



## Northern Territory Legal Aid Commission

### SUBMISSION BY NORTHERN TERRITORY LEGAL AID COMMISSION *Judicial Commission Bill 2020*

The Northern Territory Legal Aid Commission (NTLAC) welcomes the opportunity to make a submission to the Legislative Scrutiny Committee inquiry into the *Judicial Commission Bill 2020*. NTLAC submits that the Assembly should pass the Bill.

NTLAC's legal officers appear every day before both Local Court judges and Supreme Court judges, as well as, on occasion, members of the Northern Territory Civil and Administrative Tribunal (NTCAT). For the most part, NTLAC lawyers enjoy a mutually respectful, courteous and productive professional relationship with the judicial officers and tribunal members before whom they appear. On occasion, however, NTLAC lawyers have either themselves been the victim of judicial bullying, or have acted for clients who have been bullied by a judge. Until now, the remedies for problems of this nature have been limited and unsatisfactory. One remedy has been for a senior NTLAC practitioner to approach the judicial officer concerned in chambers. If that is ineffective, the next step has been to write to the relevant head of jurisdiction. That approach too, can be ineffective, and moreover places a substantial burden on the Chief Judge of the Local Court or the Chief Justice of the Supreme Court, as the case may be.

In recent years, NTLAC lawyers have utilised both of these approaches. Unfortunately, they have not always proven successful, and the behaviour complained of has continued. The effect of this on the morale and in some cases the livelihood of the lawyers who work for NTLAC as well as other providers of legal services in the Northern Territory justice system, can be and in some cases has been, severe. NTLAC knows of lawyers who have left their employment and the jurisdiction rather than continue to subject themselves to being humiliated and insulted in public by a judicial officer on a regular basis. As an employer, NTLAC has a duty to provide its employees with a safe workplace. The enactment of this Bill will assist NTLAC to properly discharge that duty.

The Bill is modelled on similar schemes in other Australian jurisdictions, where Judicial Commissions have operated successfully for many years. In the view of NTLAC, the Bill strikes an appropriate balance between protecting the independence of the judiciary, a cornerstone of the Northern Territory legal system, and providing a clear, transparent, independent and accessible process for dealing with complaints against judicial officers and tribunal members. NTLAC particularly supports the participation of non-lawyer community members in the

administration of the scheme, through their membership of both the Commission itself and investigating panels. There are no easy answers to the question “who judges the judges?”, but the involvement of people from outside the legal profession should increase community confidence in the work of the Commission.

The Northern Territory Legal Aid Commission supports the enactment of the *Judicial Commission Bill 2020*.

A handwritten signature in black ink, appearing to read "Suzan Cox".

**SUZAN COX OAM QC**  
Director  
9 March 2020