



Judicial
Commission
of Victoria



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The Judicial Commission of Victoria is an independent body established under the *Judicial Commission of Victoria Act 2016* to investigate complaints about judicial officers and VCAT members.

The Commission provides a transparent complaint process which aims to ensure public confidence in Victorian courts and VCAT is maintained.

Postal address:

GPO Box 4305
Melbourne VIC 3001

Document exchange:

DX 210294 Melbourne

Phone: 03 9084 9600

Fax: 03 9084 9605

Email: enquiries@judicialcommission.vic.gov.au

www.judicialcommission.vic.gov.au

How to make a
complaint about
a **judicial officer**
or **VCAT member**

www.judicialcommission.vic.gov.au

Who can make a complaint?

Any member of the public or the legal profession can make a complaint to the Commission.

The Law Institute of Victoria and the Bar Association can also refer complaints on behalf of their members without disclosing the identity of the complainant.

Who can I complain about?

Your complaint must relate to one of the following judicial officers or VCAT members:

- > a judge of the Supreme Court of Victoria
- > a judge of the County Court of Victoria
- > a magistrate of the Magistrates' Court of Victoria or the Children's Court of Victoria
- > a coroner of the Coroners Court of Victoria
- > a VCAT member
- > a judicial registrar of the Supreme Court, the County Court, the Magistrates' Court, the Children's Court or the Coroners Court

The Commission can't investigate complaints about:

- > other court or VCAT staff
- > Federal courts or tribunals, such as the Family Court and AAT

What type of complaints can the Commission investigate?

The Commission can investigate complaints about the conduct or capacity of judicial officers and members of VCAT. For example:



excessive delay in handing down a judgment



inappropriate remarks made in the courtroom



health issues which may affect the officer's ability to perform their official functions

The Commission can't investigate certain matters including:

- > the correctness of a decision made by a judicial officer or VCAT member (if you wish to challenge the correctness of a decision you may wish to seek independent legal advice about whether you have rights of appeal or review)
- > persons who are no longer judicial officers or VCAT members
- > complaints which don't relate to a judicial officer or a VCAT member

How do I make a complaint?



To make a complaint to the Commission you should complete the complaint form available on the Commission's website and submit it online together with any relevant documents or information.



If you do not have access to the internet, you can contact the Commission by telephone and arrange for a complaint form to be mailed to you.

What happens after the Commission receives my complaint?

The Commission will consider your complaint and do one of the following:

- 1 dismiss your complaint (for example those that 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 the relevant head of jurisdiction with recommendations for the future conduct of the officer; or
- 3 if it is a very serious complaint, which if true, warrants removal from office on grounds of misbehaviour or incapacity, refer it to an investigating panel for a full investigation.

The Commission will advise you in writing of the outcome of your complaint.