



Judicial Complaints Protocol

Northern Territory Local Court

Judicial Complaints Protocol

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DOCUMENT ACCEPTANCE AND DISCLAIMER

This is version 1.1 dated 16 July 2019 of the Northern Territory Local Court Interpreter Protocols. This is a managed document. Changes will only be issued as a complete replacement. Recipients should remove superseded versions from circulation.

Introduction and Purpose

This protocol relates to complaints made against Judges and Registrars of the Local Court.

Judges are not subject to direct discipline by other persons, apart from extreme cases where they may be removed by the Administrator on an address from the Legislative Assembly for proved misbehaviour or incapacity. This degree of immunity from direct discipline, except in extreme cases, is necessary to maintain the independence of the 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 requirements that they give adequate reasons for their decisions and the right given to litigants to challenge the decisions on appeal.

Nevertheless the Local Court of the Northern Territory is committed to providing a courteous and efficient service to the Northern Territory community. To assist in achieving a high standard of service the Court provides a mechanism for court users and other members of the community to make complaints regarding judicial officers.

Who may complain?

Any person affected is entitled to make a complaint of non-criminal misconduct regarding any member of the judiciary concerning the performance by the judicial officer of his or her judicial functions.

To whom should the complaint be addressed?

Any complaint regarding a judicial officer of the Local Court should be made to the relevant Head of Jurisdiction being the Chief Judge or the delegate of the Chief Judge.

Where a complaint is in relation to the Chief Judge, it should be referred to and dealt with by the Deputy Chief Judge or the delegate of the Deputy Chief Judge.

The complaint should be acknowledged promptly by the judicial officer to whom it is addressed or his or her staff.

Complaints regarding the merits of a judicial decision

Where a complaint relates to, or involves, the merits of a judicial decision or any other matter which may be the subject of appeal or review the complaint should be dismissed and the complainant informed:

- Of any rights he or she may have to an appeal or review;
- Of any relevant time limits which may apply to the exercise of those rights; and
- Where he or she may be able to obtain free, pro bono or subsidised legal advice and/or assistance.

Other complaints

The relevant Head of Jurisdiction shall consider each complaint and may make a decision that:

- The nature or substance of the complaint suggests that no further action is required with regard to the complaint; or
- Further enquiries should be made.

In the event that the Head of Jurisdiction decides that no further action is required, the judicial officer concerned should be informed of the nature of the complaint and the decision made.

In all cases the complainant should be informed of the decision of the Head of Jurisdiction.

In the event that further enquiries are required the Head of Jurisdiction must refer the matter to the judicial officer who is the subject of the complaint and;

- Provide to the judicial officer a copy of the complainant's correspondence; and
- Permit the judicial officer a reasonable time within which to respond to those matters raised by the complainant.

On receipt of the judicial officer's response the Head of Jurisdiction may decide that:

- No further action is required and inform the complainant and the judicial officer that the complaint has been dismissed;

- Further enquiry should be made of either the judicial officer, the complainant or third parties before a decision could be made;
- The complaint has substance but is not sufficiently serious to contemplate removal; or
- The complaint has substance and is serious, for example the subject matter may be an indication of unfitness for office.
- In the event of the Head of Jurisdiction concluding that the complaint has substance but is not sufficiently serious to contemplate removal, the Head of Jurisdiction will notify both the judicial officer and the complainant accordingly. Appropriate remedial action will be taken and the complainant notified of the action taken.

In the event of the Head of Jurisdiction concluding that the complaint has substance and is serious it shall be dealt with in accordance with the applicable provisions of the Local Court Act.

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