that fact in observing any time limit that applies to the Tribunal in dealing with the application.
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Note

See also section 98(1)(d) as to the requirement for the Tribunal to determine a proceeding speedily.

57F Rights and liabilities—past invalid Tribunal decisions

- (1) By force of this section, the rights and liabilities of all persons are deemed to be, and always to have been, the same as if—
 - (a) in relation to a proceeding in which an invalid Tribunal decision was made, any decision, order or declaration in the proceeding had been made by the Magistrates' Court in accordance with this Part as if this Part had been in operation at the time of the invalid Tribunal decision; and
 - (b) the decision, order or declaration referred to in paragraph (a) were valid orders of the Magistrates' Court in relation to such a proceeding.
- (2) A right or liability conferred, imposed or affected by subsection (1) is exercisable or enforceable, and is deemed to have always been exercisable or enforceable, as if it were a right or liability conferred, imposed or affected by a valid order of the Magistrates' Court made under this Part, including any right to seek review of, or appeal against, the order, whether in accordance with section 57C(3)(j) or (4) or otherwise.

57G Effect of things done or omitted to be done under or in relation to rights and liabilities

- (1) Any act or thing done or omitted to be done before, on or after the commencement of this Part under or in relation to a right or liability
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conferred, imposed or affected by
section 57F—

- (a) has the same effect, and gives rise to the same consequences, for the purposes of any written or other law; and
- (b) is deemed to have always had the same effect, and given rise to the same consequences, for the purposes of any written or other law—

as if it were done, or omitted to be done, to give effect to, or under the authority of, or in reliance on, a valid order of the Magistrates' Court made under this Part.

- (2) Any act or thing done or omitted to be done before, on or after the commencement of this Part gives rise to the same consequences, and is to be regarded as always having given rise to the same consequences, as if each invalid Tribunal decision were a valid order of the Magistrates' Court made under this Part for the purposes of a provision of a law (other than a law relating to contempt of court) that sets out a consequence for a person if—
 - (a) the person contravenes a judgment or order, or a particular kind of judgment or order, given by a court; or
 - (b) the person acts in a specified way while there is in force a judgment or order, or a particular kind of judgment or order, given by a court.
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(3) Without limiting subsection (1), if, before, on or after the commencement of this Part, a person has—

- (a) interfered with a right or liability conferred, imposed or affected by section 57F; or
- (b) failed to satisfy or comply with a liability conferred, imposed or affected by section 57F—

the interference or failure is, and is deemed always to have been, a matter that can be dealt with by way of a proceeding for contempt in the same manner as if the interference or failure had been in relation to a right conferred, imposed or affected, or a liability conferred, imposed or affected, by an order of the Supreme Court.

(4) Nothing in subsection (3) limits sections 121, 122 or 137.

57H Powers of Magistrates' Court in relation to rights and liabilities

- (1) The Magistrates' Court may vary, revoke, set aside, revive or suspend a right or liability conferred, imposed or affected by section 57F as if it were a right or liability validly conferred, imposed or affected by the Magistrates' Court in or in relation to a substituted proceeding of the kind in relation to which the invalid Tribunal decision was made.
 - (2) In addition to its powers under subsection (1), the Magistrates' Court also has power to make an order achieving any other result that could have been achieved if—
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- (a) the invalid Tribunal decision had been a valid order of the Magistrates' Court made in or in relation to a substituted proceeding of the kind in or in relation to which the invalid Tribunal decision was made; and
- (b) the Magistrates' Court had been considering whether—
 - (i) to vary, revoke, set aside, revive or suspend that order; or
 - (ii) to extend the time for the doing of any thing; or
 - (iii) to grant a stay of the proceeding.

57I Rights and liabilities do not apply in certain circumstances

- (1) Sections 57F, 57G and 57H do not apply if any order is made by the County Court or the Supreme Court (including the Court of Appeal) before the commencement of this Part which quashes, overturns or reverses a decision, order or declaration of the Tribunal on the ground that the Tribunal has no jurisdiction to exercise judicial power to resolve controversies involving federal subject matter.
 - (2) Sections 57F, 57G and 57H do not apply if an appeal or a review which includes the ground that the Tribunal has no jurisdiction to exercise judicial power to resolve controversies involving federal subject matter has been commenced but not determined before or on the date on which the **Victorian Civil and Administrative Tribunal and Other Acts Amendment (Federal Jurisdiction and Other Matters) Act 2021** receives the Royal Assent.
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57J Transfer of substituted proceedings

- (1) A substituted proceeding may be transferred from the Magistrates' Court to the Supreme Court or the County Court (the *transferee court*) under this section, after it has been referred under subsection (2) to the designated judicial officers of the Magistrates' Court and the transferee court.
 - (2) A judicial or administrative officer of the Magistrates' Court (which may include the designated judicial officer of that Court) or a party to a substituted proceeding may refer the proceeding to the designated judicial officers of the Magistrates' Court and the transferee court.
 - (3) A substituted proceeding may be transferred under this section only if—
 - (a) the designated judicial officers of the Magistrates' Court and the transferee court are of the opinion that the transfer is appropriate; or
 - (b) in a case of disagreement between the designated judicial officers, the designated judicial officer of the transferee court is of the opinion that the transfer is appropriate.
 - (4) In forming an opinion for the purposes of subsection (3), the designated judicial officers may consider—
 - (a) any amount claimed in the substituted proceeding; and
 - (b) the complexity of the substituted proceeding; and
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- (c) whether, if the Tribunal had jurisdiction to determine the subject matter of the substituted proceeding, it is likely that the matter would have been heard by the President or a Vice President; and
 - (d) which court in the circumstances is the most natural forum for resolution of the matters in dispute in the substituted proceeding; and
 - (e) anything else that the designated judicial officers consider relevant.
 - (5) If the designated judicial officer or officers form the opinion referred to in subsection (3), the Magistrates' Court constituted by its designated judicial officer, as soon as practicable, must make an order transferring the substituted proceeding to the transferee court and, on the making of that order—
 - (a) the proceeding is discontinued in the Magistrates' Court; and
 - (b) the Magistrates' Court must cause the record and all documents relating to the proceeding to be sent to the transferee court.
 - (6) If the substituted proceeding is transferred—
 - (a) the transferee court has, in addition to its existing jurisdiction, functions and powers, any jurisdiction, functions and powers the Magistrates' Court would have had if the proceeding had not been transferred; and
 - (b) unless the transferee court otherwise orders, the practice and procedure applicable in the transferee court apply in relation to the proceeding; and
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- (c) unless the transferee court otherwise orders, anything done or omitted to be done in the proceeding under or in accordance with the rules of court that applied to it before the transfer must be taken, so far as possible, to have been done or omitted under the rules that apply in the transferee court; and
 - (d) the transferee court must endeavour to ensure that the proceeding is heard and determined no later than it would have been if it had not been transferred; and
 - (e) a judgment given or order made by the transferee court in the proceeding has effect and may be enforced or appealed against like any other judgment or order of that court; and
 - (f) the transferee court may award costs in any manner it sees fit; and
 - (g) the transferee court may transfer the proceeding to the Tribunal if satisfied that the Tribunal has jurisdiction to determine the subject matter of the substituted proceeding.
- (7) This section is in addition to anything in the **Courts (Case Transfer) Act 1991**.

57K Part prevails

If a provision of this Part is inconsistent with another provision of this Act or a provision of an enabling enactment, the provision of this Part prevails to the extent of the inconsistency."

4 Dealing with inconsistencies

In section 159 of the **Victorian Civil and Administrative Tribunal Act 1998**, for "If" substitute "Subject to section 57K, if".

5 Regulations

- (1) After section 161(1)(b) of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"(ba) for the purposes of Part 3A, prescribing functions and powers of members, registrars and other staff under this Act or an enabling enactment that may be exercised by magistrates, judicial registrars, registrars or other staff appointed under the **Magistrates' Court Act 1989**;"

- (2) In section 161(2) of the **Victorian Civil and Administrative Tribunal Act 1998**—

- (a) in paragraph (d), after "registrar" insert "or, for the purposes of Part 3A other specified person or class of person";
- (b) in paragraph (e), after "registrar" insert "or, for the purposes of Part 3A, other specified person or class of person".

6 Schedule 2 amended

At the end of Schedule 2 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"The procedure for, or in relation to, applications that may raise controversies that involve federal subject matter within the meaning of Part 3A."

Division 2—Consequential amendment of other Acts

7 Magistrates' Court Act 1989—Rules of Court

- (1) In section 16(1)(h) of the **Magistrates' Court Act 1989**, for "registrar." substitute "registrar;".
- (2) After section 16(1)(h) of the **Magistrates' Court Act 1989** insert—
 - "(i) the conduct of, and procedure for, or in relation to, substituted proceedings to which Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998** applies including, but not limited to, the form or manner in which substituted proceedings are to be commenced."

8 Magistrates' Court Act 1989—Extent of jurisdiction

- (1) After section 100(1)(c) of the **Magistrates' Court Act 1989** insert—
 - "(ca) to hear and determine applications made under section 57B of the **Victorian Civil and Administrative Tribunal Act 1998**; and"
- (2) For section 100(2A) of the **Magistrates' Court Act 1989** substitute—
 - "(2A) The jurisdictional limit does not apply to any question or matter that the Court has jurisdiction to determine arising out of any of the following—
 - (a) Part IV of the **Accident Compensation Act 1985**;
 - (b) Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998**;
 - (c) the **Workplace Injury Rehabilitation and Compensation Act 2013**."

9 County Court Act 1958—Power to make rules of practice

After section 78(1)(dc) of the **County Court Act 1958** insert—

"(dd) the conduct of, and procedure for, or in relation to, substituted proceedings to which Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998** applies;"

10 Supreme Court Act 1986—Power to make Rules

After section 25(1)(ai) of the **Supreme Court Act 1986** insert—

"(aj) the conduct of, and procedure for, or in relation to, substituted proceedings to which Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998** applies;"

11 Civil Procedure Act 2010—Application of Act

After section 4(2)(j) of the **Civil Procedure Act 2010** insert—

"(ja) Part 3A of the **Victorian Civil and Administrative Tribunal Act 1998**;"

Part 3—Amendment of County Court Act 1958 and Judicial Entitlements Act 2015

Division 1—Amendment of County Court Act 1958

12 Definitions

In section 3(1) of the **County Court Act 1958**—

- (a) in the definition of *Chief Judge*, after
"Acting Chief Judge" **insert** "or the Deputy
Chief Judge acting as Chief Judge";
- (b) in the definition of *excluded judicial officer*,
after paragraph (a) **insert**—
"(ab) the Deputy Chief Judge;";
- (c) **insert** the following definition—
"*Deputy Chief Judge* means a person
appointed as Deputy Chief Judge under
section 8AAB;".

13 Appointment and qualification of judges

- (1) At the foot of section 8(2)(a) of the **County Court
Act 1958** **insert**—

"Note

Section 8AAC(1) also provides for the Deputy Chief Judge
to act as the Chief Judge if the Governor in Council has not
appointed an Acting Chief Judge and the Chief Judge has
nominated or authorised the Deputy Chief Judge to act as
Chief Judge."

- (2) For section 8(2A) of the **County Court Act 1958**
substitute—

"(2A) If there is a vacancy in the office of the Chief
Judge—

- (a) the Deputy Chief Judge is to act as
Chief Judge; or

- (b) if the Deputy Chief Judge is unable to act as Chief Judge, the senior of the judges willing to act as Chief Judge is to act as Chief Judge."

(3) In section 8(2C) of the **County Court Act 1958**—

- (a) in paragraph (c), for "Judge." **substitute** "Judge;"

- (b) after paragraph (c) **insert**—

"(d) be appointed as Deputy Chief Judge."

14 New sections 8AAB to 8AAD inserted

After section 8AA of the **County Court Act 1958**
insert—

"8AAB Deputy Chief Judge

- (1) The Governor in Council, on the recommendation of the Attorney-General made after consultation with the Chief Judge, may appoint a person to the office of Deputy Chief Judge.
- (2) Without limiting subsection (1), the Deputy Chief Judge, when appointed under subsection (1), must already be a judge.
- (3) Subject to this Act, the Deputy Chief Judge holds office—
 - (a) for the term (not exceeding 5 years) that is specified in the Deputy Chief Judge's instrument of appointment and is eligible for re-appointment; and
 - (b) on any other terms and conditions that are specified in the instrument of appointment.

8AAC Deputy Chief Judge acting as Chief Judge

- (1) The Deputy Chief Judge is to act as Chief Judge during any period that the Chief Judge is absent on leave or for any reason temporarily unable to perform the duties of Chief Judge if—
 - (a) the Deputy Chief Judge is nominated or authorised to do so by the Chief Judge; and
 - (b) the Governor in Council has not appointed an Acting Chief Judge under section 8(2)(a).
- (2) The Deputy Chief Judge, during the period of acting as Chief Judge—
 - (a) has the same powers and jurisdiction as the Chief Judge; and
 - (b) if the period of acting extends for a continuous period of more than 1 week, is entitled to be paid for the entire period at the rate for the time being applicable for the Chief Judge under the **Judicial Entitlements Act 2015**.
- (3) The Deputy Chief Judge may not act under subsection (1) as Chief Judge for a term exceeding 3 months, unless the Governor in Council authorises a longer term on the recommendation of the Attorney-General, made after consultation with the Chief Judge.

8AAD Duties of Deputy Chief Judge

- (1) The Deputy Chief Judge continues to perform the duties of a judge.
- (2) The Chief Judge may assign duties to the Deputy Chief Judge relating to the Chief Judge's responsibilities under section 8E.

- (3) The Deputy Chief Judge must carry out the duties from time to time assigned by the Chief Judge under subsection (2)."

15 Termination of part-time service arrangement

After section 8D(1)(a) of the **County Court Act 1958** insert—

"(ab) Deputy Chief Judge;".

16 Salaries, allowances and conditions of service of the Chief Judge, Deputy Chief Judge and other judges

- (1) In the heading to section 10 of the **County Court Act 1958**, after "**Judge**" insert ", Deputy Chief Judge".

- (2) After section 10(1A) of the **County Court Act 1958** insert—

"(1B) Subject to section 8AAC(2), the Deputy Chief Judge is entitled to be paid a salary at the rate for the time being applicable under the **Judicial Entitlements Act 2015**".

- (3) In section 10(2) of the **County Court Act 1958**, after "Chief Judge" insert "or the Deputy Chief Judge".

- (4) In section 10(6B) of the **County Court Act 1958**, after "Chief Judge" insert ", the Deputy Chief Judge".

17 Provision for pensions to County Court judges and their partners

- (1) In section 14(2) of the **County Court Act 1958**—

- (a) after paragraph (i) insert—

"(ia) in the case of a deputy chief judge—of the Deputy Chief Judge; and";

- (b) in paragraph (ii), after "Chief Judge" insert "or the Deputy Chief Judge".

(2) In section 14(3) of the **County Court Act 1958**—

(a) after paragraph (i) **insert**—

"(ia) in the case of a deputy chief judge or a former deputy chief judge—of the Deputy Chief Judge; and";

(b) in paragraph (ii), after "Chief Judge" **insert** "or the Deputy Chief Judge".

Division 2—Amendment of Judicial Entitlements Act 2015

18 Definitions

In section 3 of the **Judicial Entitlements Act 2015**—

(a) in the definition of *judicial officer*—

(i) after paragraph (h) **insert**—

"(ha) the Deputy Chief Judge;";

(ii) in paragraph (i), after "Chief Judge" **insert** "or the Deputy Chief Judge";

(b) **insert** the following definition—

"Deputy Chief Judge means the Deputy Chief Judge within the meaning of the **County Court Act 1958**";.

19 Salary entitlements of judicial officers

In the Table in section 5 of the **Judicial Entitlements Act 2015**—

(a) after item 8 **insert**—

"8A Deputy Chief Judge 91.98%";

(b) in item 9, after "Chief Judge" **insert** "or the Deputy Chief Judge".

20 Accrued sabbatical and long service leave

In section 12(1)(c) of the **Judicial Entitlements Act 2015**, after "Chief Judge" **insert** "and the Deputy Chief Judge".

Division 3—Consequential amendment of Public Prosecutions Act 1994—Deputy Chief Judge

21 Terms and conditions

In section 15(1) of the **Public Prosecutions Act 1994**, after "Chief Judge" **insert** "or the Deputy Chief Judge".

22 Pension of Chief Crown Prosecutor and of his or her partner and children

In section 18(1) of the **Public Prosecutions Act 1994**, after "Chief Judge" **insert** "or the Deputy Chief Judge".

23 Pensions of Senior Crown Prosecutors and of their partners and children

In section 35(1) of the **Public Prosecutions Act 1994**, after "Chief Judge" **insert** "or the Deputy Chief Judge".

Part 4—Amendment of Public Prosecutions Act 1994—Acting Chief Crown Prosecutor

24 Senior Crown Prosecutor may act as Chief Crown Prosecutor

For section 35A(1) of the **Public Prosecutions
Act 1994 substitute—**

- "(1) The Director's Committee may appoint a Senior Crown Prosecutor to act as the Chief Crown Prosecutor during any period when—
- (a) the Chief Crown Prosecutor is acting as the Director under section 19B(1); or
 - (b) the office of the Chief Crown Prosecutor is vacant; or
 - (c) the Chief Crown Prosecutor is absent from duty or is, for any reason, unable to carry out the duties of the office."

Victorian Civil and Administrative Tribunal and Other Acts Amendment
(Federal Jurisdiction and Other Matters) Act 2021
No. of 2021

Part 5—Repeal of this Act

Part 5—Repeal of this Act

25 Repeal of this Act

This Act is **repealed** on 1 January 2023.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly:

Legislative Council:

The long title for the Bill for this Act was "A Bill for an Act to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to federal subject matter and to consequentially amend the **Magistrates' Court Act 1989** and other Acts, to amend the **County Court Act 1958** and the **Judicial Entitlements Act 2015** to create the office of Deputy Chief Judge of the County Court, to amend the **Public Prosecutions Act 1994** in relation to the appointment of an acting Chief Crown Prosecutor and for other purposes."