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## POLICY

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# JUDICIAL CONDUCT POLICY

The Victorian Bar is committed to ensuring that members are treated appropriately at all times in their engagements with judicial officers. It engages openly and constructively with courts and tribunals to encourage maintenance of the highest standards of conduct by judicial officers.

### Objectives of the policy

This policy has the following objectives:

- defining the standards of conduct that members are entitled to expect from judicial officers;
- outlining the grievance mechanisms that are available to members where those standards are not met;
- facilitating and recording reports of inappropriate judicial conduct; and
- promoting appropriate standards of judicial conduct at all times.

### Definition

For the purposes of this policy, inappropriate judicial conduct means behaviour by a judicial officer, in his or her capacity as a judicial officer, that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate, or cause serious offence to a person.

Inappropriate judicial conduct does not include, without more, robust courtroom exchanges, testing questions from the bench, the rejection of submissions, the making of adverse rulings, or mere expressions of frustration.

### Grievance Mechanisms

The Victorian Bar is committed to ensuring that members who, in good faith, make complaints or reports of inappropriate judicial conduct will not be subjected to any detriment as a result of doing so.

Two avenues are available for members to make a complaint about inappropriate judicial conduct: to the Judicial Commission of Victoria, or via Protocols between the Victorian Bar and courts and tribunals. Members who do not wish to make a complaint may instead make a report of inappropriate judicial conduct. These avenues are described in more detail below.

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| Procedure Name: Judicial Conduct Policy | Procedure No.  |
| Approved By: Victorian Bar Council      | Date Approved: 18 Oct 2019 (last reviewed 17 May 2021) |
| Delegation: Not applicable              | Date to be Reviewed:                                   |
| Date to Cease: Not applicable           | Quality Reference                                      |



### Judicial Commission of Victoria

Complaints of inappropriate judicial conduct by a Victorian judicial officer or VCAT member may be raised with the [Judicial Commission of Victoria](#). Further information is available on the [Victorian Bar website](#).

In appropriate cases, the Bar Council may initiate complaints of inappropriate judicial conduct of its own motion with the Judicial Commission of Victoria. Before doing so, the Bar Council will take into account, but not be bound by, the wishes of aggrieved members.

### Protocols

Complaints of inappropriate judicial conduct by judicial officers in State courts and tribunals may also be raised by members with the President of the Victorian Bar, with a view to those complaints being dealt with in accordance with Protocols between the Victorian Bar and courts and tribunals. Further information is available on the [Victorian Bar website](#).

In appropriate cases, the President may initiate complaints in accordance with a Protocol of his or her own motion. Before doing so, the President will take into account, but not be bound by, the wishes of aggrieved members.

### Reports

Occurrences of inappropriate judicial conduct, whether experienced or witnessed, may also be the subject of a report by members to the Victorian Bar (**Report**).

Reports will not be investigated. Reports will record the relevant jurisdiction and a summary of the conduct the subject of the complaint, but will not record information identifying the particular judicial officer about whose conduct the Report is made. The person making the Report must identify themselves, but their identity will not be disseminated or publicised. Persons making a Report may be contacted to provide further information as to the nature of the conduct and its impact.

The purpose of Reports is to enable generalised information to be provided periodically to the Bar Council and courts and tribunals about the prevalence and nature of allegations of inappropriate judicial conduct. Any information derived from Reports that is provided to the Bar Council, or to courts or tribunals, will be anonymised.

Reports may be made via the [Victorian Bar website](#).

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## Support

Support for members who have experienced or witnessed inappropriate judicial conduct is available from a number of sources.

The Victorian Bar has nominated **Judicial Conduct Advisers** who can be confidentially consulted by members about inappropriate judicial conduct that they have or may have experienced or witnessed. Judicial Conduct Advisers can advise barristers in relation to their options under this policy. Contact details for Judicial Conduct Advisers are [listed here](#).

The Victorian Bar funds a confidential, independent counselling service that is available for the benefit of members and their families. Trained consultants are available 24 hours a day, 7 days a week, to deal with any crisis situation, on (03) 9650 5540.

Informal support is also available to members at any time via the collegiate structures of the Victorian Bar, including from mentors and senior mentors or members of the Bar Council.

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