

ADDRESS BY
HIS HONOUR MR TOM PAULING AO QC
ADMINISTRATOR OF THE NORTHERN TERRITORY
ON THE OCCASION OF
RECEPTION FOR
JUSTICES OF THE PEACE
Government House, Darwin
25 November 2008

Ladies and gentlemen, it is a pleasure to welcome you to Government House and I acknowledge the Larrakia people and their ancestors, traditional owners of the land on which this house stands.

This occasion provides an excellent opportunity to thank you for volunteering your services to the community and undertaking the duties and responsibilities of Justices of the Peace. Your time and experience is appreciated and valued. As I make the appointments, I get to know the qualities and community service of appointees and the quality is universally high.

The position, as you know, has a longstanding tradition dating back to 12th century England, when Richard the Lionheart appointed a number of knights to preserve the peace - they were known as *custodes pacis* “keepers of the peace”.

The present day title “Justice of the Peace” was introduced by Edward III in the Act of 1361 which provided that Justices should meet to conduct local business four times a year. This was the origin of “Quarter Sessions”, which continued in England for six centuries. There were sittings of Quarter Sessions in New South Wales when I was learning the trade.

I note that under an Act of 1389, the early JPs received a 'subsistence allowance' of four shillings a day. This subsequently lapsed but I'd be intrigued to know what that equates to in today's money.

Here are some further snippets of history. In 1576, JPs were required to build 'houses of correction' in which rogues and vagabonds could be detained. Such reprobates were apprehended by village constables who were unpaid parishioners annually conscripted for service.

In 1653, justices were empowered to take the mutual declarations of the contracting parties to a marriage. I note that today, in the Commonwealth of Massachusetts and in Connecticut, Justices of the Peace are often called upon to perform marriages, especially [same-sex marriages](#) which certain [religious](#) officials are not willing to do. This could throw the proverbial cat among the pigeons as refusing to marry someone solely based on race, sexual orientation, or other protected status may constitute cause for removal of a Justice of the Peace's commission!

For a time, in England, it became customary for clergymen to serve as Justices. In 1832, of the 5,300 active JPs, one in four was in holy orders.

When the colony of New South Wales was settled under Governor Phillip, the Office of Justice of the Peace was inherited from England. Governor Phillip was himself appointed a Justice by his Letters Patent and given power to make other appointments.

The Department of the Attorney General in Western Australia provides an account of their history and excerpts include: *When Captain James Stirling founded the colony of Western Australia in 1829, he appointed eight justices of the peace - originally referred to as 'conservators of the peace' - to "inquire into the truth of felonies, poisonings, enchantments, sorceries, arts-magic, trespasses, forestallings, regratings, ingrossings and extortions whatsoever".*

Captain Stirling gave justices the same powers as their UK counterparts, who had helped uphold the law under the Justices of the Peace Act since 1361. This Act gave justices of the peace the power to try offenders without a jury and formed the basis of the WA Court of Petty Sessions (which is now part of the Magistrates Court).

Western Australia's first justices of the peace were also required to carry out a wide range of administrative duties. These included organising searches for lost children, establishing the whereabouts of absconding seamen, civil disputes between 'master and servant'.

Until 1852, justices of the peace in Western Australia, like those in the UK, were also expected to control the local police, with constables required to 'wait upon justices' and exercise their warrants.

In England, in 1918, women over thirty were given the vote as long as they owned or rented property in their own right. Two years later, an Act of Parliament was passed which enabled women to perform the duties of magistrates and Ada Summers, Mayor of the town of [Stalybridge](#) in Cheshire, became one of the first female Justices of the Peace.

Ada was known locally as “Lady Bountiful” but in a respectful way. The Coroner at her funeral was recorded saying *It does not require any words of mine to appreciate Mrs Summers beneficence to this town and the services she rendered to the town upon the Council on which she served many years... Her services were innumerable and would be very greatly missed.*

The same could be said if we didn't have our Justices of the Peace in the Northern Territory.

And with the inauguration of Barack Obama as the 44th President of the United States of America in eight weeks time it may be pertinent to close with a quote from Martin Luther King Jr about the importance of justice:

It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important.