

Supreme Court of Victoria Complaints

Judicial Complaints Process

Judges and Associate Judges are not subject to direct discipline by other persons, apart from extreme cases where they may be removed by the Governor on an address from both Houses of Parliament for serious misconduct or unfitness. This degree of immunity from direct discipline except in extreme cases is necessary to maintain the independence of the Judges and Associate Judges so that they can, and can be seen to, administer justice impartially. At the same time they are made accountable generally through the public nature of their work, the requirement that they give adequate reasons for their decisions and the right given to litigants to challenge decisions on appeal.

There may be occasions, however, where a person is concerned not with the decision made but with the conduct of a Judge or Associate Judge. Such concerns can be raised in writing with the Chief Justice. The Chief Justice will determine how the concerns raised should be addressed consistently with the need to preserve the independence of the Judge or Associate Judge and will, where appropriate, communicate with the person who has lodged the complaint.

In considering the conduct of Judges and Associate Judges it should be borne in mind that they are expected to manage proceedings efficiently and effectively. At times they have to be brief and assertive. If you consider that you have been dealt with too briefly or firmly, this may be the reason. "Guide to Judicial Conduct" published by the Australian Institute of Judicial Administration Incorporated is published on its web site – <http://www.aija.org.au>.

Complaints Against Associates And Tipstaves

Concerns about the conduct of an Associate or Tipstaff should be addressed to the Judge or Associate Judge employing them. The Judge or Associate Judge will consider how the concerns should be addressed and will communicate with the person lodging the complaint. The Judge or Associate Judge in his or her discretion may refer the matter to the Chief Justice.

Complaints Against Other Staff

Concerns about other staff should be raised with the Chief Executive Officer. The Chief Executive Officer may, in his or her discretion, refer the matter to the Chief Justice.