



Instructions for lodging a complaint against a NSW judicial officer

These are the instructions for lodging a complaint with the Judicial Commission of NSW (the Commission). Use this form to lodge your complaint. Additional copies are available from the Commission's office and electronic copies can be downloaded from the Commission's website (<https://www.judcom.nsw.gov.au/>).

1. *Please note the Commission is not a court. It has no power to overturn a court's decision. If you are unhappy with your decision you may wish to seek your own legal advice. The Commission can only examine complaints about the ability and behaviour of current NSW judicial officers.*
2. A "judicial officer" under the [Judicial Officers Act 1986](#) (NSW) means:
 - a Judge or associate Judge of the Supreme Court of NSW
 - a member of the Industrial Relations Commission of NSW
 - a Judge of the Land and Environment Court of NSW
 - a Judge of the District Court of NSW
 - the President of the Children's Court of NSW
 - a Magistrate
 - the President of the Civil and Administrative Tribunal.

The definition of judicial officer includes acting appointments to a judicial office but does not include people such as arbitrators, registrars, assessors, members of tribunals, legal practitioners, retired judicial officers or federal judicial officers.

3. The [Judicial Officers Act 1986](#) requires that a complaint be in writing and that it name the person who is complaining and the judicial officer. The particulars of a complaint must be verified by statutory declaration (see paragraph 6 below).
4. If your complaint falls within the Commission's powers, you should use this form to lodge a complaint against a NSW judicial officer. Complete the form by providing all of the information requested on both pages. Make sure the information provided is complete and accurate. Where you do not provide the information required by this form, the Commission may refuse, or be unable, to process your complaint.
5. Please describe the circumstances that led to your complaint in the "Details of complaint" section. Attach additional sheets and other relevant documentation, as needed, to complete your statement. Your complaint should include:
 - details of the conduct you are complaining about,
 - dates and places of the hearing if they are relevant to your complaint,
 - list of all the events in the order in which they happened, and
 - any other relevant documentation to which you wish to draw the Commission's attention as a complaint may be summarily dismissed (see 10 below) without any further inquiry being made of you.
6. **Sign the complaint form in the space provided and have your signature witnessed by a Justice of the Peace, solicitor or other person as authorised by the [Oaths Act 1900](#) (NSW).**
7. It is recommended that you make and retain a copy of the complaint and all accompanying documents for your records.

Instructions continued

8. If you wish to make a complaint about more than one NSW judicial officer, please use a separate form for each one.
9. Send by post the complaint form and all the accompanying documents to the Chief Executive of the Commission at the address below. You can also email your completed complaint form to complaints@judcom.nsw.gov.au. Due to restrictions on the size of email attachments, **please ensure all accompanying documents are relevant to your complaint**. Please contact the Commission by mail, email or telephone if you need further information or have any questions about the procedures. The contact details are below.
10. A complaint may be summarily dismissed pursuant to section 20(1) of the Judicial Officers Act if the Commission is of the opinion that, whether or not it appears to be substantiated:
 - (a) the complaint is one that it is required not to deal with,
 - (b) the complaint is frivolous, vexatious or not in good faith,
 - (c) the subject-matter of the complaint is trivial,
 - (d) the matter complained about occurred at too remote a time to justify further consideration,
 - (e) in relation to the matter complained about, there is or was available a satisfactory means of redress or of dealing with the complaint or the subject-matter of the complaint,
 - (f) without limiting paragraph (e), the complaint relates to the exercise of a judicial or other function that is or was subject to adequate appeal or review rights,
 - (g) the person complained about is no longer a judicial officer, or
 - (h) having regard to all the circumstances of the case, further consideration of the complaint would be or is unnecessary or unjustifiable.
11. All complaints made to the Commission will be treated in a confidential manner. The relevant judicial officer will be given a copy of your complaint, and if necessary, comments may be sought from the judicial officer.
12. The Commission aims to deal with all complaints as efficiently and expeditiously as possible. The length of time taken to resolve a complaint will depend on the seriousness and complexity of the complaint. There may be a delay in the processing of a complaint for a number of reasons, including waiting on transcripts or sound recordings from courts, and seeking further information from other parties or agencies.

Chief Executive

Judicial Commission of NSW

Postal address: GPO Box 3634, Sydney NSW 2001

Telephone: (02) 9299 4421

Email: complaints@judcom.nsw.gov.au

Website: www.judcom.nsw.gov.au

Complaint against a judicial officer

Your details

Title (Mr, Mrs, Ms etc): _____ First name: _____ Last name: _____

Address: _____

State: _____ Postcode: _____

Telephone – Landline: _____ Mobile: _____

Email address: _____

Your complaint

To the Judicial Commission of NSW

I, _____
[Your name]

of _____
[Your address]

wish to complain against _____ of the _____ Court.
[Judicial officer's name]

My complaint is as follows:

Complaint against a judicial officer

In support of these allegations, I submit the attached "Details of complaint" which I solemnly and sincerely declare are true, and request that the complaint be investigated by the Judicial Commission.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the [Oaths Act 1990](#) (NSW).

Declared at: _____ on _____
[Place] [Date]

[Signature of declarant]

in the presence of an **authorised*** witness, who states:

I, _____ a _____
[Name of **authorised*** witness] [Qualification of **authorised*** witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: (please cross out any text that does not apply)

1. I saw the face of the person **OR** I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. I have known the person for at least 12 months **OR** I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

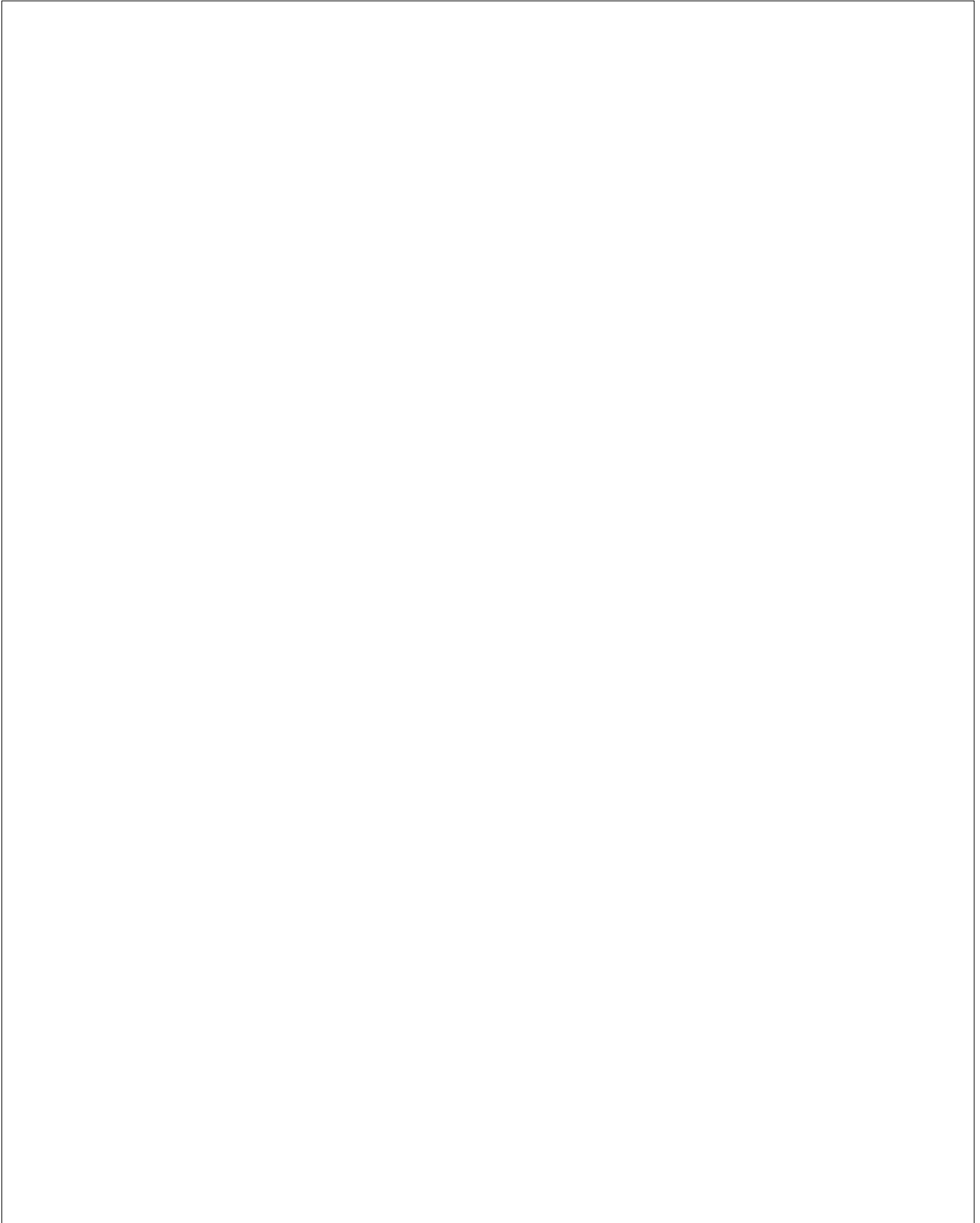
[Describe identification document relied on]

[Signature of **authorised*** witness]

[Date]

* witnessed by a Justice of the Peace, solicitor or other person as authorised by the [Oaths Act](#).

Details of complaint



[Attach additional sheets, as needed]