

## **COMPLAINTS PROCEDURE OF THE PROVINCIAL COURT JUDICIAL COUNCIL**

1. The Council reviews, investigates and deals with complaints made under Part V of *The Provincial Court Act, 1998* [*Act*] where the Council:
  - a. receives a complaint respecting a judge alleging misconduct or incapacity; or
  - b. otherwise becomes aware of possible misconduct by a judge or possible incapacity of a judge.
2. The Council undertakes the process mentioned in s. 1 in accordance with its powers set out under Part V of the *Act*.
3. Pursuant to s. 55(1.1) of the *Act*, the Council delegates to the Chief Justice of the Court of King's Bench the conduct of a review and any necessary investigation of a matter mentioned in s. 1 above. The Chief Justice of the Court of King's Bench shall be assisted in this by the Executive Officer of the Council.
4. Under the authority of s. 55(1.2) of the *Act*, the Chief Justice of the Court of King's Bench may either dismiss the complaint without further consideration by the Council if the complaint is found to be frivolous, vexatious or wholly without merit, or, refer the matter to the Council for further review and investigation.
5. As set out in s. 55(1.3) of the *Act*, a decision of the Chief Justice of the Court of King's Bench to dismiss a complaint pursuant to s. 55(1.2) is deemed to be a decision of the Council.
6. A person who initiates a complaint under the *Act* is not a party to, and does not have standing in, the judicial conduct or capacity review proceedings.