

7 July 2026

OUTCOME OF INVESTIGATION INTO COMPLAINT ABOUT A MAGISTRATE

The Judicial Commission of Victoria (the **Commission**) received a complaint (the **Complaint**) from a community legal centre (**CLC**) about the conduct of a Magistrate (the **Officer**) during a plea hearing at the Magistrates' Court of Victoria.

The CLC represented the accused, who pleaded guilty to charges arising from their involvement in a protest.

The Complaint

The Complaint concerned three comments made by the Officer during the hearing.

Investigation of the Complaint

The Commission investigated the Complaint in accordance with the *Judicial Commission of Victoria Act 2016* (Vic).

Officer's response

The Officer provided a written response to the Complaint. In the response, the Officer said the comments:

- did not reflect any bias, partiality or fixed attitude.
- when taken in context, were legitimate comments made in the course of sentencing discussions and sentencing reasons. Further, the comments assisted the accused and the public to understand the reasons for sentence.
- did not equate the accused with dictators but put the relevant issues into historical perspective.

The Commission's findings and assessment

The Commission listened to the audio recording of the hearing and found that the Officer made comments substantially similar to those alleged in the Complaint.

As to the **first comment**, the Commission was satisfied that a reasonable community member would perceive the Officer's references to specific atrocities connected with a terrorist attack as gratuitous and inappropriate.

As to the **second** and **third comments**, the Commission found that the Officer drew a comparison between the accused and certain historical authoritarian leaders that analogised the accused's intention, motivation and commitment. While the Officer was entitled to put matters into historical perspective and test the lawyer's submissions, the comparison was wholly unnecessary. The Commission was satisfied that a reasonable community member would regard the analogy as offensive and inflammatory.

The Commission found that all three comments lacked neutrality (but not impartiality) with respect to the subject matter of the charges, noting the need for judicial officers to take care to avoid causing unnecessary hurt in the exercise of the judicial function and to temper their remarks with caution, restraint and courtesy.

Therefore, the Commission found that the Officer's conduct infringed the standards of conduct generally expected of judicial officers.

Outcome of the Complaint

The Commission referred the Complaint to the Chief Magistrate (as head of jurisdiction) with recommendations that the Officer be counselled by the head of jurisdiction and attend a relevant judicial education event within 12 months as directed by the head of jurisdiction.