

How to make a complaint about a magistrate or judge

The role of Magistrates and Judges

Magistrates and judges are responsible for applying the law in Victoria. Given the importance of this role, there are certain standards of behavior expected. If a magistrate or judge does not meet these standards a complaint can be made to the Judicial Commission. Any member of the public, regardless of age, can make a complaint.

Confidence in our justice system depends on being able to trust the people who judge us. The Commission provides a fair and open complaints process which will help ensure the public continues to trust our justice system.

What can I complain about?

The Commission can investigate complaints about the conduct or capacity of magistrates or judges.

Examples of conduct you can complain about includes:

- rude or inappropriate comments made in court;
- a long delay in handing down a decision; or
- failure to give you a fair hearing.

Examples of capacity you can complain about include:

- health issues which may affect a magistrate's or judge's ability to do their job.

The Commission can't investigate or change a decision made by a magistrate or a judge. If you are unhappy with a decision, you may wish to talk to a lawyer to get independent legal advice about whether you can appeal to another court.

How do I complain?

You can make a complaint to the Commission by filling out the online complaint form on the Commission's website:

www.judicialcommission.vic.gov.au

What happens when the Commission receives my complaint?

After the Commission receives your complaint, it will investigate it and either:

1. dismiss the complaint (for example, if it is about the judge or magistrate getting the decision wrong);
2. refer the complaint to the head of the court with recommendations about how the magistrate or judge should behave in the future; or
3. if the allegation is very serious, refer the complaint to an investigating panel (consisting of three people), which may recommend the magistrate or judge be removed from their job.

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



Judicial
Commission
of Victoria

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