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**Government  
of South Australia**

# **JUDICIAL CONDUCT COMMISSIONER**

## **2024-25 Annual Report**

**JUDICIAL CONDUCT COMMISSIONER**

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ISSN: 2208-3014 (Print)  
2208-3302 (Online)

Date presented to Minister: 16 September 2025

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2024-25 ANNUAL REPORT for the Judicial Conduct Commissioner

To:

The Honourable Leon Bignell MP

Speaker

House of Assembly

Parliament House

ADELAIDE SA 5000

The Honourable Terry Stephens MLC

President

Legislative Council

Parliament House

ADELAIDE SA 5000

This annual report will be presented to Parliament to meet the statutory reporting requirements of section 27(3) of the *Judicial Conduct Commissioner Act 2015 (SA)* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.



Michael Boylan KC

Judicial Conduct Commissioner

16 September 2025

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2024-25 ANNUAL REPORT for the Judicial Conduct Commissioner

To:

The Honourable Kyam Maher MLC

Attorney-General

This annual report will be presented to Parliament to meet the statutory reporting requirements of section 12 (1) of the Public Sector Act 2009 (SA) and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

A handwritten signature in black ink, appearing to read 'Michael Boylan', with a stylized flourish at the end.

Michael Boylan KC

Judicial Conduct Commissioner

16 September 2025

## From the Commissioner

The Office of the Judicial Conduct Commissioner was established upon the commencement of the *Judicial Conduct Commissioner Act 2015* (SA) (JCC Act) on 5 December 2016.

I commenced as the Judicial Conduct Commissioner on 7 January 2022 for a term of 3 years. I was appointed for another 3 year term on 7 January 2025.



## Complaints

It is my function as the Judicial Conduct Commissioner to receive and deal with complaints about the conduct of judicial officers. I am not subject to the direction of any person in relation to the manner in which that function is exercised or the priority which is to be given to a particular matter.

Unless a complaint is to be dismissed under section 17 of the JCC Act, I am obliged to conduct a preliminary examination of it. The purpose of the preliminary examination is in the first instance, to determine whether:

1. the complaint raises a reasonable suspicion that it relates to conduct that involves corruption in public administration, such that it should be referred to the Office for Public Integrity; or
2. further consideration of the complaint would, in all the circumstances, be unjustified in terms of section 16 of the JCC Act, such that I should exercise the power to take no further action in respect of the complaint; or
3. at least one of the grounds in section 17 of the JCC Act is met and the complaint must be dismissed.

Assuming none of these is applicable and that the preliminary examination proceeds, I can deal with the complaint by:

1. recommending that the judicial officer's jurisdictional head take specific action; or
2. making a recommendation to the Attorney-General to appoint a judicial conduct panel; or
3. making an immediate report to Parliament.

## **Statistics**

During the reporting period, I received 73 complaints. Most of them were from members of the public and related to allegedly inappropriate conduct in court (14 complaints), or to a judicial decision or order (14 complaints). There were 16 complaints about non-South Australian judicial officers, in respect of whom I have no jurisdiction. There were a number of complaints about members of the South Australian Civil and Administrative Tribunal (SACAT) in respect of whom I again have no jurisdiction. There were also complaints about judges and magistrates who had retired, or died (3 complaints). There were also a number of complaints not made in accordance with the JCC Act (11 complaints).

I received one complaint about a judicial officer failing to perform his statutory duties. Having considered the judicial officer's response to the complaint, I dismissed it.

Most of the complaints were from unrepresented litigants.

I received two complaints from legal practitioners, one of alleged racism and one of causing embarrassment to the practitioner by laughing at her. After listening to the audio recordings of the relevant proceedings, I dismissed both complaints. I add here that my preliminary enquiries often begin with my listening to the audio recordings. It is an effective way of assessing many complaints.

I received no complaints of sexual harassment during the reporting period.

Most of the complaints I received were dismissed. As in the case of previous years, many of the complaints related to judicial decisions which are not within my jurisdiction. Under section 6(3) of the JCC Act, the Judicial Conduct Commissioner has no jurisdiction to challenge or call into question the legality or correctness of any instruction, direction, order, judgment, or other decision given or made by a judicial officer in relation to any legal proceedings. Many complainants continue to misunderstand the role of the Judicial Conduct Commissioner, with them largely perceiving my role as being analogous to an avenue of appeal. A large number of complaints were also dismissed as they did not concern the conduct of a judicial officer within the meaning of the JCC Act.

Again, I record my gratitude to my legal officers and administrative staff.



Michael Boylan KC  
**Judicial Conduct Commissioner**

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## Overview: about the agency

### Our strategic focus

- To provide an independent, fair, and transparent way to deal with complaints about judicial officers.

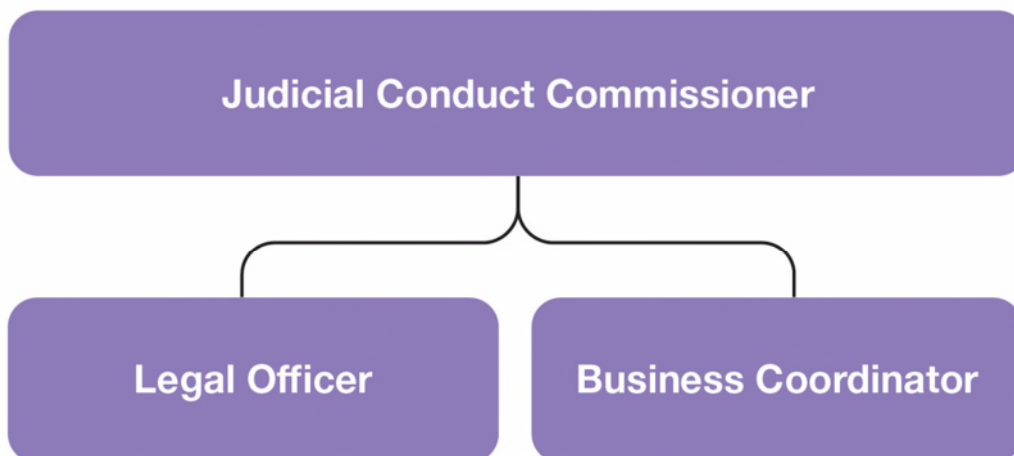
### Goals

- To be accessible, so that anyone who believes a judicial officer has acted inappropriately is able to make a complaint to the Judicial Conduct Commissioner.
- To deal with all complaints before the Judicial Conduct Commissioner in a fair and efficient manner.

### Objectives

- To establish and maintain business processes consistent with the *Judicial Conduct Commissioner Act 2015 (SA)*.
- To increase awareness of the existence and role of the Judicial Conduct Commissioner.
- To ensure the process for making complaints is readily accessible.
- To ensure that we have appropriately skilled people and the necessary resources to meet the demands of the office.

### Our organisational structure



The Judicial Conduct Commissioner receives significant support from the Attorney-General's Department in areas such as finance, human resources, and corporate governance. Please refer to the annual report of the Attorney-General's Department for information relating to those areas.

## **Changes to the agency**

During 2024-25 there was the following changes to the agency's structure and objectives as a result of internal reviews or machinery of government changes.

- Decommission of Business Support Officer
- Introduction of Business Coordinator

## **Our Minister**

The Hon Kyam Maher MLC is the Attorney-General, who is the Minister responsible for the *Judicial Conduct Commissioner Act 2015* (SA).

The Judicial Conduct Commissioner is appointed by the Governor and is not subject to the direction of any person in relation to any matter.



## **Our Executive team**

The office of the Judicial Conduct Commissioner is a unit of the Attorney-General's Department and makes use of the administrative structure of that Department.

## **Legislation administered by the agency**

The position of the Judicial Conduct Commissioner is established under section 7 of the *Judicial Conduct Commissioner Act 2015* (SA).

## **Other related agencies (within the Minister's area/s of responsibility)**

The Judicial Conduct Commissioner holds a number of key relationships with other agencies.

The Judicial Conduct Commissioner has a strong working relationship with the Courts Administration Authority which, on request, provides relevant information relating to complaints.

The Judicial Conduct Commissioner is supported by the Attorney-General's Department for some administrative services.

## The agency’s performance

### Performance at a glance

Key performance indicator	Measure	Current year 2024-25	Past year 2023-24
Register all new complaints in our electronic system.	Within an average of three business days from the receipt of the complaint.	3.46	2.46
Determine whether there is a reasonable suspicion of corruption in public administration.	Within an average of 10 business days after registration of the complaint.	4.14	4.19
For all complaints which do not raise a reasonable suspicion of corruption in public administration, complete a preliminary examination of the complaint.	Within an average of 15 business days after registration of the complaint.	14.94	19.6*

\*This KPI was greatly affected by two complaints. Further information was required to complete the preliminary examination for one of the complaints and the complainant was significantly delayed in providing the information to the Judicial Conduct Commissioner. The other complaint required the assistance of an investigator to take statements which took some time.

### Agency specific objectives and performance

Objective 1 of the office of the Judicial Conduct Commissioner is to establish and maintain business processes consistent with the *Judicial Conduct Commissioner Act 2015* (SA). The Judicial Conduct Commissioner has established three key performance indicators for this objective. All new complaints received during the reporting period were registered in the electronic system within an average of 3.46 business days from being received. This is above the key performance indicator of three business days.

All complaints registered during the reporting period were determined as to whether there was a reasonable suspicion of corruption in public administration within 4.14 business days after the date of registration. This is well below the key performance indicator of ten business days. For those complaints not raising a reasonable suspicion of corruption in public administration, a preliminary examination was

completed within 14.94 business days after the date of registration. The key performance indicator is fifteen business days.

Objective 2 of the office of the Judicial Conduct Commissioner is to increase awareness of the existence and role of the Judicial Conduct Commissioner. The Judicial Conduct Commissioner has established three key performance indicators for this objective. During the reporting period the Judicial Conduct Commissioner communicated with the jurisdictional heads of the Supreme Court, District Court and Magistrates Court. Communications included correspondence relating to the length of time over which judgments of certain judicial officers had been outstanding, and jurisdictional heads providing notice of a complaint.

The office of the Judicial Conduct Commissioner performs an educational function by responding to enquiries. The Judicial Conduct Commissioner continues to make educational material available for the use of people engaged in the justice system and the public.

The Judicial Conduct Commissioner maintains a modern, user-friendly, accurate and informative website. The website has been visited by 2,253 visitors and the webpages have been viewed 4,755 times in the reporting period.

Objective 3 of the office of the Judicial Conduct Commissioner is to ensure the process for making complaints is readily accessible. While all complaints must be provided in writing, those complaints can be channelled via an online form, via email, through a hard copy form, or by writing a letter.

### **Corporate performance summary**

Please refer to the annual report of the Attorney-General's Department for a summary of this information.

### **Employment opportunity programs**

Please refer to the annual report of the Attorney-General's Department for a summary of this information.

### **Agency performance management and development systems**

Please refer to the annual report of the Attorney-General's Department for a summary of this information.

### **Work health, safety and return to work programs**

Please refer to the annual report of the Attorney-General's Department for a summary of this information.

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<b>Workplace injury claims</b>	Current year 2024-25	Past year 2023-24	% Change (+ / -)
Total new workplace injury claims	Nil	Nil	Nil
Fatalities	Nil	Nil	Nil
Seriously injured workers*	Nil	Nil	Nil
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	Nil	Nil	Nil

\*number of claimants assessed during the reporting period as having a whole person impairment meeting the relevant threshold under the Return to Work Act 2014 (Part 2 Division 5)

<b>Work health and safety regulations</b>	Current year 2024-25	Past year 2023-24	% Change (+ / -)
Number of notifiable incidents ( <i>Work Health and Safety Act 2012, Part 3</i> )	Nil	Nil	Nil
Number of provisional improvement, improvement and prohibition notices ( <i>Work Health and Safety Act 2012 Sections 90, 191 and 195</i> )	Nil	Nil	Nil

<b>Return to work costs**</b>	Current year 2024-25	Past year 2023-24	% Change (+ / -)
Total gross workers compensation expenditure (\$)	Nil	Nil	Nil
Income support payments – gross (\$)	Nil	Nil	Nil

\*\*before third party recovery

**Executive employment in the agency**

<b>Executive classification</b>	<b>Number of executives</b>
Nil	Nil

Data for previous years is available at: [JCC Annual Report Data - Executive Employment - Dataset - data.sa.gov.au](https://data.sa.gov.au/dataset/jcc-annual-report-data-executive-employment)

The [Office of the Commissioner for Public Sector Employment](#) has a [workforce information](#) page that provides further information on the breakdown of executive gender, salary and tenure by agency.

## Financial performance

### Financial performance at a glance

Please refer to the Attorney-General’s Department audited financial statements for 2024-25.

### Consultants disclosure

The following is a summary of external consultants that have been engaged by the agency, the nature of work undertaken, and the actual payments made for the work undertaken during the financial year.

#### Consultancies with a contract value below \$10,000 each

Consultancies	Purpose	\$ Actual payment
All consultancies below \$10,000 each - combined	Nil	Nil

#### Consultancies with a contract value above \$10,000 each

Consultancies	Purpose	\$ Actual payment
Nil	Nil	Nil

Data for previous years is available at: [JCC Annual Report Data - Consultants - Dataset - data.sa.gov.au](https://data.sa.gov.au/dataset/jcc-annual-report-data-consultants)

See also the [Consolidated Financial Report of the Department of Treasury and Finance](#) for total value of consultancy contracts across the South Australian Public Sector.

### Contractors disclosure

The following is a summary of external contractors that have been engaged by the agency, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

#### Contractors with a contract value below \$10,000

Contractors	Purpose	\$ Actual payment
All contractors below \$10,000 each - combined	Nil	Nil

**Contractors with a contract value above \$10,000 each**

<b>Contractors</b>	<b>Purpose</b>	<b>\$ Actual payment</b>
Nil	Nil	Nil

Data for previous years is available at: [JCC Annual Report Data – Contractors - Dataset - data.sa.gov.au](#)

The details of South Australian Government-awarded contracts for goods, services, and works are displayed on the SA Tenders and Contracts website. [View the agency list of contracts.](#)

The website also provides details of [across government contracts.](#)

## Risk management

### Risk and audit at a glance

Please refer to the annual report of the Attorney-General’s Department for a summary of this information.

### Fraud detected in the agency

Category/nature of fraud	Number of instances
Nil	Nil

*NB: Fraud reported includes actual and reasonably suspected incidents of fraud.*

### Strategies implemented to control and prevent fraud

Please refer to the annual report of the Attorney-General’s Department for a summary of this information.

Data for previous years is available at: [JCC Annual Report Data – Fraud detected in the agency - Dataset - data.sa.gov.au](https://data.sa.gov.au/dataset/jcc-annual-report-data-fraud-detected-in-the-agency)

### Public interest disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*: 0

Data for previous years is available at: [JCC Annual Report - Public Interest Disclosure and Whistle-blowers' Disclosure - Dataset - data.sa.gov.au](https://data.sa.gov.au/dataset/jcc-annual-report-public-interest-disclosure-and-whistle-blowers-disclosure)

Note: Disclosure of public interest information was previously reported under the *Whistleblowers Protection Act 1993* and repealed by the *Public Interest Disclosure Act 2018* on 1/7/2019.

## Reporting required under any other act or regulation

The following complies with the Judicial Conduct Commissioner’s reporting obligations under the *Judicial Conduct Commissioner Act 2015* (SA).

The number and general nature of complaints received by the Judicial Conduct Commissioner:

	<b>Current year 2024-25</b>	<b>Past year 2023-24</b>	<b>Change (+ / -)</b>
Conflict of interest	1	0	+1
Bias	1	2	-1
Failure or delay in delivering judgement or making decision	2	0	+2
Inappropriate conduct in court or in chambers	14	17	-3
Inappropriate conduct outside of court or chambers	1	1	0
Judicial decision/ order	14	15	-1
Non-SA State Court judicial officer	16	23	-7
Failure to exercise power/ carry out function	11	0	+11
Workplace bullying/ harassment	0	1	-1
Complaint not made in accordance with the Act	11	4	+7
Not a complaint	2	0	+2
<b>Total</b>	<b>73</b>	<b>63</b>	<b>+10</b>

### Section 16 – Discretionary dismissal of complaint

Section 16 provides that the Judicial Conduct Commissioner may determine to dismiss a complaint without taking any further action if satisfied that further consideration of the complaint would, in all the circumstances, be unjustified.

Reasons for a decision to take no further action may include:

- the complaint has been resolved to the complainant's satisfaction following an explanation from the judicial officer who is the subject of the complaint;
- the complaint is genuine and made in good faith, but is based on a misunderstanding;
- the Judicial Conduct Commissioner has concluded that there is no reasonable prospect of information being available to enable the complaint to be substantiated;
- the Judicial Conduct Commissioner has requested additional information from the complainant and the complainant has refused to provide the information or has failed to provide it within a reasonable timeframe.

The number and general nature of any complaints dismissed under section 16:

	<b>Current year 2024-25</b>	<b>Past year 2023-24</b>	<b>Change (+ / -)</b>
Conflict of interest	0	0	0
Bias	0	0	0
Failure or delay in delivering judgement or making decision	0	0	0
Inappropriate conduct in court or in chambers	4	4	0
Inappropriate conduct outside of court or chambers	0	0	0
Judicial decision/ order	0	0	0
Non-SA State Court judicial officer	0	0	0
Failure to exercise power/ carry out function	1	0	+1
Workplace bullying/ harassment	0	1	-1
Complaint not made in accordance with the Act	0	0	0
<b>Total</b>	<b>5</b>	<b>5</b>	<b>0</b>

**Section 17 – Mandatory dismissal of complaint**

Section 17 requires the Judicial Conduct Commissioner to dismiss a complaint for a number of reasons including:

- the complaint is not within the Judicial Conduct Commissioner’s jurisdiction;
- the complaint is about a judicial decision, or other judicial function that is or was subject to a right of appeal or right to apply for judicial review;
- the complaint is about a person who is no longer a judicial officer.

The number and general nature of any complaints dismissed under section 17:

	<b>Current year 2024-25</b>	<b>Past year 2023-24</b>	<b>Change (+ / -)</b>
Conflict of interest	1	0	+1
Bias	1	2	-1
Failure or delay in delivering judgement or making decision	0	0	0
Inappropriate conduct in court or in chambers	6	11	-5
Inappropriate conduct outside of court or chambers	1	1	0
Judicial decision/ order	13	15	-2
Non-SA State Court judicial officer	16	22	06
Failure to exercise power/ carry out function	3	0	+3
Workplace bullying/ harassment	0	0	0
Complaint not made in accordance with the Act	11	4	+7
Not a complaint	2	0	+2
<b>Total</b>	<b>54</b>	<b>55</b>	<b>-1</b>

**Section 18 – Referral of complaint to relevant jurisdictional head**

Section 18 obliges the Judicial Conduct Commissioner to refer the complaint to the relevant jurisdictional head unless the complaint is dismissed, determined to have no further action or arises from a notification from the jurisdictional head.

The jurisdictional head is required to address the issues raised by the Judicial Conduct Commissioner in the referral and provide written notification of any action taken.

The number and general nature of any complaints referred to a jurisdictional head under section 18:

	<b>Current year 2024-25</b>	<b>Past year 2023-24</b>	<b>Change (+ / -)</b>
Complaints referred to jurisdictional heads	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Section 19 – Immediate report to Parliament**

Section 19 provides the Judicial Conduct Commissioner with the power to make a report on a complaint to Parliament.

The Judicial Conduct Commissioner may consider making a report to Parliament if a complaint is not able to be satisfactorily dealt with by the taking of action by the relevant jurisdictional head or a judicial conduct panel.

The number and general nature of any complaints that resulted in a report to Parliament under section 19:

	<b>Current year 2024-25</b>	<b>Past year 2023-24</b>	<b>Change (+ / -)</b>
Number of reports to Parliament	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Section 20 – Recommendation to appoint judicial conduct panel**

The Judicial Conduct Commissioner may consider making a recommendation of this nature if the complaint consists of a referral by the relevant jurisdictional head or has been referred to the relevant jurisdictional head under section 18; and in the Judicial Conduct Commissioner’s opinion the matter has not been or is not able to be satisfactorily dealt with by the relevant jurisdictional head.

The number and general nature of any complaints that resulted in a recommendation under section 20:

	<b>Current year 2024-25</b>	<b>Past year 2023-25</b>	<b>Change (+ / -)</b>
Number of recommendations to Attorney-General	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Notice from jurisdictional heads

Under section 27C(4) of the *Courts Administration Act 1993* (SA), jurisdictional heads are required to provide the Judicial Conduct Commissioner with notice of any complaint made to them in relation to the conduct of a judicial officer. However, that referral does not constitute a 'complaint' under the *Judicial Conduct Commissioner Act 2015* (SA) unless the jurisdictional head categorises it as such, or the Judicial Conduct Commissioner determines to treat the notification as a complaint under section 12(8) of the *Judicial Conduct Commissioner Act 2015* (SA).

The Office of the Judicial Conduct Commissioner received notice from jurisdictional heads on 7 occasions during the reporting period. The Judicial Conduct Commissioner considered it appropriate to take action in 5 of those notifications. Two complainants contacted the Judicial Conduct Commissioner directly about the same matters raised by jurisdictional heads and as such, their direct contact was treated as a complaint and a preliminary examination was conducted.

## Complaints about judicial officers

During the reporting period the office of the Judicial Conduct Commissioner received complaints about the conduct of judicial officers and other persons who do not meet the definition of a judicial officer. Some complaints were about the conduct of more than one judicial officer.

	Current year 2024-25	Past year 2023-24	Change (+ / -)
About the conduct of Justices, Judges, and/or Masters	21	17	+4
About the conduct of Magistrates	21	23	-2
About the conduct of other persons who do not meet the definition of judicial officer <sup>1</sup>	31	23	+8

## Open matters at the close of the reporting period

Of the matters received during the reporting period, 14 matters remained open as at 30 June 2025.

## The role of the Judicial Conduct Commissioner

The role of the Judicial Conduct Commissioner continues to be misunderstood. A large number of matters that were received were in the form of a request for a review of a judicial decision or related to the conduct of persons other than judicial officers.

Data for previous years is available at: [JCC Annual Report Data - Reporting required under legislation - Dataset - data.sa.gov.au](#)

<sup>1</sup> Some complaints were not about the conduct of any South Australian judicial officer but about the conduct of Court staff, legal practitioners or Federal Court judicial officers.

**Unrepresented litigants**

Unrepresented litigants who have limited experience in the Courts and who may be unfamiliar with the Court’s procedures continued to submit matters to this office seeking a review of a judicial decision.

In most cases the Judicial Conduct Commissioner was unable to deal with those matters as they were decisions which may be subject to appeal or review.

**Judicial decisions**

The role of the Judicial Conduct Commissioner is to consider the conduct of judicial officers in relation to the carrying out of judicial duties and functions. Many complainants did not understand the distinction between the conduct of a judicial officer and his or her judicial decisions and had mistakenly viewed the role of the Judicial Conduct Commissioner as that of an appeal court.

The Judicial Conduct Commissioner is required to dismiss any complaint that is about a judicial decision where there is a right of appeal or right to apply for judicial review, or where consideration of the complaint would require the Judicial Conduct Commissioner to call into question the legality or correctness of the decision.

During the 2024-25 reporting period 14 complaints were received where the primary issue identified by the Judicial Conduct Commissioner related to a judicial decision.

**Media releases, communication and engagement**

Where the Judicial Conduct Commissioner feels it is in the public interest to do so they have the discretion to issue a media release.

The Judicial Conduct Commissioner did not issue a media release in the 2024-25 financial year.

Materials on the Judicial Conduct Commissioner website provide details on the role and functions of the office.

<b>Website</b>	<b>Total</b>
Website views	4,755
Webpage visitors	2,253

## Public complaints

### Number of public complaints reported

Public complaints about service or conduct do not include complaints made by people who may be aggrieved with a decision or outcome in relation to a complaint made to the Judicial Conduct Commissioner about the conduct of a judicial officer.

Additional Metrics	Total
Number of positive feedback comments	0
Number of negative feedback comments	0
Total number of feedback comments	0
% complaints resolved within policy timeframes	0

Data for previous years is available at: [JCC Annual Report Data - Public Complaints - Dataset - data.sa.gov.au](https://data.sa.gov.au/dataset/jcc-annual-report-data-public-complaints)

### Service Improvements

Not applicable

### Compliance Statement

The Judicial Conduct Commissioner is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector	Y
The Judicial Conduct Commissioner has communicated the content of PC 039 and the agency’s related complaints policies and procedures to employees.	Y