

Media Release

For immediate release

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Outcome of Judicial Commission referral of Magistrate Pithouse to Head of Jurisdiction

In April 2020, the Judicial Commission of Victoria (the **Commission**) concluded an investigation into allegations arising from two complaints and one referral concerning the conduct of His Honour Magistrate Richard Pithouse (the **Officer**) in accordance with the Judicial Commission of Victoria Act 2016 (the **Act**).

After careful consideration, the Commission referred the matter to the Head of Jurisdiction, Her Honour Chief Magistrate Lisa Hannan. The Commission's referral included recommendations that the Officer:

- be counselled by the head of jurisdiction in appropriate judicial conduct including the need to exercise sensitivity, courtesy and respect in the courtroom towards all court users, including victims of crime;
- be directed to undertake necessary coaching and mentoring as the head of jurisdiction considers appropriate, including peer supervision;
- be directed to engage in such judicial education programs as the head of jurisdiction considers appropriate including, but not limited to, engaging in programs offered by the Judicial College of Victoria with a focus on the experiences of victims of crime, including victims of sexual assault and family violence, and programs focusing on courtroom management.

Implementation of recommendations

Chief Magistrate Hannan has now provided the Commission with a report on the outcome of that referral and the reasons for it. In particular, it addressed the Commission's recommendations in the following manner:

- Chief Magistrate Hannan personally counselled the Officer in relation to appropriate judicial conduct and also engaged a retired Judge of the County Court to assist. The Officer was counselled on the need to exercise sensitivity, courtesy and respect towards all court users including victim-survivors of family violence;
- The Judge then worked with the Officer throughout 2020 on a regular basis, over some 22 hours; and
- The Judge engaged in mentoring and coaching of the Officer, including listening to random recordings of the Officer's court hearings, with a view to ensuring the necessary standards were met and maintained.

A copy of the report has been provided to the complainants and referrer, in accordance with the notification provisions of the Act.

Outcomes

The Chief Magistrate reported on the Officer's progress over the course of the mentoring and coaching of the Officer by the Judge. The Chief Magistrate noted the Officer's participation in the program and that:

- the Officer accepted the criticisms of his conduct and acknowledged the shortcomings of his approach; and
- the Officer actively engaged in the mentoring process.

Background on the Judicial Commission of Victoria

The Commission has the power to consider a range of matters 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. 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.

When the Commission receives a complaint or referral, it must either:

1. dismiss it (for example those that do not warrant further consideration or the judicial officer's removal from office, 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);
2. refer it to an investigating panel if it is a very serious matter, which if true, warrants removal from office on grounds of misbehaviour or incapacity; or
3. refer it to the relevant head of jurisdiction with recommendations about the future conduct of the officer if it is a less serious matter. In instances 2 or 3, the relevant officer has the right to respond.

Contact:

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