

ACTING MAGISTRATES

**750. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:**

I refer to the Courts Legislation Amendment Bill 2017, particularly the provisions extending the mandatory retirement age for magistrates to 70 years.

- (1) Has the Attorney General advised anyone that legislation to increase the retirement age to 70 years has passed the Legislative Assembly?
- (2) If yes to (1), to whom did he give that advice, when, and why?
- (3) Has the Attorney General given advice to anyone to the effect that he will rubberstamp applications by magistrates to extend their terms beyond their current retirement age?
- (4) If yes to (3), to whom did he give that advice and when?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question.

- (1)–(2) At a meeting on 2 August 2018, the Attorney General inadvertently informed representatives of the Magistrates' Society of Western Australia that the Courts Legislation Amendment Bill 2017 had passed the Legislative Assembly. It is accepted that the Courts Legislation Amendment Bill 2017 was introduced to the Legislative Council on 6 September 2017 and was passed by the Council on 30 August 2018. It is noted that the Attorney General's 22 other pieces of legislation have been introduced to the Legislative Assembly and progressed to the Legislative Council in that usual manner. The remark was a result of a simple oversight.
- (3)–(4) In accordance with established protocols, the views of the Chief Magistrate are sought prior to the Attorney General making a recommendation to the Governor to appoint a former magistrate as an acting magistrate.