

Complaining about a member of a tribunal

If you believe you have been treated badly or rudely by a member of the tribunal that is hearing your case, you can lodge a complaint about their conduct.

A complaint about **conduct** is different from a disagreement about a **decision** the tribunal has made. If you disagree with the decision you may be able to appeal against the decision or ask for the decision to be reviewed by the courts. Each tribunal has its own rules about appeals and reviews. In most cases the information will be in the legislation that establishes the tribunal (available on legislation.govt.nz). If a Tribunal has acted unfairly, the High Court has a general power to review what occurred, and give directions to the Tribunal.

You should be aware that it is sometimes necessary for tribunal members to be forceful in their manner to ensure hearings proceed efficiently and effectively. If you feel that a tribunal member has been abrupt, it may be for this reason. It is also sometimes necessary for tribunal members to be direct and frank in expressing concerns (including disbelief) about credibility. This is not done to be hurtful but because fairness requires the tribunal member to be clear about such concerns so that the person has the opportunity to respond.

Tribunal members, as judicial officers, are independent of ministers, the Ministry of Justice and the head of the tribunal. Their independence will be respected in assessing any complaint.

Where to send your complaint

Complaining about a judge¹

To complain about a judge, you need to write to the Office of the [Judicial Conduct Commissioner](#) at the address below:

Office of the Judicial Conduct Commissioner
PO Box 2661
Wellington
6140
Email: judicialconduct@icc.govt.nz

Complaining about the tribunal chair² or sole member who is not a judge

¹ Some tribunal members are also judges of the District Court or the Māori Land Court. A judge appointed to a tribunal will usually be appointed as the chair of the tribunal. A single-person tribunal is sometimes a judge.

If the person you want to complain about is the tribunal chair or its sole member, but is not a judge, you need to write to the minister who appointed the tribunal member or recommended him or her to the Governor-General for appointment.³

Complaining about a tribunal member who is not the chair

If the tribunal member you want to complaint about isn't the chair, you need to write to the chair of the Tribunal.

To make a complaint you can:

- Email official.correspondence@justice.govt.nz
- Or send it to Official Correspondence, National Office, Ministry of Justice, SX 10088, Wellington.

What you are expected to do

- Make the complaint in writing.
- Identify yourself and provide an address for communications.
- Identify the tribunal and tribunal member clearly.
- Describe the conduct complained about clearly.

Some complaints will be dismissed

A complaint will not be investigated and will be dismissed if:

- The complaint is about a tribunal decision.
- The complaint has no bearing on the functions of the tribunal concerned.
- The complaint is frivolous, vexatious, or not in good faith.
- The subject matter of the complaint is trivial.
- The person who is the subject of the complaint is no longer a tribunal member.
- The complaint has been previously considered.
- The complaint is anonymous or is not in writing.
- You are not a person affected by the conduct or matter you are complaining about.

² The chair is the head of the tribunal and may not be referred to as "chair". In the Disputes Tribunal the chair is the Principal Disputes Referee. In the Tenancy Tribunal the chair is the Principal Tenancy Adjudicator. The head of the Legal Complaints Review Office is the Legal Complaints Review Officer. Please contact the tribunal concerned if you need more information.

³ In most cases the Minister of Justice, either alone or in consultation with another minister, makes the appointment or makes the recommendation for appointment to the Governor-General. The exceptions are:

- Members of the Copyright Tribunal, who are recommended by the Minister of Commerce and Consumer Affairs;
- Members of the Social Security Appeal Authority, who are recommended by the Minister of Social Development;
- Members of the Student Allowance Appeal Authority, who are appointed by the Minister of Social Development.

What will happen to your complaint

A copy of your complaint will be sent to the tribunal member concerned and they will be given a reasonable time to respond.

If your complaint is about a judge, the procedures of the [Judicial Conduct Commissioner](#) will apply.

If your complaint is about the tribunal chair or sole member who is not a judge:

- The Ministry of Justice will establish a panel of experienced tribunal chairs who will consider the complaint and recommend what action, if any, should be taken.
- The panel will report to the relevant minister or ministers.

If your complaint is about a tribunal member who is not the chair, the chair will consider the complaint and reach a decision on the action, if any, that will be taken.

What you can expect if you make a complaint

- Your complaint will be taken seriously.
- You will be treated courteously and with respect.
- You will not be discriminated against.
- Your complaint will be considered thoroughly, impartially and within a reasonable time.
- You will be told whether or not your complaint has been upheld.