

The Role of the Registrar in Downing Centre Court

Gone are the days where after a long legal career, lawyers would wind down by “retiring to the bench” and becoming a judge.

Nowadays, the job of a magistrate or judge involves a lot of tough work; with one magistrate describing it as “[a bit like putting your mouth over a fire hydrant.](#)”

Thousands of cases pass through our local courts each year, and it can take months or even years to finalise any particular case. A standard [local court list](#) could have over 100 cases on any given day, all of which must be dealt with by day’s end.

To ease the pressure, registrars are often used to sort cases out before they come before magistrates. As well as in the Downing Centre Local Court, which is the busiest court in the state, registrars are employed now in many Sydney and regional local courts, as well as in District, Supreme and Federal courts. The roles of Registrars vary from court to court.

Registrars have some, but not all, of the powers and functions of their counterparts, and can preside over both civil and criminal proceedings.

What are the powers of a Registrar?

Local court registrars have the authority to make decisions about procedural matters; for example, adjourning cases, accepting pleas of guilty, ordering the service of brief materials, granting access to subpoenas, listing cases for defended hearings, and so on. Judicial decisions are then left to magistrates and judges; including presiding over sentencing hearings and defended hearings in the Local Court, and jury

trials in the higher courts.

Under [rule 8.2 of the NSW Local Court Rules](#), registrars are permitted to:

- Adjourn proceedings, without the consent of the parties;
- Make orders by consent;
- Set times by which documents must be served on the other party;
- Deal with subpoenas;
- Determine preliminary matters prior to the commencement of a hearing or trial;
- Conduct pre-trial reviews;
- Grant costs applications; and
- Make orders in relation to the just, efficient and timely management of court proceedings

How is a registrar different to a magistrate?

Aside from the greater limitations on the power of registrars, proceedings before registrars are often less formal. While some registrars do sit in courtrooms, these are often much smaller, and some may even sit in a small office room with none of the usual trappings of a courtroom.

This is not the case at the Downing Centre Local Court, where the Registrar sits in courtroom 4.4, on level 4.

Unlike magistrates or judges who are addressed as 'Your Honour', the correct way to address a registrar is simply 'Registrar.'

From court to court, registrars and their expectations of formalities differ, and while getting to your feet is required when speaking to a Local Court magistrate or District Court judge, this is not always the case with registrars.

What are the qualifications of registrars?

Although registrars perform important administrative

functions, they are not always legally qualified. However, legislation now requires that a person must be an Australian lawyer to be appointed as a registrar in the NSW District court.

While Local Court registrars do not currently need legal qualifications, the [Litigation Law and Practice Committee has recommended that admission as an Australian lawyer](#) should be made a prerequisite.