

15 December 2025

OUTCOME OF INVESTIGATION INTO COMPLAINT ABOUT A MAGISTRATE

The Judicial Commission of Victoria (the **Commission**) received a complaint from Victoria Legal Aid about the conduct of a Magistrate* (the **Officer**).

The complaint alleged that the Officer made offensive and biased comments including:

Part A: The Officer made a particularly offensive and inappropriate comment “*you wonder the point of him even being born – it’s a horrible thing to say but it’s the tragic reality – it’s just depressing*” about a child (**Child B**), who was known to the accused child (**Child A**). Both children are from a marginalised group.

Investigation of the Complaint

In accordance with the *Judicial Commission of Victoria Act 2016* (the **Act**), the Commission investigated the complaint. As part of the investigation, the Commission listened to the audio recording of both hearings.

Opportunity to Respond

The Commission gave the Officer an opportunity to respond to the complaint.

The Officer provided a response, which formed part of the information-gathering stage of the Commission’s investigation.

Officer’s Response

The Officer’s response acknowledged that through a combination of frustration and despair he sometimes feels when hearing cases, the language he used in Part A was not at all well-chosen and which he ‘immediately recognised’ at the time.

The Officer indicated that in the context of fixing Child A’s bail conditions and discussing their associations, he was trying to convey to Child A (albeit poorly) that the life of Child B was not one to aspire to or emulate.

The Officer detailed his history of working on issues relevant to the marginalised group and his positive relationships within that community.

Findings and assessment

The Commission found that the Officer’s conduct in respect of Part A infringed the standards of conduct generally expected of judicial officers because the Officer’s comment was inappropriate, offensive and unnecessary. That the Officer immediately regretted the comment and made a statement to that effect in the hearing did not ameliorate the conduct or lessen its impact at the time.

The Commission did not find that the Officer holds a bias against the marginalised group noting that the Officer’s response demonstrated an appropriate level of remorse, insight into his conduct and commitment to the marginalised group.

Outcome of the Complaint

Part A - Referral

The Commission referred Part A of the complaint to the Chief Magistrate (as head of jurisdiction) with the following recommendations as to the Officer's future conduct:

- a) counsel the Officer in respect of appropriate judicial conduct including in relation to appropriate language in the courtroom; and
- b) the Officer attend a relevant Judicial College of Victoria training event.

Parts B and C - Dismissal

Parts B and C of the Complaint alleged that the Officer made offensive and biased comments about a woman from a marginalised group.

The Commission dismissed Parts B and C of the complaint on the basis that they were not substantiated.

***Clarification**

The Commission decided it was not in the public interest to identify the magistrate or any other individual person involved.

The Commission has become aware of speculation within the legal sector that the judicial officer concerned was, at the relevant time, a member of the Commission Board. That is incorrect. No serving magistrate is, or was at the relevant time, a member of the Board, and the judicial officer concerned has never been a Board member.

The Commission makes this clarification to correct factual inaccuracies concerning the judicial officer's purported involvement with the Commission. It is important that discussions concerning the Commission's role and performance of its functions is based on accurate information. The Commission performs its functions independently and impartially, and the judicial officer concerned had no role in the governance or oversight of the Commission.