

The first court event – helpful information

This fact sheet is for people who are representing themselves in the Federal Magistrates Court of Australia (the Court). People who are not represented by a lawyer are commonly referred to as 'self-represented litigants' or 'litigants in person'. This information is about the first court event, otherwise known as the 'duty list'.

What is a duty list?

The duty list is often the first time that people involved in a case appear in court. On this day, the Federal Magistrate may:

- give directions (which are instructions on the next step/s that are required in a case)
- approve proposed consent orders (which is an agreement that has been agreed to, and provided by, the parties)
- if time permits, conduct an interim hearing (which is a short hearing about an urgent or defined issue) and make interim orders
- make final orders for certain types of applications
- set a date for a final hearing.

The duty list also provides you with an opportunity to define the issues that are in dispute and, if possible, reach an agreement.

Before the duty list starts

The Court allocates a number of cases in each duty list. You will find the list of cases outside the courtroom. Once you find your case, enter the courtroom and tell the associate the name of your case and whether you are the applicant or respondent. If you want to speak to the duty lawyer from legal aid, also let the associate know.

Before entering the courtroom you should:

- turn off electronic equipment, including mobile phones, and
- remove hats and sunglasses, unless for medical or religious reasons.

Do not bring any food or drink into the courtroom.

After you have given your appearance to the associate, sit in the back of the courtroom. If you have a family member or friend with you, they can accompany you into the courtroom. Unless approved by the Federal Magistrate, your support person cannot sit with you at the bar table and cannot speak on your behalf.

Note – Children under the age of 18 cannot enter the courtroom.

Help at court

At some court locations, legal aid is available to provide legal advice. Assistance is not automatic and you must meet certain guidelines to be eligible for assistance.

Non-legal support may also be available to help you on the day. For example, some court locations have services that provide information, support and referrals.

If you have any concerns about your safety at court, please tell the associate.

This fact sheet provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Federal Magistrates Court of Australia cannot provide legal advice.

When the duty lists starts

The associate will announce 'All rise' or 'All stand' when the Federal Magistrate enters or leaves the courtroom. You should stand on each occasion.

The way in which Federal Magistrates conduct the duty list will vary. Some Federal Magistrates may call through the list alphabetically or in numerical order. Others may ask for matters to be 'stood down' and deal with consent matters or applications for adjournment first. In any event, the Federal Magistrate will call through all the cases in the list. If you are unsure, ask the associate before the duty list starts.

If your case is 'stood down' it will be put on hold for a short time. The Court will deal with your case later in the day. This gives you an opportunity to negotiate, define the issues in dispute and possibly, reach an agreement with the other party. This is different from an adjournment. If your case is adjourned it will be postponed to another day.

When your case is called

When your case is called, go to the bar table and tell the Federal Magistrate who you are. Do not walk in front of the bar table or approach the Federal Magistrate on the bench. You should address the Federal Magistrate as 'Your Honour'.

At the bar table, you should stand when you are speaking to the Federal Magistrate or when they are speaking to you. Do not:

- address comments to other people in the courtroom
- point or use abusive language, or
- raise your voice or shout.

Do not interrupt when the other party or the Federal Magistrate is talking, even if you disagree with what they are saying. The Federal Magistrate will give you an opportunity to tell your side of the story.

Usually, the Federal Magistrate will rely on the evidence that has been filed in your case. The Federal Magistrate will only allow you to give evidence from the witness box in limited situations.

When orders are made

Court orders can be made in two ways; either by consent or by a decision of a Federal Magistrate.

If you and the party reach an agreement on the day, you can present the signed agreement to the Federal Magistrate and ask them to make the orders by consent. Consent orders can be interim (temporary) or final.

If you cannot reach an agreement, the Federal Magistrate will make any orders necessary for your case to proceed to the next court event, which may be a final hearing.

Note – When an order is made each person bound by the order must comply with it.

Once orders are made, your case is finished for the day and you are free to leave. As you leave the courtroom, pause at the door briefly and nod to the Federal Magistrate. You should always nod to the Federal Magistrate when you enter or leave the courtroom while the Court is in session.