

# HOW TO RUN YOUR OWN COURT CASE

A practical guide  
to representing yourself in  
Australian courts and tribunals

{NON-CRIMINAL CASES}

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**A Redfern Legal Centre Publishing book**

<[www.rlcp.org.au](http://www.rlcp.org.au)>

*Published by*

University of New South Wales Press Ltd

University of New South Wales

Sydney NSW 2052

AUSTRALIA

<[www.unswpress.com.au](http://www.unswpress.com.au)>

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First published 2009

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National Library of Australia

Cataloguing-in-Publication entry

Author: Behan, Nadine.

Title: How to run your own court case: a practical guide to representing yourself in Australian courts and tribunals/Nadine Behan.

ISBN: 978 1 921410 83 3 (pbk.)

Notes: Includes index.

Subjects: Civil procedure – Australia.

Pro se representation Australia – Popular works.

Self help (Law) – Australia.

Civil procedure – Popular works.

Pro se representation – Popular works.

Self help (Law) – Popular works.

Dewey Number: 347.94

*Design* Josephine Pajor-Markus

*Cover* iStock

*Printer* Ligare

This book is printed on paper using fibre supplied from plantation or sustainably managed forests.

*Note for the reader*

While every effort has been made to make the information contained in this book as up to date and accurate as possible to reflect the laws and the legal system of Australia as at August 2008, its contents are not intended as legal advice. Use it as a guide only and be sure to obtain legal advice for your specific legal problem.

## 6 Where to go for help

There are many free services available to help you prepare your case. Make the most of them. Use them to get started, to check details and answer queries as you go along and especially for advice whenever you need it. Keep a list of the most useful ones, for easy reference.

When seeking help, be sure to understand the difference between information and advice. Some agencies can provide legal information but not legal advice. For example, finding out generally about your legal rights is information, but applying the information to your particular situation to determine whether you have a valid case or not is advice. Answering queries about court forms and procedures is information, but telling you what to put on the form may amount to advice. Explaining what can be claimed in an application is information, determining what you should claim in your circumstances is advice.

### **For information and advice about your legal problem**

There are excellent free or small fee legal services operated by community legal centres, Legal Aid and the Law Society in your particular state or territory. Some of these services offer legal representation, or ongoing help with the preparation of your case. Others give one-off legal advice, either instant telephone advice or face-to-face advice by appointment as well as general information and referral to other appropriate agencies. Although some of the

services are means tested or attract a small fee, there is still a large range of free services available to all.

Start with the telephone book and when you access a service, ask where else you might get help. Ring around for the assistance you need.

Legal Aid offices in each state and territory offer various services, from telephone hotlines giving advice, face-to-face appointments, civil law clinics, help with preparing your own case as well as limited representation. A comprehensive list of their offices is included at the end of this book.

There are also 200 community legal centres operating across Australia. These centres come in all shapes and sizes. Some, like Redfern Legal Centre and Kingsford Legal Centre, give help on all types of legal matters to people in their locality. Others, like the Youth Law Centre and Women's Legal Centres, help specific sections of the community. Others again, like the Environment Law Centre, Arts Law Centre, Tenants Advice Services, Consumer Credit Legal Centres and Welfare Rights Centres, specialise in particular types of legal problems. A list of the various community legal centres is included at the end of this book.

For intensive assistance, try to find a community legal centre that deals with your specific problem. Or if your case is of significant public interest, you may be referred to another specialty centre, like a Public Interest Law Clearing House or the Public Interest Advocacy Centre that co-ordinates private lawyers who offer their services free for important test cases or where a public issue is at stake.

Some trade unions, insurance companies and even student organisations offer free advice and legal help to their members. Even your local MP can be an untapped legal resource.

There are also privately operated user-pays telephone advice services. Approach these with caution as the help they give can be quite general yet quite expensive.

Courts and tribunals give legal information but do not give legal

advice. The exceptions are **chamber magistrates** and **registrars** who do give free legal advice.

### **For information about the court process**

The websites of the federal, state and territory governments contain the best information about courts and tribunals. Begin at <[www.australia.gov.au](http://www.australia.gov.au)> or <[www.gov.au](http://www.gov.au)>. These will take you to other government sites: <[www.nsw.gov.au](http://www.nsw.gov.au)>, <[www.nt.gov.au](http://www.nt.gov.au)>, <[www.wa.gov.au](http://www.wa.gov.au)>, and so on. Go to the Attorney-General or legal or justice section of the site.

Some of these sites provide links to helpful free services like the NSW Guide to Law on the Internet <[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)> or <[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)>, with links to NSW law and justice agencies and services. Australian Law Online <[www.law.gov.au](http://www.law.gov.au)> is another important site with links to all states and territories as well as contact details for helpful information services like the Regional Law Hotline and Family Law Hotline. As with all sites, they are constantly changing and new ones are being added.

For information about the court process you can usually also contact the staff at the registry of the court or tribunal that you'll be using. They process the paperwork, schedule the hearings and keep track of the progress of matters. This means they can help with your questions about forms, fees, time frames, time limits, the various stages of the process, the steps you need to follow and what the hearing will be like. They are your contact point also for specific queries about the progress of your case. They do not give legal advice.

The registry of the court or tribunal is also an important source of brochures, fact sheets, sample forms and information kits. Get them and read them.

### **To find legislation and cases**

The Australasian Legal Information Institute website <[www.austlii.edu.au](http://www.austlii.edu.au)> is the best free database for finding the law. It

contains all Australian cases and legislation available on the internet, and has a good search engine.

## **Books and the internet**

For helpful guides or law textbooks in a particular area of law try bookshops, your local library, the main city libraries, university libraries and law libraries at the law schools of major universities. Members of the public are able to use university libraries for study purposes, although they cannot borrow books. New South Wales, Victoria and Tasmania have legal library services specifically for the public. Their details are included at the end of this book.

Apart from complex legal textbooks, there are small summary books available on different areas of law. These are written for law students and are often quite easy to understand. Law dictionaries, too, can give useful explanations of legal terms. There are also guides to the law especially written for non-lawyers. *The Law Handbook* (UNSW Press), available for each state and territory, is the most extensive. As with any information obtained from books, always check that it is still up to date.

The internet can also be a valuable source of information on a particular area of law. With general searches on the internet of a certain topic, be careful that the information is relevant to and applies to your specific case. Later sections of this book will help you know how to tell, especially the next chapter ('Our legal system') and the later section on 'Legal research' in chapter 11 'Preparing your case part 2'.

With legal research of any kind, it's a good idea to get back-up legal advice to make sure you're on the right track.