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# First Time in Court

e-guide



HARMONY ALLIANCE  
MIGRANT & REFUGEE WOMEN FOR CHANGE

## Important Telephone Numbers

Emergency	000
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1800Respect	1800 737 732
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### ACCESSIBILITY

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TIS	131 450
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NRS - TTY users	133 677
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Voice Relay users	1300 555 727
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Australia has federal courts that have jurisdiction over all of Australia.

Each state and territory has their own court system which generally is based on a hierarchy of three levels of court:

- **Superior courts** (such as State and Territory Supreme Courts)
- **Intermediate Courts** (such as District Courts or County Courts)
- **Lower Courts** (such as Local Courts or Magistrate Courts)

Magistrate courts are the most used level of jurisdiction in Australia as all cases start there. This brochure provides you information about attending Magistrate Courts in Australia.

# TABLE OF CONTENTS

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<b>Introduction</b>	<b>5</b>
<b>1 - Getting ready for court</b>	<b>6</b>
What help is available?	6
Your needs	10
Prepare for your court date	11
<b>2 - Arriving at court</b>	<b>12</b>
When?	12
Security	12
Where?	12
<b>3 - In the courtroom</b>	<b>13</b>
Entering the courtroom	13
Court Layout	13
Role of the people in court	14

## INTRODUCTION

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Many women can feel overwhelmed and anxious when going to court for the first time.

To help you with your court experience, this e-guide provides basic information on what to expect when going to the Magistrates' Court, including tips for:

1. Getting ready for court
2. Arriving at court
3. In the courtroom

## 1 - GETTING READY FOR COURT

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If you have to go to court, here are some things to think about:

- Find out what help is available
- Let the court know about your needs
- Prepare for your court date

### WHAT HELP IS AVAILABLE?

Did you know you may be eligible for free legal advice or representation? There are also other types of support services that may be of assistance, for example, in family violence matters or criminal matters.

### Legal assistance

You may be eligible for free or partly funded legal help. If you would like help, you should start by contacting one of the following services, to ask what advice and support they can give you:

- [Legal Aid](#) is government funded legal service that provides free legal advice and is available in each state and territory
- [Community Legal Centres](#) provide free and accessible legal and related service to everyone including people experiencing discrimination and disadvantage
- [Women's Legal Services Australia](#) is a national network of community legal centres specialising in women's legal issues.
- [Family Violence law](#) promotes each state and territory's family advocacy and support service, call 24/7 Crisis line **1800 737 732**

When you contact legal assistance services, you can ask them questions such as:

- Would having a lawyer in court make a difference to the outcome?
- If I get a lawyer to represent me, how much will it cost?
- What do I need to take to court?
- What will happen in court?

You may be provided with an interpreter when accessing legal assistance services.  
Always ask.

## Self-Representation

If you do not have a lawyer, you will have to represent yourself in court. This will require a lot of preparation before the court date.

## Domestic violence support services

If you have a domestic violence case which is going to court, you can access a wide range of counselling and support services from the organisations listed below:

### Relationship Australia

Relationship Australia offer services across Australia that include counselling, family dispute resolution and range of family and community support and education programs.

[ACT](#)   [NSW](#)   [NT](#)   [QLD](#)   [SA](#)   [TAS](#)   [VIC](#)   [WA](#)

### Victim Support

Victim Support scheme provides counselling support and financial assistance to people who are victims of crime.

[ACT](#)   [NSW](#)   [NT](#)   [QLD](#)   [SA](#)   [TAS](#)   [VIC](#)   [WA](#)

### Domestic Violence Support

[ACT](#)   [NSW](#)   [NT](#)   [QLD](#)   [SA](#)   [TAS](#)   [VIC](#)   [WA](#)

If you need urgent assistance or you feel your safety is at immediate risk, call the police on 000

For confidential counselling and information support, call 1800RESPECT on 1800 737 732

## Other types of support

### Settlement support

You may be eligible for support through the Settlement Engagement and Transition Support (SETS) program. The program provides settlement-related information, advice, advocacy and assistance to access a range of services. The program is for some migrants and refugees who have arrived in Australia in the last 5 years.

For more information on program eligibility and how to access SETS support in your area, visit the [Department of Home Affairs website](#).

### Specialised and Intensive Services (SIS)

The Specialised and Intensive Services (SIS) is available to humanitarian entrants and some other visa holders who need short-term support to overcome complex challenges in the areas of:

- domestic and family violence
- child and youth welfare concerns
- family and/or relationship breakdown
- severe/long term health needs
- disability
- mental health issues
- homelessness
- social isolation
- financial hardship
- legal issues.

If eligible for the service, you can self-refer or be referred by an organisation, by completing the [Referral for Specialised and Intensive Services form](#).

For more information about SIS, eligibility and the referral process visit the [Department of Home Affairs website](#).

## Interpreters

It is essential that you fully understand everything that is said in the courtroom. Misunderstanding or not understanding could lead to unwanted outcomes. Ask for an interpreter if you feel you will not clearly understand what is said in the courtroom.

If you need an interpreter, call the Court where you are going at least five days before your visit. They will tell you if you are eligible for a free interpreting service.

The Magistrates' Court (or local court) of any Australian state or territory usually arranges interpreter services in certain situations including for family violence intervention orders.

If the Court cannot arrange a free interpreting service, you may need to organise and pay for an interpreter. Courts do not usually allow family members or friends to interpret for you. You may find an interpreter by contacting:

- the same interpreter service the court uses
- another interpreter service you find online or in the yellow pages; or
- an individual interpreter you find on the [National Accreditation Authority for Translators and Interpreters](#) website

If you have a hearing or speech impairment and would like to contact a magistrates' court, call the National Relay Service (NRS) on **133 677** for Teletypewriter (TTY) users or **1300 555 727** for Voice Relay users.

The Court you are attending can help provide support services or refer you to services including dispute resolution, mediation, interpreting services, bail support, and other support. Contact them and ask about what support services they offer or can refer you to.

## YOUR NEEDS

Before you go to court, call the Court you are going to and let them know if you will need help with any of the following.

### Safety support

Tell court staff (also called 'registrars') if you are concerned about arriving at court at the same time as another person or being in the same room as another person. The court will assist you in finding solutions.

### Access needs

Ask if all entrances to the building and into the rooms are wheelchair accessible. Ask for assistance if you have difficulty hearing or seeing. Tell the court ahead of time if you have other access needs.

### Friend for Support

Did you know you can bring someone for support? This person can provide non legal assistance and emotional support on your day in court. You can bring a person you know and trust or call on volunteers who are familiar with court settings.

[Court Network](#) is an organisation that offers free and confidential support for those going to court in Victoria and Queensland.

[VWCCS](#) has court support officers who accompany and provide information for those going to court in some parts of NSW.

Women Information Services has a free [Family Court Support program](#) that provides trained volunteers to accompany women to the Family Court and Federal Circuit Court in Adelaide.

You can always call your legal support services before your court hearing date and ask if they can help.

### Providing evidence

If you are representing yourself, ask the court about the process to have a witness attend your hearing and ask what documents you will need to provide to court.

### Equipment such as a TV or DVD player, if you do not have a lawyer

Ask about how to access equipment you may need during your court appointment, for example if you want to play a video or audio recording. If you have a lawyer, they can arrange this for you.

## PREPARE FOR YOUR COURT DATE

Here are some tips to help you get ready.

### When and where?

- Find out where your appointment will be held. What is the address of the court? How will you get there? How will you find the room?
- Plan to arrive 30 minutes early. Plan your trip and allow enough time for surprise delays (e.g., traffic or a late bus).
- Did you know there are publicly accessible hearings? You could sit in on a public hearing before your court date to help you understand what to expect. Ask the court when you could attend one.
- Tell the court as soon as possible if you cannot attend your appointment, as in some circumstances you may be able to postpone (adjourn). The court will let you how to request a new date. The decision will be made by a magistrate.

### What to bring?

- Make sure you know what documents to bring. You can ask your lawyer or the court what documents you will need to bring. Always bring copies of all previous court documents that may be relevant to your case (e.g., family law orders, intervention orders, child protection orders, references).
- Think about what you will wear to court. You should try to make a good impression by dressing neatly. Do not wear hats, sunglasses, shorts or sportswear.

## 2 - ARRIVING AT COURT

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### WHEN?

Make sure you arrive 30 minutes before your scheduled time. This will give you enough time to go through security and find the room where you need to go.

### SECURITY

- Everyone must go through a security screening (similar to airport screening) when entering the building
  - You may be asked your name and why you are visiting the court
  - You should follow the instructions of the security officers
  - If you have any special needs that affect the security screening (e.g., if you are in a wheelchair, if you are pregnant, if you have a pacemaker) you should tell the security officer
  - Make sure you have no knives, pocketknives or scissors on you
- Security officers help protect everyone in the court building. They can force a person to leave the building if required
- Prohibited items such as drugs and weapons will be taken away

### WHERE?

- Go to the main counter to let the court staff (registrars) know you have arrived. They will send you to the correct courtroom or location.
- The court staff may ask you if you have a lawyer. If you would like to see a duty lawyer (free lawyer provided by Legal Aid) ask the court staff where they are. Note, duty lawyers can only help in certain cases.

Be patient. You may need to wait a long time. Even though your charge sheet may say that your case is on at 9.30, this just means that the court starts hearing cases then.

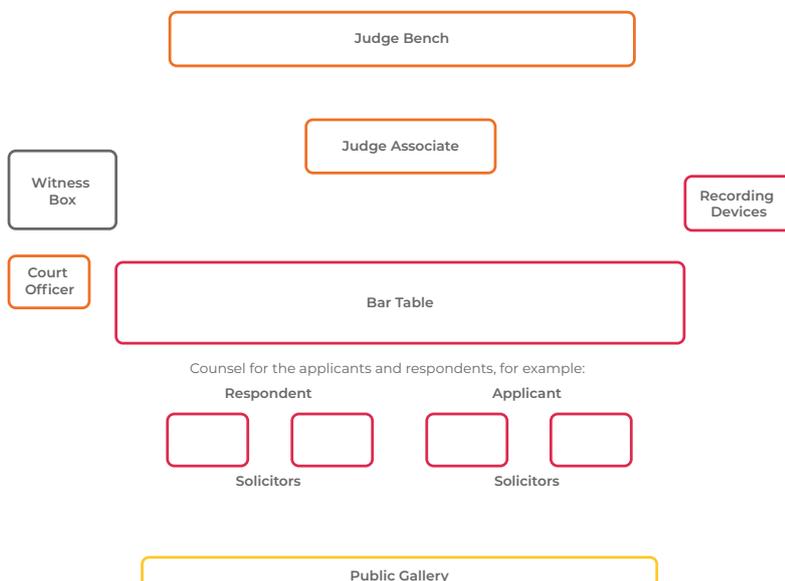
## 3 - IN THE COURTROOM

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### ENTERING THE COURTROOM

- Do not take any food, drink or chewing gum into the courtroom.
- Check that your mobile phone is turned off.
- When you walk into the courtroom you should:
  - Bow your head to the magistrate or registrar as soon as you walk in
  - If you have not already checked in with the court registrar when you arrived at the court – find the court officer and tell them your name, why you are in court and whether you have any requests about time limits (such as picking up children).
  - Take a seat at the back of the courtroom and wait for your case to be called.

### COURT LAYOUT



Most magistrate courts will have a similar layout.

The place where the Magistrate sits is called **'the bench'**.

The place where the people presenting information to the court (counsel, lawyer, prosecutor, etc.) is called the **'bar table'**.

The place where people wait their turn or come to watch a hearing is called the **'public gallery'**.

## ROLE OF THE PEOPLE IN COURT

### **Magistrate**

Magistrates usually dress in business clothing but some now choose to wear a black robe without a wig. Magistrates hear evidence and decide whether a person is guilty or not guilty. They set a penalty on those who are either found guilty or plead guilty to offences.

### **Magistrate's clerk**

The magistrate's clerk announces the cases and calls people into court. The Magistrates' Clerk will direct people where to stand, read the charges out in a criminal proceeding and administer the oath or affirmation to witnesses.

### **Defendant/Accused**

A person who has been charged with breaking the law.

### **Respondent**

A party named by an applicant as the other party in a court case.

### **Counsel**

Counsel is generally used to describe a lawyer for either side.

### **Prosecutor**

In a criminal case the prosecutor presents the case. They are not necessarily a lawyer and are often a police officer. It is their job to prove that the defendant committed the offence.

### **Plaintiff, complainant or applicant**

The person who begins a case in a non-criminal (civil) matter.

### **Witness**

A witness presents information on what they have seen or heard themselves (not usually what someone has told them).

### **Protective Services Officers**

Protective Services Officers are security officers, and they respond to requests or disorder in the court.

## Tips to remember

- When your case is called, go to the bar table (see figure 1) if you are unrepresented or sit behind your lawyer if you have one.
- Make sure you stand when the magistrate enters and leaves the courtroom, when he or she speaks to you and when you speak to them.
- Do not speak or whisper unless you are addressed.
- When you address the magistrate, call them 'Your Honour'. Address others (lawyers, witnesses and court staff) by their titles and surnames (e.g., Mr Smith).
- Be polite to everyone in the court room, and particularly to the magistrate.
- Do not interrupt someone who is talking.
- Make sure you understand what is being said. If you do not understand, do not be afraid to ask someone to repeat what they said, or to say it using different or simpler words.

For more detailed information including information on:

- the specific court you are attending
- changing court dates
- court records
- representing yourself
- family violence matters
- finding an audio-visual link or
- preparing for court as a witness, in a civil matter or a criminal matter,

visit the Magistrate/Local courts' website

[ACT](#)

[NSW](#)

[QLD](#)

[SA](#)

[WA](#)

[TAS](#)

[NT](#)



### Legal Literate App

Legal Literate App is a plain English glossary containing common legal terms used in Australian courts and tribunals.

Download the free app [here](#).

