

Magistrates Court (Magistrates Appointment Requirements) Determination 2026 (No 1)*

Notifiable instrument NI2026—162

made under the

Magistrates Court Act 1930, section 7AA (Requirements of Appointment – magistrates)

1 Name of instrument

This instrument is the *Magistrates Court (Magistrates Appointment Requirements) Determination 2026 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Revocation

This instrument revokes the *Magistrates Court (Magistrates Appointment Requirements) Determination 2009* [NI2009-643].

4 Determination

The Executive determines—

(a) for the selection of a person as a magistrate – either selection process

mentioned in schedule 1; and

(b) for the criteria that apply to the selection of a person for appointment

as a magistrate – the criteria mentioned in schedule 2.

*Name amended under Legislation Act, s 60

Schedule 1 Selection Process

Division 1.1 – selection process – expressions of interest

The Attorney General must seek expressions of interest for the position of magistrate by public notice and write to key ACT stakeholders, inviting them to suggest or nominate people who are suitably qualified for appointment.

The selection process must be based on a consideration of possible candidates by the Attorney General having regard to the selection criteria stated in this determination.

Before recommending an appointment of a Chief Magistrate to the Executive, the Attorney General must consult with the Chief Justice about possible appointees. Before recommending an appointment of a Magistrate (not being the Chief Magistrate) to the Executive, the Attorney General must consult with the Chief Magistrate about possible appointees.

For a selection process that has begun but is not complete before the date of this instrument, a step in the selection process may be taken before or after the date of this instrument.

Division 1.2 – selection process – direct recommendation of Attorney-General

The Attorney General may directly recommend to the Executive the appointment of a person (the *proposed appointee*) as magistrate or Chief Magistrate if the proposed appointee:

- in the opinion of the Attorney-General, satisfies the selection criteria; and
- By reason of their standing and experience has the endorsement of:
 - the ACT Bar Association; and
 - the ACT Law Society; and
 - for the appointment of a magistrate—the Chief Magistrate; or
 - for the appointment of the Chief Magistrate—the Chief Justice; and
- has been consulted and accepted the nomination.

Schedule 2 Selection criteria

Intellectual capacity:

- Appropriate knowledge of the relevant law and its underlying principles
- High level of expertise in your chosen area or profession
- Ability to quickly absorb and analyse information

Personal qualities:

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Ability and willingness to learn and develop professionally

An ability to understand and deal fairly:

- Treat everyone with respect and sensitivity whatever their background
- Willingness to listen with patience and courtesy

Authority and communication skills:

- Explain the procedure and any decisions reached clearly and succinctly to all those involved
- Inspire respect and confidence
- Maintain authority when challenged

Efficiency:

- Work at speed and under pressure
- Organise time effectively and produce clear reasoned judgements expeditiously
- Work constructively with others (including leadership and managerial skills where appropriate)

Experience in a dispute resolution environment would be an advantage.

Additional criteria —Chief Magistrate

In addition to the above criteria for a Magistrate, a candidate for Chief Magistrate should also demonstrate:

Administration:

- Ongoing commitment to the modernisation of the workplace
- Effective delegation and empowerment
- Ability to coordinate across practice areas and avoid duplication and inefficiency

Reducing barriers to access to justice:

- Transparency with the public
- Commitment to improving court accessibility
- Commitment to therapeutic justice

Tara Cheyne MLA
Attorney-General

13 March 2026

Andrew Barr MLA
Chief Minister

26 March 2026