

# Honorary Justice Office

## Complaints Policy

Honorary Justice Office  
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Melbourne VIC 3001  
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Email: [jp@justice.vic.gov.au](mailto:jp@justice.vic.gov.au)  
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DEPARTMENT  
OF JUSTICE

## Introduction

This Complaints Policy deals with complaints against Victorian Bail Justices and Justices of the Peace, collectively referred to as Honorary Justices.

This document outlines the aims of the policy, how complaints against Honorary Justices are managed, where to lodge complaints and provides information about getting assistance.

This policy should be read in conjunction with the Honorary Justice Office Complaints Procedure.

This policy aims to deliver:

- **Commitment**

The Honorary Justice Office, as part of the Department of Justice, is committed to ensuring that a complaint is resolved fairly and as soon as practicable.

It is vital that individuals wishing to make a complaint are dealt with professionally and sympathetically. Complainants and their concerns are taken seriously and are impartially managed by the Honorary Justice Office.

- **Fairness**

The Honorary Justice Office applies the rules of natural justice and the *Charter of Human Rights and Responsibilities Act 2006* when managing a complaint. The complainant and Honorary Justice are given the opportunity to participate in the complaints process and can expect to receive written notification of the outcome of the complaint, including reasons supporting that outcome.

- **Transparency and Access**

Either via its web site ([www.justice.vic.gov.au/justices](http://www.justice.vic.gov.au/justices)) or upon request, the Honorary Justice Office readily provides information to complainants and Honorary Justices as to the steps involved in lodging a complaint.

- **Responsiveness**

The Honorary Justice Office acknowledges a complaint in writing within seven (7) days of receipt. The Office is dedicated to resolving complaints as soon as practicable without compromising the process or the rights of the participants.

- **Privacy and Confidentiality**

The Honorary Justice Office is committed to the protection of individuals' personal information through compliance with the *Information Privacy Act 2000*.

An Honorary Justice Privacy Information Sheet is available which explains:

- the types of information collected in response to correspondence, including complaints
- why it is collected
- what is done with it
- how it is handled.

This document can be accessed either from the Department of Justice web site or from the Honorary Justice Office upon request.

When a complaint is received the Honorary Justice is provided with a copy of the complaint so that he or she can respond to the allegations made. All complaints must therefore be in writing.

The Honorary Justice Office will not take action on an anonymous complaint, unless that complaint identifies a public interest or safety issue.

If a complainant does not want their identity disclosed to the Honorary Justice, a written request should be made to the Honorary Justice Office. The reasons for such a request must be provided. Circumstances that would warrant the non disclosure of a complainant could include, but is not limited to, the physical safety for either the complainant or persons known to the complainant or the Honorary Justice, risk to employment, association and property.

If the Honorary Justice Office determines to withhold the identity of the complainant, the Honorary Justice will be provided with a summary or extract of the complaint which will include enough detail to enable the Honorary Justice to comprehensively respond to the matters raised.

- **Accountability**

The Honorary Justice Office is required to maintain a complaint register which contributes to the management reporting capability of the Honorary Justice Office. Ongoing work is being done to improve this function to ensure the recording and reporting of complaints is both informative and robust.

The complaints handling process is set out in the Honorary Justice Office Complaints Procedure document and all complaints outcomes advised to participants are supported by reasons.

- **Business Improvement**

A key focus of the Honorary Justice Office is to ensure that complaints and the outcomes are recorded and are able to be analysed to identify any recurring or systemic trends and/or areas for improvement.

- **Review**

Any participant in the complaints process who is dissatisfied with the outcome of the complaint has the right to complain to the Director, Courts and Tribunals Unit. Any participant dissatisfied with the handling of the complaint has the right to complain to the Ombudsman Victoria.

## Complaints against Bail Justices

Bail Justices are not subject to direct discipline by other persons, apart from extreme cases where they may be removed from office following application by the Victorian Attorney-General to the Supreme Court.

Under Section 124 of the *Magistrates' Court Act 1989*, a Bail Justice has, in the performance of his or her duties as a Bail Justice, the same protection and immunity as a magistrate has in the performance of his or her duties as a magistrate.

This degree of immunity is necessary to maintain the independence of Bail Justices so that they can, and can be seen to, administer justice independently and impartially. Bail Justices are nonetheless accountable generally through the public nature of their work.

A decision made by a Bail Justice, or where a Bail Justice has exercised discretion as provided by Victorian legislation, cannot be the subject of a complaint. Neither the lodging of a complaint, nor the outcome of the complaint, will alter the decision made by a Bail Justice.

Where a person is concerned about the conduct of a Bail Justice such concerns can be raised in writing with the Honorary Justice Office.

## Complaints against Justices of the Peace

Justices of the Peace are not subject to direct discipline by other persons, apart from extreme cases where their appointments may be revoked by order of the Governor in Council.

Under Section 119 of the *Magistrates' Court Act 1989*, a Justice of the Peace has, in the performance of his or her duties as a Justice of the Peace, the same protection and immunity as a Judge of the Supreme Court has in the performance of his or her duties as a Judge.

Where a person is concerned about the conduct of a Justice of the Peace, such concerns can be raised in writing with the Honorary Justice Office.

## How and where to lodge a complaint

All complaints must be in writing. A complaint can be sent by mail, email or facsimile to the Honorary Justice Office at:

**Mail:**  
GPO Box 4356  
Melbourne VIC 3001

**Email:**  
[jp@justice.vic.gov.au](mailto:jp@justice.vic.gov.au)

**Facsimile:**  
03 8608 6018

## Assistance

Anyone considering making a complaint or wishing to discuss their concerns are welcome to contact the Honorary Justice Office on 03 9603 9090 during business hours.

## When a complaint cannot be resolved

Where a complaint remains unresolved or a person is dissatisfied with the outcome of the complaint, they may write to the Director, Courts and Tribunals Unit at:

Director, Court and Tribunals Unit  
Level 1, 436 Lonsdale Street  
Melbourne VIC 3000

Complaints regarding the Honorary Justice Office's complaint handling process can be addressed to:

Ombudsman Victoria  
Level 9, 459 Collins Street (North Tower)  
Melbourne VIC 3000