

MEDIA RELEASE

For immediate release

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The first annual report of the Judicial Commission of Victoria tabled

The first annual report of the Judicial Commission of Victoria was tabled in Parliament today.

In its first year of operations, the Commission received 262 complaints and two referrals about the conduct of judicial officers and members of the Victorian Civil and Administrative Tribunal (VCAT).

As at 30 June 2018, 182 of the 262 complaints had been dismissed, two matters were referred to a Head of Jurisdiction, six complaints were withdrawn, and 72 matters remained open. The two referrals were referred to an Investigating Panel.

Under the *Judicial Commission of Victoria Act 2016*, the Commission can investigate complaints about the conduct or capacity of judicial officers and VCAT members, but not complaints about the correctness of a decision made by a judicial officer or VCAT member. It is not a substitute for the appeals process.

The most common reason for dismissal (125 cases) was because complaints were about the correctness of a decision. Another common reason for dismissal (122 cases) was that, upon investigation by the Commission, the complaint could not be substantiated, followed by dismissal because the complaint did not relate to a judicial officer (*52 cases). (NB complaints may involve dismissal on multiple grounds).

Chair of the Commission, The Honourable Chief Justice Anne Ferguson, said:

“It was a significant step when the Commission was established and began operations on 1 July 2017. The Commission has achieved a great deal in its first year of operation. I look forward to the important work of the Commission continuing in 2019 as it continues to develop and mature as an organisation serving the community.”

Other key statistics from the annual report included:

- 103 complaints related to the Magistrates’ Court, 85 to VCAT and 56 to the County and Supreme Courts.
- 13 were about judicial officers from the Children’s Court and six related to the Coroners Court.
- At 30 June 2018, 73% of all complaints and referrals received had been finalised by the Commission.

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.

The Commission can refer the most serious complaints – those that if proven could warrant removal of the judicial officer or VCAT member – to a specially convened Investigating Panel with coercive powers.

The Investigating Panel can compel witnesses to attend and produce documents and order judicial officers to undergo a medical examination. Investigating Panels comprise two current or former judicial officers from an Australian jurisdiction and one member of the community appointed on recommendation of the Attorney General.

To review the annual report or to learn more about the Commission and its work, visit <https://author.judicialcommission.vic.gov.au/publications/annual-reports>

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