

The Land Court of Queensland

Complaints Policy and Procedure (Judicial Officers)

Introduction

This complaints policy and procedure provides the framework for the management of complaints about Judicial Officers of the Land Court.

This policy and procedure deals with how to make a complaint or provide positive feedback about the judicial conduct of the Court's Judicial Officers.

If you wish to lodge a complaint about the conduct of, or service by, Land Court Registry staff, please see the [Department of Justice and Attorney-General Policy](#). If you would like to pay a compliment to, or provide positive feedback about your experience or contact with, Land Court Registry staff please [contact](#) the Registrar through the Registry. If you have a complaint about the President, please see the Policy on [Complaints about the President of the Land Court of Queensland: Section 48A of the Crime and Corruption Act 2001](#).

Background

The President of the Land Court has administrative responsibility for the orderly and expeditious exercise of the jurisdiction and powers of the Land Court of Queensland. However, due to the principle of judicial independence observed in Australian Courts, this does not extend to directing, or influencing, or seeking to direct or influence the Court's Judicial Officers as to how to decide matters that come before them.

Judicial Officers are accountable through the public nature of their work. They have an obligation to hear both sides of a case and to give reasons for their decisions. With limited exceptions, court hearings are open to the public, and, subject to certain statutory limitations, can be reported in the news media. The decisions of judicial officers are subject to appeal or review. They must disqualify themselves from hearing a case in which they have a personal interest. They are subject to the criminal and civil law for behaviour outside their judicial function.

This policy and procedure offers a process by which complaints about judicial conduct can be brought to the attention of the President and, if appropriate, the Member or Judicial Registrar concerned. This process provides:

- an opportunity for complaints to be dealt with in an appropriate manner;
- valuable feedback to the Court and its Judicial Officers;
- opportunities for the Court to explain the nature of its work and correct misunderstandings where they have occurred; and
- to improve its performance.

Policy statement

The policy and the procedures that follow are underpinned by principles of openness and accountability; responsiveness; procedural fairness; and privacy. That means:

- Members of the public will have access to information about how and where to make a complaint.
- Complaints will be dealt with in a timely manner.
- Principles of procedural fairness will be applied to all complaints.
- Parties to a complaint will receive information that clearly explains how the complaint was dealt with.
- Complainants will be assured of anonymity and the complaint will be treated in confidence.

For the purposes of this policy, a complaint is defined as an expression of dissatisfaction about the judicial conduct.

Judicial conduct, for the purposes of this policy and procedure, means conduct in their performance of a Judicial Officer's judicial functions such as the conduct in a hearing, mediation or conference or in connection with a case in the Land Court.

Complaints should not be made directly to a Judicial Officer involved.

This policy and procedure does not, and cannot, provide a mechanism for:

- disciplining a Judicial Officer;
- dealing with complaints about a decision of a Judicial Officer that could be dealt with on appeal or review; or
- dealing with complaints about parties, their legal representatives or agents.

Complaints about judicial decisions and conduct of proceedings – cases that could be dealt with on appeal or review

The President has no power to interfere with any decision made by a Member or Judicial Registrar and complaints about the result of a case are generally outside the scope of the complaints policy and procedure. This includes a complaint about a breach of a person's human rights, under the *Human Rights Act 2019*.

Parties who are concerned about the result of a case, or about any other matter in connection with the case that is capable of being raised in an appeal or on review (as appropriate), should consider whether or not to appeal or seek review. There are strict time limits for appeals and reviews and parties need to act promptly.

If a complaint is received about matters that are, or were, capable of being dealt with by an appeal or on review, a letter will be sent to the complainant indicating that the matter cannot be dealt with under the complaints policy and procedure.

Complaints about delay in delivery of reserved judgments

There is a specific process for enquiry about reserved judgments. Please see the Land Court's [Reserved Judgments Policy](#).

Complaints about the judicial conduct of Judicial Officers

A complaint about judicial conduct of Judicial Officers must be made in writing (marked confidential) addressed to the President.

The President
Land Court of Queensland
GPO Box 5266
Brisbane Qld 4001
landcourt@justice.qld.gov.au

The President will first make sure the complaint is about judicial conduct and not about the result of the case or something that was capable of being raised in an appeal or on review.

If the President considers the complaint is about judicial conduct, the President will then consider whether, on the facts, the complaint has substance; and whether to invite the Member or Judicial Registrar concerned, to respond.

Generally, it will not be appropriate for the President to investigate complaints about the conduct of pending proceedings. In most cases it will be appropriate for you to raise your complaint in Court when your matter is next listed for hearing.

If the President considers that dealing with the complaint might have an adverse effect on the disposition of a matter currently before the Court, the President may defer dealing with the complaint until the determination of the matter. If so, the Member or Judicial Registrar dealing with the matter would not normally be advised of the complaint to avoid any possible perception of bias, and the complainant would be informed of this.

The President will, generally, provide a formal acknowledgement of receipt of your complaint within seven working days of receipt of your complaint. A considered response will ordinarily be forwarded within 20 working days of receipt of your complaint. If it is not possible to respond within that time a letter will be sent outlining the reason for the delay.

Given the process cannot provide a mechanism for disciplining Judicial Officers, the Court's response will not address anything other than the substance of the complaint. However, as indicated, it provides an opportunity for the President to improve the performance of the Court if behaviour falls short of expected judicial standards.