



Instructions for lodging a complaint against a judicial officer

These are the instructions for lodging a complaint with the Judicial Commission. Use this form or a copy of the 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 (www.judcom.nsw.gov.au).

1. *Please note the Judicial 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 Judicial Commission can only examine complaints about the ability and behaviour of current New South Wales Judicial Officers.*
2. A "judicial officer" under the *Judicial Officers Act 1986* 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* 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.
4. If your complaint falls within the Commission's powers, you may use this form to lodge a complaint against a judicial officer. Complete the form by providing all of the information requested on both pages. Make sure the information provided is complete and accurate.
5. Please describe the circumstances that led to your complaint in the "Details of Complaint" section. Clearly set out the conduct you are complaining about and include dates and places of the hearing, if these are relevant to the complaint. List all events in the order in which they happened. Attach additional sheets and other relevant documentation, as needed, to complete your statement.
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*.**

Instructions continued

7. It is recommended that you make a copy of the complaint for your records.
8. If you wish to make a complaint about more than one judicial officer please use a separate form for each one.
9. Send the original of the complaint form to the Chief Executive of the Commission at the address below. Please contact the Commission by mail, email or telephone if you need further information, additional forms or have any questions about the procedures. The contact details are below.

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

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:

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* 1900.

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]

Details of complaint

[Attach additional sheets, as needed]