

JUSTICES OF THE PEACE — COURT PROCEEDINGS

**1157. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Attorney General:**

I refer the Attorney General to Tom Robinson's article in today's *Kalgoorlie Miner*, calling for the return of justices of the peace to the court bench, and citing strong Indigenous support for such a move. Acknowledging the sensitivities surrounding the Ward case, but in the strong belief that we should listen to Aboriginal elders on matters of importance to the Aboriginal community, will the Attorney General undertake to discuss this issue with the Chief Magistrate and others in an attempt to reach a compromise that might allow properly trained JPs to constitute a court under appropriate circumstances, as was previously the case?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question, and I provide the following response on behalf of the Attorney General.

The Chief Magistrate issued a practice direction directing that justices of the peace will no longer preside over court proceedings, effective 1 August 2020. This meant that only legally qualified magistrates would deal with all matters in the Magistrates Court of Western Australia. This decision addresses the key recommendations of the State Coroner in relation to the tragic death of the late Mr Ward and the related Standing Committee on Environment and Public Affairs report.

With the growing volume and legal complexity of criminal cases, including the increasing number of either-way offences being dealt with in the Magistrates Court, JPs were gradually stepping back from hearing such matters in recent years, prior to the practice direction being issued. The WA government has funded and appointed two additional magistrates. Together with the use of video link technology, this ensures the Magistrates Court continues to effectively respond to regional and remote community needs and to provide the full range of judicial services previously undertaken by JPs in their judicial capacity.

Magistrates are appointed after an extensive recruitment process. They are now required to have an understanding of the complex issue of family and domestic violence and a demonstrated level of Aboriginal cultural competency. There are currently two magistrates who are Aboriginal, one is located at South Hedland and one at Kalgoorlie. I would like to take this opportunity to thank and acknowledge JPs for the invaluable service they provide to the community.