

## **MEDIA RELEASE**

**For immediate release  
8 April 2020**

### **Decision on complaint about Magistrate Rodney Higgins**

The Judicial Commission of Victoria (the **Commission**) received a complaint from the Shadow Attorney General, The Hon Edward O'Donohue MLC, regarding Magistrate Rodney Higgins (the **Officer**) in October 2019.

In accordance with the *Judicial Commission of Victoria Act 2016* the Commission carefully considered the complaint and dismissed it in its entirety.

The complaint contained three allegations:

#### ***Outcome - allegation one***

That the Officer lacked judicial independence in relation to his decision-making during his relationship with a court clerk, based on media reports.

Since the time of the complaint the clerk has passed away. The Commission found that on the material available to it, there was no other information to support the allegation.

The Commission dismissed this part of the complaint on the grounds it was not substantiated.

#### ***Outcome - allegation two***

Relates to alcohol consumption and refers to one time alleged to have occurred at Crown Casino.

The Commission asked for further information in relation to this allegation to enable a thorough investigation. No other details were received and, so, the Commission considered the complaint on the initial information.

The Commission dismissed this part of the complaint on the grounds it was not substantiated due to the general nature of the allegation and lack of particulars.

#### ***Outcome - allegation three***

Refers to the appointment of the Officer as being a "politicised" appointment.

This part of the complaint was also dismissed because it relates to the appointment of an Officer, which is beyond the scope of the Commission's jurisdiction.

The Officer, the Shadow Attorney-General and Her Honour Chief Magistrate Lisa Hannan have all been informed of this outcome.

The Commission does not intend to comment further.

### **Background**

The Commission has the power to consider a range of complaints including excessive delays in giving judgments, inappropriate courtroom conduct and health issues affecting a judicial officer or VCAT member's ability to perform their official duties.

Any member of the public or the legal profession can make a complaint to the Commission. Once the Commission has considered the complaint or referral, it can take one of the following courses of action:

- i. dismiss the complaint or referral (for example those that are trivial, vexatious, relate to a person who is no longer a judicial officer or VCAT member, or relate solely to the correctness of a decision);
- ii. if it is a serious complaint about conduct, make a finding that the conduct infringed the standards of conduct expected of judicial officers and refer it to the relevant head of jurisdiction, with recommendations in relation to future conduct; and
- iii. if it is a serious complaint, which if true, warrants removal from office on grounds of misbehaviour or incapacity, refer it to an investigating panel for a full investigation.

The Commission does not have the power to remove a judicial officer from their position. A special majority of both Houses of Parliament must agree before a judicial officer can be removed.

The governing body of the Commission is its Board. The Board consists of six judicial Board members and four Board members appointed by the Governor in Council.

### **Contact:**

**Judicial Commission of Victoria**

**03 9084 9600 or email [enquiries@judicialcommission.vic.gov.au](mailto:enquiries@judicialcommission.vic.gov.au)**