

Guidelines for making a complaint



Judicial
Commission
of Victoria

1 To make a complaint to the Commission you should complete the complaint form which can be found on the Commission's website: www.judicialcommission.vic.gov.au

2 Your complaint must be about the conduct or capacity of a judicial officer or VCAT member.

The Commission can't investigate complaints about the correctness of a decision made by a judicial officer or VCAT member. The Commission must dismiss complaints of this nature without taking any further action. If you wish to challenge the correctness of a decision, you may wish to seek legal advice about whether you have appeal or review rights to a higher court.

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

- a judge of the Supreme Court or the County Court
- a magistrate of the Magistrates' Court or the Children's Court
- a coroner of the Coroners Court
- 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 the Administrative Appeals Tribunal (AAT)

4 The person you are complaining about must be a current judicial officer or VCAT member. The Commission does not have jurisdiction to investigate former or retired judicial officers or VCAT members.

5 Your complaint form should clearly set out:

- the name of the judicial officer or VCAT member you are complaining about
- the name and location of the court related to your complaint
- the case number of the relevant court or VCAT proceeding
- the date(s) and time(s) when any conduct relevant to your complaint occurred.

6 You should include as much information as possible in your complaint form about the conduct or capacity of the judicial officer or VCAT member which led to your complaint.

For example:

- what did the judicial officer or VCAT member say and to whom?
- when and in what circumstances did this occur?
- were there any witnesses? etc.

List all of the events in the order in which they occurred and ensure that the information you provide is accurate.

7 Please note that the judicial officer or VCAT member you are complaining about may receive a copy of your complaint form. Information contained in your complaint form may also be provided to the head of jurisdiction of the judicial officer or VCAT member and in certain circumstances also to the Attorney-General. The Commission has an obligation to notify the Independent Broad-based Anti-Corruption Commission (IBAC) about your complaint if it suspects on reasonable grounds that corrupt conduct is occurring or has occurred.

If your complaint is a protected disclosure (whistleblower complaint) under the *Protected Disclosure Act 2012* then the Commission will take steps to ensure your name and identity are not disclosed.

8 You should send your complaint form together with a copy of the hearing notice and any relevant documents or other information to the Commission:



Online:

via the Commission's website
www.judicialcommission.vic.gov.au

OR



By mail:

Judicial Commission of Victoria
GPO Box 4305, Melbourne VIC 3001