



Judicial Conference of Australia

Northern Territory magistrates' change of title

Statement by the Judicial Conference of Australia

Since July 2007 the JCA has had a policy of supporting a change in the title of 'magistrate' to that of 'judge'. This is a recognition that the role of judicial officers in our nation's busiest courts has evolved over the last 30 years. Originally magistrates did not have to be legally qualified and were often public servants in the Departments of Attorney General or Justice in the Executive branch of the State and Territory governments.

As the responsibility of Local or Magistrates Courts or Courts of Petty Sessions has changed, so has the role of magistrates. Most jurisdictions confer judicial power on magistrates to sentence convicted criminals to up to five years imprisonment. They also have civil jurisdiction over a wide range of matters, in some places to a value of up to \$250,000.

The form of address in court has changed from 'your Worship' to 'your Honour'. More importantly, there has been a substantial evolution in the position of magistrates in our judiciary. They are no longer public servants. Now magistrates are independent judicial officers who are appointed, like the judges in the higher courts, permanently until they reach statutory retirement ages, in their cases commonly 70 years of age.

The recent decision of the Government of the Northern Territory to move to legislate for judicial officers in its Local Court to be no longer called 'magistrates', but 'judges', is a timely recognition that they are and act as independent judicial officers.

The Hon Justice Steven Rares
President
Judicial Conference of Australia
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The Judicial Conference of Australia is the professional association of judges and magistrates in Australia.

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