

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

[The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.]

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a

discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Judicial Commission of Victoria

In this fact sheet, we introduce the Judicial Commission of Victoria (**JCV**). We outline how complaints can be made by affected individuals to the JCV.

The JCV is a government body that investigates complaints about the behaviour and performance of judges, magistrates, coroners, and other court members in Victoria. Its goal is to ensure that Victorian courtrooms are safe and respectful, and to maintain public trust in the courts and the Victorian Civil and Administrative Tribunal (VCAT). The JCV creates guidelines to help judges and court members uphold high standards of behaviour and provides a clear, fair process for resolving complaints.

Legislation and Key Terms

Relevant Legislation:

- [*Judicial Commission of Victoria Act 2016*](#)
- [*Constitution Act 1975*](#)
- [*Public Interest Disclosures Act 2012*](#)

Key terms:

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant: A person who has made a complaint.

JCV means Judicial Commission of Victoria.

VCAT means Victorian Civil & Administrative Tribunal.

Step 1: What type of Complaints can be made to this body?

JCV deals with complaints about the <i>conduct and capacity</i> of Victorian judicial officers and VCAT members including judges, magistrates, coroners and judicial registrars.	
Sub-category	Example
Judicial Bullying	You should raise a complaint with JCV if you experience judicial bullying by any Victorian judicial officers and VCAT members. Judicial bullying is conduct by a judicial officer towards an individual that is unreasonable and includes, but is not limited to, conduct that a reasonable person would, having regard to all the circumstances, perceive as belittling, humiliating, insulting, victimising, aggressive or intimidating. Judicial bullying may include overt behaviour, such as yelling, ridiculing or mocking a person, making comments or criticisms that amount to a personal attack and/or making gratuitous comments about the integrity or professional reputation of a legal practitioner or threatening adverse professional consequences. Unprofessional, aggressive or rude emails, texts or phone calls to court staff may also amount to judicial bullying. Judicial bullying may also include indirect or subtle behaviours such as rolling of the eyes, purposely turning one's back on persons addressing the bench, throwing items across the bench, using sarcasm to question or respond to participants in a proceeding or even unjustified differential treatment of a legal practitioner or unrepresented litigant compared to another. A single occasion of conduct may amount to judicial bullying. <i>Example</i> <i>Maggie is a lawyer and works at a court. Maggie has been experiencing what she thinks is behaviour falling short of the standards expected of judicial officers. Specifically Maggie has experienced that the Officer has repeatedly used an unnecessarily condescending, disdainful and sarcastic tone when engaging with legal representatives in routine hearings and unjustifiably criticised the conduct of legal practitioners appearing before the Officer. Some of the things Maggie saw was that the Officer would paraphrase or sarcastically relay a practitioners' submissions. The Officer also addressed legal practitioners in a tone which was unjustifiably critical and disrespectful, and could reasonably be interpreted as personally demeaning. Maggie felt that she should raise her experiences with JCV.</i> <i>Liam is a legal practitioner and had recently appeared remotely in a hearing. During the hearing, Liam experienced the Officer rudely confronting him about not being physically present in court, being treated appallingly and was subjected to humiliation in open court. While the exchange between the Officer and Liam was short, Liam felt that the Officer's comments, tone and manner in the opening minutes of the hearing were confrontational and abrasive, and on one occasion, reached the level of yelling. This included the Officer yelling that Liam should know better, that there was an absence of courtcraft and Liam's</i>

	<i>courtcraft needed to be 'honed'. Liam felt humiliated by the whole ordeal and decides to raise his concerns with JCV.</i>
Sexual Harassment	You should raise a complaint with JCV if you experience sexual harassment by any Victorian judicial officers and VCAT members. Sexual harassment generally refers to any unwelcome unsolicited behaviour of a sexual nature. Conduct can be physical, verbal or written (including electronic communication). The harasser's motivation or intention is irrelevant and sexual harassment may be a one-off incident, or it may be repeated or continuous. A person sexually harasses another person if they: • make an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person; or • engage in any other unwelcome conduct of a sexual nature in relation to the other person; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated. This may include, but is not limited to: • unwelcome physical contact of a sexual nature; • comments or questions of a sexual nature about a person's private life or their appearance; • sexually suggestive behaviour, such as leering or staring or offensive gestures; • brushing up against someone, touching, fondling or hugging; • sexually suggestive comments or jokes; • displaying offensive screen savers, photos, calendars or objects; • repeated dating requests; • unwanted displays or declarations of affection; • requests for sex; • sexually explicit emails, text messages or posts on social networking sites and social media; • sexual assault, indecent exposure, physical assault and stalking (also criminal offences); or • actions or comments of a sexual nature in a person's presence (even if not directed at that person). <i>Example:</i> • <i>Robert is a junior solicitor working at a court. Robert's mentor is a judge at the court. One day while researching late, Robert receives inappropriate unsolicited text messages from his mentor which included sexually explicit photos. Robert ignores the text messages in the hopes that his mentor had accidentally sent them to the wrong number. The next day, Robert receives an email from his mentor asking him if he had received his text messages from the night before and querying why he was not responding. Robert doesn't know what to do.</i>

	<i>He decides to raise his concerns with his friend Mary. Mary encourages Robert to raise the matter directly with JCV.</i>
Other inappropriate conduct	The JCV can receive complaints regarding other types of inappropriate conduct of judicial officers such as inappropriate remarks, tone or volume of voice and general demeanour. <i>Example:</i> <i>• Ian is an unrepresented person and recently attended a hearing at a local court. When Ian approaches the bench, the Officer makes inappropriate comments about a person's position in the community, perceived socio-economic class and accuses Ian of wasting the court's time in relation to the proceeding. Ian has never been to court before this incident and was shocked to be berated by the Officer. Ian decides to raise his concerns with JCV.</i> <i>• Olivia has recently graduated from university and got her first job as a clerk at the local court. While in hearings in her first day, Olivia notices on several occasions that the Officer was making several comments reflecting a dismissive or arrogant tone towards the legal practitioners presenting their arguments. The Officer also used unfair stereotypes when referring to a First Nations unrepresented individual. Olivia is shocked as she feels that the Officer's behaviour was out of step, disrespectful and discourteous towards the legal practitioners and unrepresented individuals. When Olivia raises her concerns with the Officer, she is shut down and told to "get back in your box" and that the Officer "knows what I said". Olivia decides to raise her concerns with JCV.</i>
Discrimination (including racism)	You should raise a complaint with JCV if you are concerned about an Officer's behaviour being discriminatory towards you or someone else. Whether conduct amounts to discrimination or racism will depend on the conduct and the context in which it occurs. Discrimination could include: Biased Decision-Making: An Officer or VCAT member consistently makes decisions that disproportionately disadvantage individuals from certain racial or ethnic backgrounds, indicating a pattern of bias in their rulings. Inappropriate Comments: During proceedings, the Officer or VCAT member makes derogatory or insensitive remarks about a party's race, ethnicity, or cultural background, creating a hostile environment and undermining the fairness of the process. Unequal Treatment: The Officer or VCAT member treats parties differently based on their race or ethnicity, such as giving more favourable treatment to one group over another in terms of courtroom procedures, scheduling, or the consideration of evidence. Failure to Address Discrimination: The Officer or VCAT member fails to take appropriate action when instances of discrimination or racism are brought to their attention, thereby allowing discriminatory behaviour to persist unchallenged. Exclusionary Practices: The Officer or VCAT member engages in practices that exclude or marginalise individuals from certain racial or

ethnic groups, such as consistently dismissing their testimonies or not allowing them equal participation in the proceedings.

Examples of what may be considered discriminatory

- *Jonathan works at his local court as a clerk and identifies as a First Nations person. Over the course of the last six months, Jonathan has noticed that the magistrate has made certain comments and rulings against First Nations unrepresented parties in criminal trials. When the unrepresented defendants speak to the Officer, often not using the appropriate “lingo”, the Officer will always berate the defendants and say “It might not be what you folks do in your deserts, but in my court you call me ‘Your Honour’”. Jonathan also notices that all First Nations hearings are held as the last sitting of the day, at the most inconvenient time for the defendants. Lastly, Jonathan notices that the Officer provides only about a quarter of the time to the First Nations defendants as the Officer provides to other defendants in different hearings. This may be just a coincidence, but Jonathan decides to raise his concerns to JCV so it can be looked into further.*
- *Maive is a clerk at her local court. Maive has been working for the court for 10 years and has a lot of experience working for different Officers, including judges and magistrates. Maive has been recently assigned to a judge who oversees hearings regarding human rights abuses. Over the course of the last three months, Maive has noticed a pattern whereby the judge would consistently dismiss the matters raised by plaintiffs of Asian descent. When she raised her concerns with the judge, they laughed it off saying “There’s no way those “chinks” would be experiencing the issues they are bringing up in my court. It’s my court, so just stick to what you do best”. Maive’s partner is Chinese and the term that the judge used is highly derogatory and discriminatory. Maive decides to raise her concerns with JCV to consider it further.*

However, JCV may not consider all incidences to be discriminatory.

Examples of what may not be considered discriminatory

- *Jaime attended a family violence hearing regarding her former partner, the respondent. During the hearing, the Officer used incorrect pronouns when addressing Jaime and her former partner. Jaime’s pronouns are “they/them” and their former partner identified as a transwoman. During the proceeding, the Officer addressed Jaime as ‘Ms’ twice and the respondent as ‘Mr’ once. Jaime raised a complaint to JCV. However, the JCV dismissed the complaint on the basis that in the context of the Proceeding as a whole, the Officer’s conduct did not infringe the standards of conduct generally expected of judicial officers.*
- *Craig identifies as a First Nations person and attended court to give evidence in support of a member of the First Peoples community. While in court, the Officer used the phrase ‘native accent’ when referring to the complainant’s speech and made other comments that indicated the Officer did not understand the complainant’s speech. Craig made a complaint to JCV. However, JCV dismissed the complaint on the basis that JCV did not consider that a reasonable member of the community would perceive the Officer’s conduct as racist or discriminatory.*

Health issues which may affect a judicial officer or VCAT member's ability to perform their official functions	You should raise a complaint with JCV if you are concerned about health issues which may have affected or continue to affect an Officer's behaviour and impacts their ability to perform their official functions. Health issues which may affect an Officer include: • Frequent and Unexplained Absences: A Officer or VCAT member consistently misses scheduled hearings or court sessions without providing adequate explanations. These absences disrupt the judicial process, causing delays and backlogs in cases. • Cognitive Impairment: During proceedings, the Officer or VCAT member exhibits signs of cognitive impairment, such as difficulty understanding legal arguments, forgetting key details of cases, or making erratic decisions that do not align with legal standards. • Physical Symptoms Affecting Performance: The Officer or VCAT member shows visible physical symptoms, such as severe fatigue, tremors, or shortness of breath, which interfere with their ability to conduct hearings effectively and maintain courtroom decorum. • Erratic Behaviour: The Officer or VCAT member displays erratic behaviour, such as sudden mood swings, inappropriate comments, or uncharacteristic aggression, which raises concerns about their mental health and ability to perform their duties impartially and professionally. • Inability to Communicate Clearly: The Officer or VCAT member struggles with clear communication, often speaking incoherently or losing track of their thoughts during proceedings, which hampers the clarity and fairness of the judicial process. <i>Example:</i> • <i>Neeharika is a legal practitioner and attends VCAT on a regular basis. Recently, at several hearings Neeharika has noticed a VCAT member acting erratic towards her and other legal practitioners. The VCAT member would often have a sudden mood swing whenever Neeharika or any other legal practitioner wished to speak regarding a matter. This made the hearings very difficult because she was unable to bring any arguments for her client without being aggressively berated by the VCAT member. During the yelling, the VCAT member would often go on wild tangents which were unrelated to the matters raised or the hearing in general. For example, on several occasions, the VCAT member would ramble about the VCAT member's neighbour's cat jumping over their fence and disturbing their pet bird. Neeharika is concerned and decides to raise a complaint to JCV.</i> • <i>Kieran is a legal practitioner and is representing his client in a court regarding a minor traffic infringement. Kieran has been unable to get a proper hearing as the Officer has adjourned each of the hearings last minute without proper explanation. Kieran's case has now been pushed back several times and is causing his client anguish. Kieran decides to raise his concerns with JCV.</i>
Excessive delay in handing down a judgment	You should raise a complaint with JCV if you are concerned about excessive delays resulting from handing down judgements. These may include:

- **Prolonged Deliberation Periods:** An Officer or VCAT member takes an unusually long time to deliberate on cases, often extending well beyond the standard timeframes expected for similar cases. This delay can cause significant inconvenience and stress for the parties involved.
- **Failure to Provide Timely Updates:** The Officer or VCAT member fails to communicate with the parties about the reasons for the delay or provide updates on when a judgment can be expected, leaving the parties in a state of uncertainty.

Example:

- *Mandy is a lawyer and recently brought a rental dispute to VCAT for her client, a renter. Following finalisation of the hearing, Mandy has been waiting for more than six months for a decision to be made on the matter. Mandy considers the matter to be quite clear cut regarding a breach of the minimum standards for renting by the rental provider. Mandy feels that it shouldn't be taking the time it is taking for VCAT to hand down their decisions and she also hasn't been provided any detail regarding the delays when she has tried to get answers. Mandy decides to raise her concerns with JCV.*

Complaints concerning the behaviour, demeanour, and manner of speaking of judicial officers and VCAT members, including:

Sub-category	Example
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Judicial Bullying	You should make a complaint if a judicial officer (judge, magistrate, coroner, or VCAT member) bullies, intimidates, or belittles someone in or outside the courtroom. Judicial officers must act with respect and fairness at all times. This includes, but is not limited to: • Speaking to you in a rude, aggressive, or dismissive way. • Repeatedly interrupting or talking over you in a way that is unfair. • Making unfair or hurtful comments about you, your lawyer, or anyone else in the courtroom. • Publicly humiliating you or someone else in the courtroom. <i>Examples:</i> • <i>A 62-year-old First Nations woman appearing in court for a tenancy matter is repeatedly interrupted by the magistrate whenever she tries to explain her circumstances. The magistrate raises their voice, calls her arguments “nonsense,” and criticises her lawyer for wasting the court’s time. The woman feels humiliated and intimidated, and is unable to finish presenting her case.</i> • <i>A young refugee man representing himself in a minor criminal matter is told by the judge, “People like you should learn how our system works before coming here.” The judge rolls their eyes and sarcastically dismisses his attempts to explain the situation. The courtroom laughs, making the man feel degraded and belittled.</i> • <i>A disability support worker observed a VCAT member publicly mock a tenant’s stutter during a tenancy hearing. The member mimicked the tenant’s speech and rolled their eyes in frustration each time the tenant tried to speak.</i>
Inappropriate Courtroom Conduct	You should make a complaint if a judicial officer acts in a way that is rude, unprofessional, or unfair during a hearing. This includes, but is not limited to: • Using rude, insulting, or inappropriate language. • Treating people in the courtroom with disrespect. • Speaking in a way that suggests they have already decided the case before hearing all the evidence. • Acting in a way that shows unfair support for one side of the case. <i>Examples:</i> • <i>A young Afghan man noticed that the judge kept smirking and making sarcastic remarks whenever his lawyer made submissions. At one point, the judge said, “I don’t know why we’re even here—it’s obvious what the outcome will be,” before hearing the full evidence.</i> • <i>In a family law matter, a judge consistently refers to one parent by their first name but calls the other “Mister” throughout the</i>

	<i>proceedings. They also dismiss submissions before hearing them, commenting, “We all know how this will end.”</i>
Inappropriate Conduct Outside the Courtroom	You should make a complaint if a judicial officer acts in a way that damages the reputation of the courts or makes people lose confidence in the justice system. This includes, but is not limited to: • Behaving in a way that is offensive, disrespectful, or unprofessional in public. • Speaking or acting in a way that brings the courts or legal system shame. <i>Example:</i> • <i>A local newspaper reports that a magistrate was seen at a pub yelling at staff and calling one of them a “stupid little idiot” after being asked to wait. Several patrons recorded the incident, which quickly spread on social media. The behaviour raised public concern about the magistrate’s professionalism and conduct.</i>
Sexual Harassment	You should make a complaint if a judicial officer engages in unwanted or inappropriate sexual behaviour towards you or someone else. This includes, but is not limited to: • Making inappropriate sexual comments, jokes, or gestures. • Unwanted physical contact, such as touching, hugging, or brushing against someone. • Making sexual advances or asking for sexual favours. • Treating someone unfairly because they rejected sexual advances. <i>Examples:</i> • <i>A court staff member reports that a judge regularly makes comments about her appearance, once telling her, “You’d get more respect in heels.” He has also brushed against her unnecessarily in the chambers corridor and winked at her while she was assisting during a hearing.</i> • <i>A law student doing a remote internship observes hearings via video link. After a virtual proceeding, the judicial officer sends her a message through a court-approved internal platform commenting on her appearance, saying, “Nice to have something attractive on screen for once.” Over the following week, the officer sends her late-night messages about her social media photos and asks if she’s single. Although the messages are sent privately, the student feels uncomfortable and worried about how it might affect her career.</i>

Discrimination or Bias	You should make a complaint if a judicial officer treats someone unfairly based on personal characteristics such as race, gender, disability, age, religion, or sexual orientation. Everyone should be treated equally under the law. This includes, but is not limited to: • Making racist, sexist, or otherwise discriminatory comments. • Treating someone unfairly because of their background, identity, or personal circumstances. • Showing favouritism towards one person or side in a case because of bias or prejudice. <i>Examples:</i> • <i>During a criminal hearing, the magistrate says to an accused Muslim woman wearing a hijab, “I hope your community understands that this behaviour isn’t acceptable in our society.” The remark had no relevance to the case. The woman felt targeted and disrespected because of her religion.</i> • <i>A woman with a psychosocial disability attends court for a civil matter. She informs the judge at the beginning of the hearing that she may need extra time to process questions. Throughout the proceeding, the judge becomes visibly frustrated, cuts her off mid-sentence, and says, “We don’t have all day, try to keep up.” When she pauses again to gather her thoughts, the judge sighs and comments, “This is why cases drag on unnecessarily.” The woman feels dismissed and unfairly treated because of her disability.</i> • <i>A trans woman appears before VCAT regarding a name change application. Despite having their correct details on file, the tribunal member consistently uses the wrong pronouns and refers to them as “sir” throughout the hearing. When corrected, the member responds dismissively, saying, “Let’s not get caught up in all that,” and proceeds without acknowledging the error. The person leaves the hearing feeling disrespected and marginalised due to their gender identity.</i>
Failure to remain impartial (unfair treatment)	You should make a complaint if a judicial officer does not act fairly or appears to favour one side of a case. Judges and tribunal members must remain neutral and treat everyone equally. This includes, but is not limited to: • Making comments that show they have already made up their mind before hearing all the evidence. • Acting in a way that suggests they are supporting one side unfairly. <i>Example: In a small claims dispute, the VCAT member openly states, “I’ve seen cases like this before. Tenants always make up excuses.” The member then questions one side harshly while barely challenging the other, giving the impression of siding with the landlord from the start.</i>

Misuse of Power	You should make a complaint if a judicial officer uses their position in an unfair or improper way to gain personal benefit or intimidate others. This includes, but is not limited to: • Threatening or pressuring someone in an inappropriate way. • Using their judicial status to influence decisions unfairly. <i>Example: A judicial officer privately contacts a local council officer involved in a planning case before them, reminding them of their position as a judge and suggesting it would be “better for everyone” if the issue was resolved without the need for a full hearing.</i>
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Complaints concerning the capacity, or ability to do their job, of judicial officers and VCAT members, including:

Sub-category	Example
Health Issues Affecting Performance	You should make a complaint if a judicial officer is unable to do their job properly because of a physical or mental health condition. This includes, but is not limited to: • Difficulty understanding or remembering information needed to make a fair decision. • Confusion, disorganisation, or trouble following legal processes. • Ongoing behaviour that suggests they are not fit to carry out their duties. <i>Example: In a busy courtroom, a judge regularly loses their place in the paperwork, repeats questions they’ve already asked, and appears confused by basic legal procedures. Lawyers present have to frequently explain court processes, and decisions are made with minimal explanation. This has been happening consistently over several weeks.</i>
Substance Abuse	You should make a complaint if a judicial officer appears to be under the influence of alcohol or drugs while performing their duties. This includes, but is not limited to: • Showing signs of intoxication during a hearing. • Acting in an impaired or erratic manner due to substance use. <i>Example: A barrister notices that a judicial officer smells strongly of alcohol and slurs their words during a sentencing hearing. The officer becomes visibly agitated, forgets key facts, and adjourns the matter abruptly without clear reason.</i>
Excessive Delays in Delivering Judgments	You should make a complaint if a judicial officer takes an unreasonably long time to make a decision on a case. Justice should be delivered within a reasonable timeframe. This includes, but is not limited to: • Failing to provide a decision long after the hearing has finished.

	Causing significant delays that affect people's lives and legal rights. <i>Example: A woman in her 50s has been waiting over 14 months for a decision in her discrimination case at VCAT. Despite repeated follow-ups, there's been no written judgment or communication. The delay is impacting her employment situation and mental health.</i>
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Other Professional Misconduct	
Sub-category	Example
Failure to Follow Judicial Conduct Guidelines	You should make a complaint if a judicial officer does not follow professional standards of behaviour expected of them. This includes, but is not limited to: - Ignoring ethical rules that apply to judges and tribunal members. - Failing to meet the high standards expected of the judiciary. <i>Example: A judicial officer is overheard during a public conference joking about how they "always find against self-represented litigants because it's easier." The comment circulates among lawyers and members of the public, raising concern about whether they are upholding judicial ethics.</i>
Conflict of Interest	You should make a complaint if a judicial officer has a personal connection to a case but does not remove themselves from it. Judges must remain independent and avoid conflicts of interest. This includes, but is not limited to: - Having a personal relationship with someone involved in the case. - Having a financial or personal interest in the outcome of a case. <i>Example: A person discovers mid-way through a hearing that the judge presiding over their commercial dispute previously worked for the law firm representing the other party, and the connection wasn't disclosed. The judge had mentioned knowing the lawyer personally and later ruled in their favour without explanation.</i>
Inappropriate political or public commentary	You should make a complaint if a judicial officer makes public comments or social media posts that could suggest bias or affect confidence in their impartiality. Judicial officers must stay neutral and avoid publicly discussing political matters or legal cases they are involved in. <i>Example: George is a barrister and follows a magistrate on social media. He sees a public post where the magistrate criticises a political party that is linked to a case they are currently hearing. The post includes comments suggesting the party's members are "always lying in court." George is concerned that the magistrate's views may affect their ability to remain impartial.</i>

Breach of confidentiality or privacy	You should make a complaint if a judicial officer shares private or confidential information about a case or a person involved in a case. Judicial officers must not disclose sensitive case information outside of official court proceedings. <i>Example: George is a court clerk working on a family violence matter. After court finishes, he overhears the magistrate talking loudly at a café about the details of the case, including the names of the children involved. George knows the case is meant to be confidential and is worried the magistrate's behaviour could put the family at risk.</i>
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Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	The JCV has powers to hear complaints under the laws of Victoria.
Geographical Scope	The JCV has the power to act on and investigate complaints about the conduct or capacity of judicial officers and VCAT members in Victoria.
Time Limitations	No specific time limitations apply. However, the JCV may dismiss a claim if too much time has passed between since the alleged conduct occurred.
Exclusions	The JCV has no power to: - Investigate complaints about the correctness of a decision or overturn an Officer's decision for error, mistake or other legal grounds (this is the role of appeal courts); - Investigate a complaint about an Officer who has resigned or retired; - Investigate a complaint against a federal judicial officer or a judicial officer or a court in another State or Territory; - Investigate a complaint against other staff working in courts or VCAT (e.g. registry staff, court clerk or an associate) or court process or procedure; - Remove an Officer from hearing a case; - Influence when a court or tribunal lists a case for hearing; - Remove an Officer from their position; or - Impose punishments or penalties on an Officer. A special majority of both Houses of Parliament must agree before a judicial officer can be removed.
Exercise of discretion	JCV does not have to investigate every complaint it receives. After considering the relevant information provided, they will decide whether to progress the investigation or whether further information is needed. Following an investigation, the JCV must either:

	- Dismiss the complaint; - Refer the complaint to an independent investigating panel; or - Refer the complaint to the relevant head of jurisdiction. If the JCV decides not to investigate a complaint, it will notify the complainant with the reasons for that decision. Some of the reasons a complaint may be dismissed are: - It is not substantiated; - It occurred too long ago; - Having regard to all the circumstances, investigation is unnecessary or unjustified; - The matter relates to the Officer's private life and does not affect the performance of their functions or suitability to hold their position; - It is frivolous, vexatious or is not made in good faith; or - It relates solely to the merits or lawfulness of a decision or procedural ruling.
Additional Information	The JCV will adjourn the investigation in some circumstances. This usually occurs where the complaint relates to a proceeding currently being heard by the Officer, where a judgment or decision has not yet been delivered, or the matter is the subject of another legal proceeding, like an appeal. An Officer is not required to excuse themselves from hearing a case just because a complaint has been made about them.

Step 3: Who can you make a complaint against?

Respondent	Description
VCAT members, judges and magistrates	A complaint can be made against non-judicial VCAT members and judge/magistrates or reserve judge/magistrates appointed to VCAT. Not all members of VCAT are "judicial". Non-judicial members of VCAT include members such as the Deputy President. Non-judicial members will generally have specialist knowledge and qualifications, and most have a legal background.
Court judges and magistrates	You can make a complaint against judges and magistrates of the Supreme Court of Victoria, County Court of Victoria, Magistrates' Court, Children's Court and the Coroners Court. Complaints can also be made against reserve judges/magistrates, associate judges/magistrates or reserve associate judges/magistrates of each of those courts.
Exclusions	Resigned officers A complaint cannot be made against an Officer that has resigned or retired. Federal judicial officers

	The JCV also cannot hear complaints relating to a federal judicial officer (this means the Federal Court, Federal Circuit Court, Family Court, High Court or Administrative Appeals Tribunal) or a judicial officer of another State or Territory, or any of the following: • Lawyers; • Court security; • Court staff; • A non-judicial registrar; • Police; • State Government; or • Government Organisations.
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Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	Any member of the public or the legal profession can make a complaint to the JCV. Complaints can be about a matter the person has experiences or has become aware of.
Pre-requisite steps	After preparing and gathering information in order to file a complaint, such as the name of the person the complaint relates to and any relevant dates, the complainant will need to complete a complaint form through the secure portal on the JCV's website, linked here: https://www.judicialcommission.vic.gov.au/triage-flow/?step=start
Can complaints be made on behalf of someone?	Yes, complaints can be made by organisations and agencies on behalf of their employees or by third parties who witnesses or are aware of the matter (but were not directly impacted). Similarly, complaints can be made by the Law Institute of Victoria and the Victorian Bar on behalf of their members without disclosing the identity of the affected person.
Exclusions	The JCV accepts anonymous complaints. However, if you do not provide your name and contact details, the JCV may be limited in how it investigates or follows up on your complaint.
Additional information you need to know	To make a formal complaint, the JCV will require the complainant's full name. However, the JCV will not disclose the complainant's name to the public.

Step 5: What remedies are available at this body?

Power	Description
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Referral to head of jurisdiction	Once the JCV has received and considered a complaint, it can refer the complaint to the relevant head of jurisdiction with recommendations about the future conduct of the Officer. If the JCV refers a complaint to a head of jurisdiction, the JCV will also make recommendations about the future conduct of the judicial officer or VCAT member. The head of jurisdiction may then take any one or more of the following actions: • counsel the judicial officer or VCAT member; • make recommendations to the judicial officer or VCAT member as to future conduct; or • exercise any other powers that a head of jurisdiction has in relation to the judicial officer or VCAT member concerned. The complainant will be advised of the outcome of the referral. In some cases, a summary of the head of jurisdiction's report may also be provided.
Refer to an investigating panel	Once the JCV has received and considered a complaint and if it is a very serious allegation, which if true, warrants removal from office on grounds of misbehaviour or incapacity, then the JCV may refer it to an investigating panel appointed by the JCV, which may recommend that the officer or VCAT member be removed from office. An investigating panel consists of three members appointed by the JCV, two members being former or current judicial officers or VCAT members and one member being a community member of high standing selected from a pool of people identified for this purpose. Having investigated your complaint, the investigating panel must do one of the following: • dismiss the complaint; • refer the complaint to the relevant head of jurisdiction with recommendations about the future conduct of the judicial officer or VCAT member concerned; or • draft a report recommending the judicial officer or VCAT member be removed from office if there is proven misbehaviour or incapacity. An investigating panel has a wide range of powers to assist it to investigate a complaint about a judicial officer or VCAT member, such as holding a hearing, issuing a witness summons, and applying for a search warrant.
Conclusion	If the JCV has not dismissed the complaint or referred it to an investigating panel, the JCV may conclude that the conduct infringed the standards of conduct expected of judicial officers or VCAT members and refer the complaint to the relevant head of jurisdiction, with recommendations about the future conduct of the judicial officer or VCAT member concerned.

Additional Information	The JCV must give the judicial officer or VCAT member an opportunity to respond to a complaint before it makes any decision to refer the matter to the head of jurisdiction or an investigating panel. Once a response is received, if any, the JCV may dismiss the complaint or refer it to an investigating panel.
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Step 6: Preparing your complaint. What should it include?

Requirement	Description
Format	Complete the complaint form through the secure portal on the JCV's website, linked here. Prior to submitting your complaint, you will be required to consider the eligibility through an online form. Following this, you will need to create an online portal account or login to your online portal account with the JCV. The assistance of an interpreter or translator can also be arranged by the JCV free of charge.
Personal Details	A first name and contact method must be provided when submitting the initial complaint form. You can remain anonymous during the course of any enquiry. No action is taken in relation to any alleged conduct during this phase.
Respondent's Details	You will need to provide the following details: • The name of the person being complained about. (If you do not know their name, please contact the Court/Tribunal your matter was heard in for this detail); and • The name of the court that handled the matter.
Relevant Facts	You will be required to provide details about: • The case number of the relevant proceeding. • The date(s) the events subject to the complaint happened. • A summary of what happened, including specific examples of what the person said or did and to who.
What NOT to include	Do not make false or misleading statements. This may be an offence.
Additional information you need to know	A judicial officer will be told about the complaint and your identity at the relevant time of the investigation. However, the JCV must not use or disclose confidential complaint information to the public or others except in limited circumstances. Complaints can be made by organisations and agencies on behalf of their employees or by third parties who witnessed or are aware of the matter (but were not directly impacted). In other words, the identity of the individual who experienced the relevant behaviour does not have

	to be disclosed. For example, the CEO of an organisation can make a complaint and becomes the complaint even if it was an employee solicitor that was in court. The name of the solicitor does not have to be provided. Legal practitioners can contact the Victorian Bar or Law Institute of Victoria to discuss options for making an anonymous complaint. When the JCV considers whether it is in the public interest to release information about a complaint to the public, it must consider protecting the privacy and safety of individuals. The JCV's Publication of Complaint Information Policy (which is currently in the process of being updated and will be published at the following link here) guides the JCV's approach to publishing information about complaints and rarely includes publishing the identity of complainants.
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Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	Online form: https://www.judicial.vic.gov.au/triage-flow/ Email: enquiries@judicial.vic.gov.au Telephone: 03 9084 9600 (Monday – Friday 9am – 4:30pm) Postal: GPO Box 4305, Melbourne VIC 3001
Receipt/ acknowledgement of complaint	After the JCV receives a complaint, they will provide written notice acknowledging receipt of the complaint, triage the complaint and make contact if further information is required.
Jurisdictional Review	The complaint will be reviewed to determine if it is within the jurisdiction of the JCV.
Preliminary Investigation	If appropriate, the JCV may conduct a preliminary investigation of the complaint. This may involve an examination of transcripts, recordings and other material relevant to the complaint. Where necessary, the JCV may seek a response to the complaint from the Officer or VCAT member.
Complaint Dismissal or Referral	Once the JCV has received and considered a complaint, it will take one of three actions: - dismiss the complaint (for example, if it is vexatious, or relates solely to the correctness of a legal decision); - refer the complaint to the relevant head of jurisdiction with recommendations about the future conduct of the officer; or - if it is a very serious allegation, refer it to an investigating panel appointed by the JCV, which may recommend that the officer or VCAT member be removed from office. The JCV will advise the outcome of any complaint in writing.

	The JCV aims to finalise the majority of matters where there has been a preliminary investigation in six months, and where there is a referral to an investigating panel, within nine months.
Additional information you need to know	You should try to provide all relevant information and documentation when you first lodge your complaint. This helps to ensure your concerns are understood and action can be taken as quickly as possible. You should update the JCV about any changes that impact on your complaint, including if the problem has been fixed. It is a good idea to keep a copy of your complaint for your reference. The JCV staff have also completed First Nations cultural awareness training.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
No internal review opportunities	You cannot appeal the JCV's decision. The JCV's decision on a complaint is final, and there is no provision under the <i>Judicial Commission of Victoria Act 2016</i> (Vic) for internal review or appeal of a decision.
External review/ remedies	The JCV's decision has no bearing on the complainant's appeal rights in relation to the outcome of a court or tribunal matter. The appeals process exists externally to the JCV and varying time frames apply. If you wish to lodge an appeal of their court or tribunal matter should seek legal advice or consult the relevant court or tribunal as soon as possible to ensure they are still eligible.

Step 9: Other bodies that handle complaints about related complaints

Complaint body	Description
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of you sex, disability, race, age or sexual preference the AHRC may be able to help. There are also State Government discrimination complaint bodies who may also be able to assist.
Office of the Australian	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been

Information Commissioner	handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers. There are also State Government privacy and information complaint bodies who may also be able to assist.
National Anti-Corruption Commission	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector. There are also a State Government corruption complaint bodies who may also be able to assist.

Need help to preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.
National Information Service	Telephone: 1300 656 419 (Option 2) or 02 9284 9888 Email: infoservice@humanrights.gov.au	Provides information and referrals for individuals, organisations and employers about a range of human rights and discrimination issues. This service is free and confidential.

Self-help tools and additional resources

Resource	How this helps
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
How to make a complaint	Guidance on how to make a complaint with the JCV.
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice.

Citations here:

[Complaints | Judicial Commission of Victoria](#)

[Frequently asked questions | Judicial Commission of Victoria](#)

[Make a complaint | Judicial Commission of Victoria](#)

[Judicial Bullying Guideline | Judicial Commission of Victoria](#)

[Sexual Harassment Guideline | Judicial Commission of Victoria](#)

[Case Studies | Judicial Commission of Victoria](#)