

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
FAMILY COURT OF AUSTRALIA

**Question No. 22**

**Senator Barnett asked the following question at the hearing on 25 May 2009:**

In the past 12 months, how many complaints have been referred to the relevant judge?

**The answer to the honourable senator's question is as follows:**

Complaints are always referred to the relevant Judge to advise them of the complaint (because it is only fair that the Judge has an opportunity to respond to the Deputy Chief Justice if they wish to do so). However it is rare that the Deputy Chief Justice would seek input from the Judge about a complaint. This is because apart from complaints about delay in delivery of Judgments and about the result of a case, in almost every case the complaint relates to in-Court "behaviour" and the Court record and transcript provide the information necessary to respond to the complainant. If there is any suggestion that a Judge has used a particular tone or become angry which may not be apparent from the transcript, the audio tape is available and listened to.

The response is thus provided not from the subjective view of the Judge, but rather from the objective perspective of the written transcript and the audio tape.

In any event the complaint is not referred to the Judge while the matter is ongoing (to ensure there is no suggestion that the Judge might be biased by learning of a complaint) and the complainant is notified that the Judge will not be told about the complaint until the matter is finalised.