

Magistrate interview questions

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What to expect

Magistrate appointments are not typical job interviews. They usually involve a formal expression of interest, consultation with legal bodies and a panel interview with senior judicial officers and government representatives. The panel wants evidence of judicial temperament, sound legal judgment and a clear understanding of the lower court's role.

- **Judicial temperament and ethics:** Questions about independence, impartiality, integrity and how you handle pressure or criticism.
- **Scenario-based decision-making:** Hypothetical bail, sentencing or evidence problems where you explain your reasoning and the law you would apply.
- **Knowledge of evidence and procedure:** Questions on the Evidence Act, criminal procedure, civil jurisdiction limits and relevant case law.
- **Case management and efficiency:** How you would manage lists, reduce delays, deal with unrepresented parties and maintain fairness.
- **Community and stakeholder awareness:** Your understanding of family violence, children's court, drug court or other specialist lists, and how you engage with court users.
- **Behavioural and reflective:** Past examples of leadership, difficult decisions, or moments where you had to balance competing interests.

The process typically begins with a written application to the Attorney-General's Department or Judicial Commission, followed by consultation with the head of jurisdiction, the Bar Association, the Law Society and other stakeholders. Shortlisted candidates then attend a panel interview, often with a judge, a departmental secretary and a community representative. The panel may ask a mix of scenario, behavioural and legal knowledge questions, and the interview can last 45 to 60 minutes. Final appointments are made by the state or territory government.

1. You are presiding over a bail application for a person charged with a serious offence. The prosecution alleges a risk to the community, while the defence argues the person has strong ties and no prior convictions. How do you approach the decision?

Why they ask

Tests your understanding of bail law, risk assessment and judicial reasoning under pressure.

How to structure your answer

A judgement-under-pressure structure: identify the legal test, outline the relevant factors, weigh the evidence, and state your conclusion with reasons. Then explain how you would give oral reasons that are clear to all parties.

Example answer

"I would start by identifying the statutory test for bail in the relevant jurisdiction, which requires me to assess whether there is an unacceptable risk. I would then work through the alleged offence, the strength of the prosecution case, the person's criminal history, their ties to the community, any prior bail compliance, and the safety of alleged victims or witnesses. I would hear from both parties and give each a chance to address the factors. If I decided that conditions could mitigate the risk, I would grant bail with strict conditions; if not, I would remand and give clear oral reasons explaining why. I would also make sure the reasons were recorded so the decision could be reviewed if necessary."

2. Tell me about a time when you had to make a difficult decision under pressure and explain it to someone who disagreed with you.

Why they ask

Tests resilience, communication and judicial temperament.

How to structure your answer

STAR (Situation, Task, Action, Result) and then a reflection on judicial independence.

Example answer

"In my previous role as a senior solicitor, I was running a complex matter where the client wanted to take a position that I believed was not supported by the evidence. I sat down with them, explained the strengths and weaknesses of the case, and outlined the risks of proceeding that way. They were upset at first, but I listened to their concerns and we worked out a different strategy that protected their interests. The matter resolved more smoothly, and the client later thanked me for being straight with them. That experience taught me that you can disagree respectfully and still maintain trust, which is essential in judicial office."

3. How do you approach a ruling on the admissibility of evidence, for example a confession alleged to have been obtained improperly?

Why they ask

Tests evidence law, procedure and the ability to apply legal tests to facts.

How to structure your answer

A legal reasoning structure: identify the issue, state the relevant statutory provision and case law, apply it to the facts, and give a ruling with reasons. Mention the discretion to exclude and the balance between probative value and unfair prejudice.

Example answer

"I would first identify the relevant provision in the Evidence Act, such as the discretion to exclude improperly obtained evidence. I would ask the parties to identify the factual basis for the challenge, then consider the probative value of the evidence against the unfair prejudice to the accused. I would also look at whether the impropriety was deliberate or reckless, and whether excluding the evidence would harm the integrity of the justice system. After hearing submissions, I would give a ruling with reasons, explaining which factors were decisive. If the evidence were admitted, I would ensure the jury or decision-maker understood any limitations."

4. You have a list of 80 matters in a single day. How do you manage the list while ensuring each matter gets fair attention?

Why they ask

Tests list management, efficiency and fairness under pressure.

How to structure your answer

A process walk-through: triage urgent matters, use a pre-court mention to confirm readiness, allocate time to contested matters, and communicate clearly with unrepresented parties. Then explain how you would deal with overruns.

Example answer

"I would start by reviewing the list before court and identifying which matters are likely to be contested or involve unrepresented parties. I would hold a pre-court mention to confirm that parties are ready and to identify any matters that can be resolved by consent. For the remaining matters, I would allocate time based on complexity, deal with urgent bail or family violence matters first, and keep the list moving with clear time estimates. I would also check in with court staff regularly to manage overruns. Throughout, I would make sure every person had a chance to be heard, even if that meant standing the matter down briefly."

5. How would you handle an unrepresented defendant who is struggling to understand court procedure?

Why they ask

Tests communication, fairness and awareness of access to justice.

How to structure your answer

A client-facing structure: explain the process in plain language, ensure they know their rights, be patient but maintain impartiality, and refer them to duty lawyer services where possible. Then reflect on the limits of judicial assistance.

Example answer

"I would explain the process in plain language, step by step, and ask the person to repeat back what they understood so I could correct any confusion. I would make sure they knew they could ask questions and that duty lawyer services were available. I would be patient but maintain my role as an impartial decision-maker, not an advocate. If they needed more time to prepare, I would consider an adjournment where appropriate. At the same time, I would explain that I cannot give them legal advice, and I would direct them to the resources available in the court."

6. What would you do if a senior colleague suggested you should decide a matter in a particular way to move the list along?

Why they ask

Tests judicial independence and ethical decision-making.

How to structure your answer

A principles-based structure: acknowledge the pressure, restate your duty to decide on the law and facts, explain how you would handle the conversation politely but firmly, and note the importance of judicial independence.

Example answer

"I would thank the colleague for their perspective but explain that I must decide the matter on the evidence and the law, not on the convenience of the list. I would say that if they have a legal submission to make, they should put it in open court so all parties can respond. If the pressure continued, I would document the conversation and, if necessary, raise it with the head of jurisdiction. Judicial independence is not negotiable, and the community expects magistrates to act without fear or favour. I would also reflect on whether my own case management needed adjustment to avoid similar situations in future."