

## Media Release

# Magistrates to be called judges under historic change to Local Court Act

**Wednesday 20 November 2024**

NSW Local Court magistrates will be known as judges under amendments to the Local Court Act 2007 designed to reflect the seriousness and volume of work done in this jurisdiction.

This will more appropriately reflect the jurisdiction's vital role in the state's justice system.

The change aims to modernise the Local Court and will:

- reflect the seriousness and volume of work in this jurisdiction,
- recognise that judicial officers in the Local Court are all legally trained, and
- increase understanding of the role of judicial officers in the Local Court.

The NSW Local Court is the busiest court in Australia. Local Court magistrates make more than 90 per cent of judicial decisions in NSW, with the court's workload increasing in volume and complexity in recent years.

In total, 376,160 general crime matters were commenced in calendar year 2023, a 1.8% increase on 2022 figures and a 39.7% increase since 2012. In the civil jurisdiction 64,904 matters were commenced, an increase since 2022 of 25.4%.

The title of 'magistrate' has been retained from the era when they were appointed from the ranks of public servants and sat in the Courts of Petty Sessions. In NSW, magistrates have been required to hold legal qualifications since 1955.

The Northern Territory is currently the only Australian jurisdiction where the term "judge" is used in Local Courts.

Many other international jurisdictions, including New Zealand, the UK and Canada, the title "magistrate" refers to an entirely different position, or the term magistrate is not used. So, changing the title of "magistrates" to "judges" will help improve understanding of their role.

The proposed amendments to the Local Court Act 2007, Judicial Officers Act 1986 and the Constitution Act 1902 will also apply to other judicial offices in the jurisdiction, including Chief Magistrate, Deputy Chief Magistrate, Children's Magistrate, Chief Industrial Magistrate, Industrial Magistrate and Acting Magistrate.

The proposed amendments will replace the office of 'Magistrate of the Local Court' with the office of 'Judge of the Local Court', which will remain a statutory office.

Attorney General Michael Daley said:

“The Local Court is the backbone of the NSW judicial system, and this change will appropriately modernise the jurisdiction and reflect the increasing volume and complexity of matters considered in the Local Court.

“Our Local Court judicial officers preside in Australia’s busiest court. In a modern NSW, they deserve this title.

“I would like to thank Judge Michael Allen, the Chief Magistrate of the NSW Local Court, for his strong support of this change, as well as Deputy Chief Magistrate Theo Tsavdaridis for his long advocacy and assistance.

“Establishing the Office of Judge of the Local Court will reflect the seriousness, volume and complexity of work in this jurisdiction and will help improve understanding of the important role of judicial officers in the Local Court.

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