

What Is The Role Of Magistrates In Local Courts?

If you have ever been to a busy local court like the Downing Centre Local Court, you may have noticed the long court lists that local court magistrates have to get through each day.

Typically, all matters due to be heard on a particular day are scheduled for the same time, usually 9:30 or 10:00 in the morning. Everyone who is due to appear in a case, either as a party or a witness should turn up at this time, but it is impossible to know how long each case will take.

Inevitably, some of those who turn up in the morning have to wait until mid-afternoon to come before a magistrate.

And when they finally do, the matter is often dealt with surprisingly quickly. Many who come before a local magistrate after being charged with an offence spend hours agonizing on the seats outside the courtroom. When their name is called and they finally come before a judge, their case, if it is a small matter and they plead guilty, may be dealt with in just five or ten minutes.

Magistrates have time pressures, and often have to work towards 'getting through the list' – not surprising, considering how many cases come before the courts.

In 2011, [280,307 criminal matters were commenced](#) in the local court, and 99.36% of them were finalised there. With 132 magistrates on the bench throughout NSW, you don't need to be a maths genius to realise that magistrates hear an incredible amount of cases each year.

The roles that magistrates play today are vital: in the Local Court magistrates can hear [civil cases](#) which involve claims of monetary value that are under \$100,000. Over 90% of all civil

cases begin in the local court.

All criminal matters start in the Local Court, although the more serious ones will be referred to the District or Supreme Court.

Magistrates, by virtue of their position are also coroners which mean they have the jurisdiction to conduct an inquest if a person died a violent, sudden or suspicious death.

Magistrates sit without juries and must determine all questions of law and fact in the cases that come before them.

A large number of local court users in NSW are unrepresented so magistrates must make sure that these people are treated fairly in court.

Local courts in NSW have consistently had the lowest number of judicial officers of any magistrates court per head in Australia. But [an annual review report](#) from NSW lawlink showed that NSW local courts actually have the lowest levels of criminal backlogs in Australia.

And local courts have not been immune from budget cuts either – the North Sydney Local Court was closed in December last year for renovations and is not expected to reopen. No new magistrate is sitting this year and it seems the courthouse will be used in the future as a shop front.

This is just one of nine courts across NSW which are going to be closed down, or have sitting days cut as money-saving measures are rolled out across the state.

Cases that would normally be heard in these courts will be moved to others, such as the [Downing Centre](#), already Sydney's busiest criminal courthouse.

One concern is for women seeking out AVOs, who would now have to travel further to seek court help against abusive partners. In the past the North Sydney Local Court would get between

five and fifteen AVOs per week.

These moves have left many scratching their heads, especially considering the negative impacts that court closures could have on the community.

Magistrates certainly don't spend days agonising over the facts of each case. In fact shorter matters may be in and out of the courtroom in a matter of minutes measured only in single digits – but they perform a vital function in our community.