

JUDICIAL CONDUCT COMMISSIONER

Report for the year to 31 July 2026

Presented to the House of Representatives pursuant to Clause 9(2), Schedule 2 of the Judicial
Conduct Commissioner and Judicial Conduct Panel Act 2004

Report of the Judicial Conduct Commissioner for the year to 31 July 2026

Introduction

1. References in this report to the Act, Schedules, sections or clauses relate, unless otherwise stated, to the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004.
2. The purpose of the Act is set out in section 4. It is to enhance public confidence in, and to protect the impartiality and integrity of, the judicial system.
3. Clause 9(1) of Schedule 2 requires the Commissioner in each year to provide to the Attorney-General a report on the exercise of the functions under the Act.
4. The functions are set out in section 8(1). They are:
 - to receive complaints about Judges and to deal with the complaints in the manner required by the Act;
 - to conduct preliminary examinations of complaints;
 - in appropriate cases, to recommend that a Judicial Conduct Panel be appointed to inquire into any matter or matters concerning the conduct of a Judge.
5. Section 11(1) requires the Commissioner to receive and deal with every complaint about a Judge. Under section 5, the word Judge is interpreted to mean a Judge of the Supreme Court, Court of Appeal, High Court, Employment Court, Court Martial, District Court, Environment Court and Māori Land Court as well as an Associate Judge of the High Court, a Coroner, Associate Coroner and a Family Court Associate. It follows that complaints about others such as Tenancy Adjudicators, Disputes Tribunal Referees and Community Magistrates are beyond the Commissioner's jurisdiction and must be dismissed in accordance with section 16(1)(a).
6. How the numbers of complaints are counted in the statistics presented in this report depends on the particular circumstances. A complaint arising solely from District Court proceedings will (usually) appear as just one complaint whereas a complaint arising from the Supreme Court will (usually) be counted as 5 or from the Court of Appeal as (usually) 3. In other words, it depends on the number of Judges involved in the proceedings from which the complaint arises. In the year to 31 July 2026 there were:
 - 230 complaints about 307 individual Judges;
 - 308 complaints for which preliminary examination was completed (including for complaints held over from the year to 31 July 2025);
 - 13 complaints for which preliminary examination was not completed (including 2 where examination has been deferred in accordance with section 14(7));

- 11 referrals of complaints to a Head of Bench (section 17).
 - 1 referral of a complaint to a Head of Bench (section 8B(3)(b))
7. In the year to 31 July 2026 there was no recommendation to the Attorney-General for the appointment of a Judicial Conduct Panel (section 18).

Types of complaints

8. As is commonly the case, most complaints amounted to disagreement with decisions made by Judges. Complainants ask for decisions to be reviewed and changed. That, usually, overlooks the provisions of section 8(2) which provides:

“It is not a function of the Commissioner to challenge or call into question the legality or correctness of any instruction, direction, order, judgment, or other decision given or made by a Judge in relation to any legal proceedings.”

9. When that section applies a complaint will be beyond the Commissioner’s jurisdiction and must be dismissed in accordance with section 16(1)(a). Complaints must also be dismissed if they are about matters that are or were subject to rights of appeal or rights to apply for judicial review. That is the effect of section 16(1)(f).
10. There can be exceptions to the strict application of sections 8(2), 16(1)(a) and 16(1)(f) and it is necessary for each complaint to be examined carefully to see whether there may have been conduct by the Judge justifying the Commissioner’s intervention whether by way of a recommendation to the Attorney-General that the removal of a Judge be considered by a Panel (section 18) or by way of a referral to the relevant Head of Bench (section 17).
11. Complaints about harassment, bullying and overbearing conduct are still received but in fewer numbers over the last year. Audio recordings remain crucial tools in the assessment of such complaints. Judges are certainly heard to be firm but, in most cases, not in a way that could warrant intervention in terms of the Act.
12. Vexatious complaints including by obsessed litigants have also continued but in fewer numbers.
13. Complaints generated by Artificial Intelligence are now being received as are complaints by “*Sovereign Citizens*”. Brief comments on those matters can be seen in paragraph 25 of this report

Recommendations under section 18 to the Attorney-General to appoint a Judicial Conduct Panel

14. As noted in paragraph 7 above there has been no recommendation to the Attorney-General in the year under review. The report for the year to 31 July 2025 noted one such recommendation with a Panel being appointed. That Panel (comprising the Hon Brendan Brown KC, the Hon Justice Mallon and the Rt Hon Sir Jerry Mateparae) released a carefully worded report on 1 April 2026 which said:

“...although the conduct in its entirety came reasonably close to the line, the case falls short of the high bar warranting removal.”

Referrals to Heads of Bench

15. Section 17 requires the referral of a complaint to a Head of Bench unless:
 - the power under section 15A to take no further action on a complaint is exercised; or
 - the complaint is dismissed under section 16; or
 - a recommendation to the Attorney-General is made in accordance with section 18.
16. The referrals related to:
 - a complaint about High Court staff and processes;
 - the possibility of some guidance being offered to Judges generally about dealing with vulnerable participants especially when issues of mental health are evident;
 - the duties of legal publishers in instances where Judgments have a suppression banner;
 - issues of courtesy, tolerance and patience on the part of a Judge;
 - harsh language used by a Judge towards a lawyer;
 - issues of delay and Court resources;
 - the coronial system and the issue of joint findings;
 - a matter involving a Safety and Emergency Order;
 - the question of Judges expressing views in legal journals or seminars on matters which may come before a Court for determination;
 - delay.

Referrals under section 8(1C)(b)

17. Section 8(1C)(b) provides that a complaint must be referred to a Head of Bench when the Commissioner has a conflict of interest. There has been no such referral in the year to 31 July 2026.

Referrals under section 8B(3)(b)

18. Section 8B(3)(b) provides for the circumstances in which the Deputy Commissioner must refer a complaint to a Head of Bench. There has been one referral in the year

to 31 July 2026 arising from conflict on the part of both the Commissioner and Deputy Commissioner.

Matters drawn to the attention of Heads of Bench

19. In accordance with long-standing agreed practice, all decisions made on complaints (regardless of outcome) are sent to the complainant, to the Judge about whom the complaint was made and to the relevant Head of Bench.
20. In the year to 31 July 2026, as in earlier years, there have been instances where issues have been drawn to the attention of a Head of Bench notwithstanding that there may have been no formal referral under section 17. The purpose is to ensure the Heads of Bench are aware of developing trends or issues relevant to their role in ensuring the orderly conduct of Court business, overseeing and promoting professional development, continuing education and training of Judges as well as giving directions and setting standards for best practice and procedure.
21. For the year under review matters subject to this type of informal referral included issues involving delay, recusal and the treatment of victims.

Complaints withdrawn

22. For the year to 31 July 2026, two complaints were accepted as withdrawn following indications from complainants.
23. Nine other complaints were treated as withdrawn because of a failure by the complainants to respond to requests that they meet the requirements for a complaint set out in section 13.

Contact with the judiciary

24. In accordance with section 14(1), written notification of the receipt of a complaint is sent to the Judge about whom it is made. Section 14(3) entitles the Judge to request and receive a copy of the complaint. However, a copy of the complaint is always provided with the notification if the Judge's response is being sought under section 15(2). Judges have generally responded promptly and helpfully to such requests. The Judge about whom the complaint has been made and the relevant Head of Bench both receive a copy of the decision in every instance. All contact with Judges (whether those complained about or Heads of Bench) has been in writing.

Relevant Issues

25. It is appropriate to mention in this report the following issues having a particular bearing on the nature of complaints being received:
 - **Delay** has continued to figure in complaints but there have been some encouraging signs including as reported by the Chief Justice in her report for 2025 issued on 6 August 2026. It is to be hoped that the work of the Judges, Court staff, lawyers, police and others may combine to stem what has been a worrying trend.

- **Artificial Intelligence (AI)**, tolerably clearly, is being used by some complainants. It is also tolerably clear that AI does not yet have a reliable command of the Commissioner's statutory authority. Obviously much will unfold over coming years. In the meantime care needs to be taken in the examination of complaints generated using technology of this type.
- **Victims** can face particular challenges in Court proceedings. The Commissioner had a constructive meeting with the Chief Victims Advisor, Ruth Money, in May 2026. As noted in this report there has been an informal referral of a victim matter to a Head of Bench. That was in the context of the role of a Head of Bench in overseeing and promoting the professional development, continuing education and training of Judges as well as making directions and setting standards for best practice and procedure in the Courts.
- **"Sovereign Citizens"** have been responsible for certain complaints relating to proceedings which have been difficult for Judges to handle with the complaints being difficult to follow. It is hard to better the comment in the publication Law News (11 March 2026) attributed to a former NSW Magistrate that:

"The need for action is urgent-the evidence is that this movement is growing, diverting courts from their core business which is administering justice for all."
- **Obsessed Complainants** are the handful who are in constant disagreement with Judges and Court staff and who prefer not to accept the limits on the Commissioner's jurisdiction as set by the Act. Some of these people have made more than 100 complaints. It is encouraging that these complaints seem, at last, to be diminishing.

Personnel

26. The report for the year to 31 July 2025 noted that the Commissioner's appointment warrant had expired and that steps would be implemented by the Attorney-General for a successor to be appointed. That has now occurred and Auckland barrister Paul Collins will take over on 24 August 2026. Best wishes are extended to him and to the assiduous continuing Deputy Commissioner, Mary Ollivier.
27. Throughout the term of the outgoing Commissioner (dating back to his appointment as Deputy Commissioner in 2011 and as Commissioner in 2015) there has been unfailing administrative support offered by the Ministry of Justice. At the forefront of that in more recent times has been Wayne Newall. Put briefly, he has discharged his role as Manager of Appointments and Specialist Functions with all his usual pragmatism and skill. He is a credit to the Ministry as is Chris Flaus who has professionally and cheerfully coped with so much of the necessary backup work.

FIVE YEAR SUMMARIES

Courts in which Judges complained about were sitting

	2025-26	2024-25	2023-24	2022-23	2021-22
Supreme Court	5	14	19	8	36
Court of Appeal	29	20	25	16	37
High Court	58	75	84	66	46
District Court	101	121	185	129	97
Family Court	98	79	79	83	83
Youth Court	0	0	0	6	2
Environment Court	0	0	1	1	0
Employment Court	1	2	2	1	1
Māori Land Court	5	4	0	3	3
Court Martial	0	0	0	0	0
Coroners	1	2	6	3	1
Other (not about a Judge)	9	10	12	16	17
Total	307	327	413	332	323

Complaints received and outcome of examination

	2025-26	2024-25	2023-24	2022-23	2021-22
Received	307	327	413	332	323
Number of unfinalised complaints from previous year	14	90	55	30	88
Total	321	417	468	362	411
Examination and outcome					
No further action (s15A)	68	104	69	49	58
Dismissed (s16)	223	277	278	225	285
Referred to Head of Bench (s17)	11	7	16	15	34
Referred to Head of Bench (s8(1C))	0	0	0	2	0
Referred to Head of Bench (s8B)	1	0	0	6	1
Recommendation for Judicial Conduct Panel (s18)	0	4	0	0	0
Withdrawn	5	11	15	10	3
Total complaints finalised	308	403	378	307	381
Complaints not finalised	13	14	90	55	30
Total	321	417	468	362	411



Alan Ritchie
Judicial Conduct Commissioner
 14 August 2026