



NORTHERN TERRITORY JUDICIAL COMMISSION

Frequently Asked Questions

Who can you complain about?

A complaint must be about:

- a Judge or Associate Judge of the Supreme Court of the Northern Territory;
- a Judge of the Local Court of the Northern Territory (this includes, a Local Court Judge in the Youth Justice Court or in the Coroner's Court);
- the President, a Deputy President or an ordinary member of NTCAT.

The Judicial Commission does not deal with complaints about court or NTCAT staff, lawyers, a Judge from another jurisdiction, or people who are no longer Judges or NTCAT members.

What type of complaints does the Judicial Commission deal with?

The Judicial Commission can deal with complaints about the behaviour or capacity of judicial officers or members of NTCAT. For example:

- unreasonable delay in handing down a judgment;
- inappropriate comments or questions in court;
- health issues that may affect ability to perform official functions;
- bullying or sexual harassment.

Allegations of corruption or other improper conduct can be made to the Northern Territory [Independent Commissioner Against Corruption](#) (ICAC).

The Judicial Commission cannot deal with complaints within the jurisdiction of ICAC unless ICAC consents or refers the matter.

Can I make a complaint to the Judicial Commission instead of lodging an appeal?

No. If you think the court or NTCAT made the wrong decision in a matter, the appropriate way of determining if the decision was wrong is by appealing to a higher court. The Judicial Commission cannot change the decision made by a court or by NTCAT.

Is there a cost for making a complaint?

No.

Is there a time limit on lodging a complaint?

There is no time limit. However, the Judicial Commission may dismiss a complaint if it happened so far in the past that it does not justify further consideration.

When can I make a complaint?

You can make a complaint at any time. However, if your complaint is about legal proceedings that have not finished, the Judicial Commission may decide to wait until the proceedings are finished before dealing with the complaint.

What happens if the judicial officer or member of NTCAT retires or resigns before my complaint is resolved?

The Judicial Commission can only deal with complaints against current judicial officers or members of NTCAT. If the judicial officer or member of NTCAT retired or resigned before the complaint was finalised, the Judicial Commission would dismiss the complaint.

Can the Judicial Commission help me before I make a complaint?

Yes. We encourage people to contact the Judicial Commission Office by phone or email first to discuss the nature of any complaint, the requirements for making a valid complaint and options for making a complaint.

The Judicial Commission Office can give you information about the complaints process, refer you to another agency if your complaint is something the Judicial Commission cannot deal with, or suggest you seek legal advice if the matter should be dealt with on appeal.

If you need an interpreter, the Judicial Commission Office can arrange one for you.

You can contact the Judicial Commission Office in person, over the phone on (08) 8999 1951 or via email to judicialcommission@nt.gov.au

Can I make an anonymous complaint?

No. If you are only making an enquiry with the Judicial Commission Office, you do not have to give your full name. However, if you decide to make a formal complaint, you need to provide your full name and contact details as part of a written complaint.

How do I make a complaint?

Visit our website for instructions on [how to lodge a complaint](#) information.

You can:

- complete an online form or
- download and print a complaint form.

Completed forms can be sent to the Judicial Commission Office (see contact details on next page).

Who sits on the Judicial Commission?

The Judicial Commission consists of the following members:

- Chief Justice of the Supreme Court of the Northern Territory;
- Chief Judge of the Northern Territory Local Court;
- President of NTCAT;
- President of the Council of the Law Society Northern Territory; and
- One community member appointed by the Administrator.

What will happen to my complaint?

The Judicial Commission will acknowledge that it has received your complaint and will then undertake a preliminary examination of the complaint.

The Judicial Commission may initiate the inquiries it considers appropriate into the complaint. The preliminary examination and inquiries will be made, as far as practicable, in private.

The complaint may be dismissed after preliminary examination on a number of grounds set out in section 44 of the *Judicial Commission Act 2020*.

If the complaint is not dismissed at this stage, the Judicial Commission will give the judicial officer or member of NTCAT a summary of the complaint and a chance to respond to it. After considering any response, the Judicial Commission can:

- if satisfied the complaint is sufficiently serious that, if substantiated, it could justify removal from office or termination of appointment, establish an Investigation Panel comprising of two Judges or former Judges and one community member;
- if satisfied the complaint is not sufficiently serious to justify removal from office or termination of appointment, but is partly or wholly substantiated, refer the complaint to the relevant head of jurisdiction with recommendations regarding action; or
- if satisfied there is a statutory ground to do so under section 44, dismiss the complaint.

You can read more about the complaints process on the [Who and what can I complain about](#) page. There is also a diagram of the process on the [Flowchart of complaint process](#) page.

How can I check on the progress of my complaint?

You can contact the Judicial Commission Office to check on the progress of your complaint.

If the Judicial Commission dismisses my complaint, can I appeal?

No.

Who deals with complaints about federal judicial officers?

Federal Court of Australia: see its [Judicial Complaints Procedure](#).

Federal Circuit and Family Court of Australia: see its [Judicial Complaints Procedure](#).

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