

Australian Capital Territory

COURTS AND TRIBUNAL

Complaints and Feedback Policy

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1 Definitions

'ACAT' means the ACT Civil and Administrative Tribunal.

'complainant' means the person making the complaint or person on whose behalf the complaint is made.

'courts' means the ACT Supreme Court, the ACT Magistrates Court, ACT Childrens Court and the ACT Coroners Court.

'court officer' means any person engaged as a contractor, employee or officer whether temporarily or permanently working in and for a court or tribunal.

'court and tribunal users' means any member of the public using court and tribunal services including litigants, members of the legal profession, members of the public attending the court or tribunal proceedings, witnesses, jurors and members of the press

'judicial officer' means a justice of the Supreme Court, an associate judge of the Supreme Court or a magistrate of the ACT Magistrates Court

'registrar' means the registrar of the Supreme Court where a complaint relates to a complaint about the Supreme Court, the registrar of the ACT Magistrates Court for complaints concerning other courts and a registrar of ACAT for a complaint concerning ACAT

'respondent' means the officer with responsibility for responding to a particular complaint

'tribunal' means ACT Civil and Administrative Tribunal (ACAT)

'tribunal member' means a person appointed to hear and determine applications to a tribunal and includes a registrar exercising the power of a non-presidential member.

2 Purpose

This policy:

- assists court and tribunal users to provide complaints and feedback about court and tribunal services, staff or facilities; and
- supports the ACT Courts and Tribunal investigate complaints and feedback in a fair, impartial and prompt manner.

3 Legislative Framework

The ACT Courts and Tribunal operates in a framework governed by a range of laws available through the ACT Legislative Register at www.legislation.act.gov.au. These laws include:

- *Public Sector Management Act 1994*
- *Human Rights Act 2004*
- *Information Privacy Act 2014*
- *Territory Records Act 2002*
- *Work Health and Safety Act 2011*
- *Courts Procedures Act 2004*
- *ACT Magistrates Court Act 1930*
- *ACT Supreme Court Act 1933*
- *ACT Civil and Administrative Tribunal Act 2008*

4 Policy statement for managing complaints and feedback

The administration of the ACT Courts and Tribunal aims to:

- provide high quality court and tribunal registry services;
- have well trained staff to provide accurate and timely information to court and tribunal users in a professional manner;
- encourage and capture feedback to support a culture of continuous improvement in the workplace; and
- investigate and respond to complaints in an impartial and fair manner.

5 Scope

The complaints and feedback policy relates to services and facilities provided by the administrative arm of the ACT Courts and Tribunal.

This policy does not cover complaints about legal proceedings, judicial officers, tribunal members or legal practitioners. Further information about making a complaint about legal proceedings, judicial officers, tribunal members or legal practitioners is outlined below.

5.1 Complaints about the outcome of a proceeding

The policy does not cover complaints about the outcome of proceedings before an ACT Court or the ACT Civil and Administrative Tribunal (ACAT).

If a complaint is received concerning the outcome of a proceeding before a Court or Tribunal the officer dealing with the complaint must advise the complainant that such complaints are not covered by this policy and that they should obtain legal advice on the whether they can appeal the decision. The response to the complainant should also note that there are time limits on appealing a decision.

5.2 Complaints about the conduct of a judicial officer or tribunal member

The policy does not cover complaints about the actions of judicial officers or tribunal members.

If a complaint is received concerning the conduct of a judicial officer or a tribunal member, the officer dealing with the complaint should advise the complainant that such complaints are not covered by this policy.

On 1 February 2017 the Judicial Council was established to consider complaints about the conduct of judicial officers. Further information about the ACT Judicial Council is available at www.actjudicialcouncil.org.au or by contacting (02) 6276 0193 or emailing Principal.Officer@actjudicialcouncil.org.au.

If the complaint is about a Tribunal member (other than a presidential member) it should be sent to the President of the ACAT. If the complaint relates to a presidential member of the ACAT it should be sent to the Attorney-General and will be considered in accordance with [Notifiable Instrument NI2017-416, Judicial Commissions \(Complaints – ACAT Presidential Members\) Approved Protocol 2017 \(No 1\)](#) which is available from the ACT Legislation Register www.legislation.act.gov.au.

If the complaint is about a registrar carrying out judicial functions, then the complaint should be sent to the Head of Jurisdiction relevant to the function ie Chief Justice, Chief Magistrate or ACAT President.

5.3 Complaints about the conduct of a legal practitioner

This policy does not apply to complaints about legal practitioners.

If a complaint is received concerning the actions of a legal practitioner the officer receiving the complaint must advise the complainant that such complaints should be made to the [ACT Bar Association](#) where the complaint is about a barrister or to the [Law Society of the ACT](#) where the complaint is about a solicitor.

6 Procedures

Complaints may be made orally, or in writing. Court Officers are required to provide reasonable assistance to a person wishing to make a complaint.

If the officer receiving an oral complaint is not the appropriate person to deal with the complaint, the officer is required to refer the complaint to an appropriate officer or manager.

A form is available from the enquiry counter to assist in capturing the details and nature of the complaint for feedback. The form may be completed by the complainant, or a Court Officer on behalf of the complainant. The form provides a description of the complaint or feedback, along with the details of the complainant. Where possible, if the form is used, it should be signed by the complainant.

Written complaints should be lodged at the enquiry counter or emailed to feedback@courts.act.gov.au. Staff receiving a written complaint at the Counter or via mail should scan and email the complaint to feedback@courts.act.gov.au.

Complaints are to be dealt with (as per section 9) impartially, fairly, promptly and confidentially. All complaints will be investigated by an appropriately authorised officer.

A register of complaints will be kept by the ACTLCT.

7 Oral complaints

Oral complaints can be made in person or over the telephone. If a complaint is received orally, the officer receiving the complaint should try to resolve the complaint immediately. If the officer is unable to resolve the complaint he or she should refer the matter to a senior officer who can resolve it. Where the complaint is complex the officer may request the complainant to put the complaint in writing. Court Officers can assist you in filling in a *complaint and feedback form* at the enquiry counter.

8 Written complaints

Written complaints should be addressed to the Principal Registrar and delivered by mail or email. Written complaints can also be hand delivered to the Court enquiry counter or a *complaint and feedback form* is available on request.

Persons providing feedback or making complaints should include:

- their name, address and contact telephone number;
- details of the situation, including the names (if known) of any individual involved and any relevant times and dates; and
- your expectations in relation to how your complaint might be resolved.

Anonymous complaints will be accepted and dealt with as appropriate.

9 Responding to complaints

An officer responding to an oral complaint should make a file note or email of the complaint and it should be sent to feedback@courts.act.gov.au. The file note or email must contain the complainant's details and the officer's response to the complaint and any action taken in relation to the response.

An officer responding to a written complaint via mail or email should send a copy of

the complaint and response to feedback@courts.act.gov.au for record keeping purposes.

If a complaint is received in writing or electronically, the complainant is to be sent an receipt of acknowledgment providing details of the officer to contact concerning the progress of the response. An acknowledgment need not be sent if the complaint can be responded to within 5 business days.

Where possible, complaints are to be responded to within 21 days of receipt. If a complaint cannot be responded to in 21 days the complainant should be informed of the delay, the reason for it and when the matter will be finalised.

A response to a complaint should include the respondent's:

- acknowledgment and understanding of the complaint;
- understanding of the facts and issues;
- any action taken in response to the complaint including apology, referral, follow up, change in process or procedure, acknowledgment with no action;
- name and contact details for any further enquiry or clarification; and
- if the complaint raises improvements or changes in process or procedure whether this should be noted in public information such as on the website.

10 Complaints about staff members

Where a complaint is about a member of staff, the complaint will be referred to the Principal Registrar for appropriate action.

If the complaint is about an independent contractor working in the court building, the complaint should be referred to the Senior Manager, Corporate and Strategic Services.

Any investigation should be balanced and fair to the complainant and the staff member who is subject of the complaint.

Investigation of a complaint against a staff member must ensure confidentiality for the complainant and the details of such complaint must be made known only to those directly concerned in investigation of the complaint.

11 Review of response to a complaint

If a complainant is dissatisfied with the response, the complainant may request the complaint be elevated to a higher level for a further review.

Requests for review are to be made in writing or electronically and are required to set out the basis for the complainant's dissatisfaction with the original response.

Any review of the matter should be completed within 14 days of the request. The complainant must be advised of the reason for any delay beyond 14 days in

completing the review.

12 Withdrawal of complaints

A complaint may be withdrawn at any time. To withdraw a written complaint the complainant should notify the Principal Registrar in writing that he or she wishes to withdraw the complaint. If the complaint was made electronically, notice of the withdrawal should be sent to the contact officer named in the acknowledgement email or in the event the complaint is yet to be acknowledged, to the email address to which the complaint was sent.

13 Responsibilities

13.1 All staff

All staff are obliged to uphold the values of our organisation, resolve minor complaints where feasible, and be reactive to feedback provided by court users. All staff are required to adhere to this policy and provide information and assistance to court users wishing to lodge a written or oral complaint.

13.2 Managers

Managers should ensure that staff are appropriately trained and skilled to provide high quality services, information and advice to court and tribunal users. Managers should also ensure that staff understand and adhere to this policy.

13.3 Principal Registrar

The Principal Registrar is to ensure that court and tribunal users have easy access to complaints information via our websites and at our enquiry counters. The Principal Registrar must also ensure that accurate records of complaints are maintained. Where a complaint discloses a procedural problem or process that requires review to prevent further complaints, then the Principal Registrar should take appropriate action to prevent further complaints.

14 Confidentiality

Information concerning complaints must be kept confidential, subject to the need to disclose information in the proper investigation of a complaint.

Files containing information regarding complaints are subject to the *Freedom of Information Act 1987*, the *Territory Records Act 2002* and the *Information Privacy Act 2014*. Those Acts deal with disclosure of information contained in ACT court and tribunal files and records.

General information about responses to complaints may be included in the Justice and Community Safety Directorate's Annual Report or appropriate website.

15 Publication of Policy

An information sheet on how to make a complaint and a copy of this policy shall be placed on the Court's and ACAT websites and be available for distribution at ACTLCT enquiry counters.