



ADELAIDE
MAGISTRATES

Going to court

Get advice!

Get legal advice as soon as you find out you need to go to court. The court will be making binding decisions about your future, and it can take time to engage a lawyer or organise legal aid. If you don't know where to start, call the **free Legal Helpline** on **1300 366 424**.

Information at the court

An information service is provided by volunteers at some courts. They can help with basic court information and referrals to other services. All courts also provide general information on their websites.

Visiting court

You may find it helpful to visit the court and watch a case from the public gallery before the day of your case. This will give you some idea of what happens in court.

Check the date

Check the date and time provided by the court and make sure you attend on this day. If you are unsure, telephone the court. If you do not attend, your case may be decided without you. In criminal matters, an arrest warrant may be issued if you fail to attend.

Duty solicitors

Duty solicitors help people charged with a criminal offence. Whether a duty solicitor can help you depends on what you have been charged with, your personal circumstances and how many other people need help that day. A duty solicitor's first priority is to help people who have been arrested and are in custody. If you know that you have to go to court, you should get advice well before your court date.

Family Advocacy and Support Service

This service, located at the Federal Circuit and Family Court of Australia, has both duty lawyers and social support workers.

Duty lawyers can provide advice and help with adjournments, legal aid applications and referrals. They cannot provide ongoing assistance or representation.

Social workers can offer support to people affected by family violence with other non-legal needs such as safety, accommodation, financial counselling and accessing other support services.

On arrival

Check the **Court List**, which is usually at the court entrance, to see which court you are in. Court lists are also available on most court websites and are often published the night before the hearing.

If you can't find the Court List or your name, ask the court staff.

When will my case start?

Get to court on time and be prepared to wait. Your starting time may depend on the number of cases that day.

Child care

Courts do not offer child care services.

If you need to locate your nearest childcare centre, contact the Child Care Access Hotline on 1800 670 305.

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How should I behave?

Dress as neatly as possible. Singlets, thongs, hats and sunglasses are not appropriate. Food and drinks, other than water, are not permitted in the courtroom. Your mobile phone should be on silent or switched off.

It is a sign of respect to **nod** to the presiding judicial officer (this could be a Magistrate or a Judge) as you enter and leave the courtroom. You should **stand** when you are speaking with the judicial officer. Be polite, stay calm and wait for your turn to speak.

Are you prepared for your case to be heard?

You need a good reason to put off your court case and must ask the judicial officer's permission for an **adjournment** (rescheduling).

You may be granted an adjournment, but sometimes, particularly in urgent matters, such as cases that concern the care of children or the protection of property, the court may need to make **interim** (temporary) **orders**.

In criminal cases, you can generally get one adjournment without pleading guilty or not guilty.

If your request for an adjournment is granted, you will be given a new court date. Make sure you are ready to proceed on that date. The court will not give you endless adjournments.

Legal aid

Legal aid is not available for every legal problem.

In granting legal aid, we consider:

- your **financial situation** - your income and assets and the income and assets of your partner or anyone else with whom you have a financial relationship
- **legal aid guidelines** - for example, if it is a criminal matter, there must be a reasonable risk of imprisonment, and family matters must usually involve a genuine dispute over children that you have not been able to resolve
- whether your case is likely to **succeed**.

If you receive a grant of aid, you may be allocated a legal aid lawyer. If you already have a private lawyer and they are on the legal aid panel, you can still apply for legal aid to pay your private lawyer. Call the Legal Services Commission on 1300 366 424 for more information.

What if I can't speak English?

Interpreters are available at court, but must be booked in advance through the court or your own lawyer.

If you do not have an interpreter but need one on the day, go to the **court registry** (court office) for help.

Can I take a support person with me?

If you are not represented by a lawyer, you may wish to take an adult **support person** with you to court. This is generally permitted, unless the court is closed to members of the public. Some types of hearings (for example, in the Youth Court) are held in **closed court** and your support person will need permission to attend.

Unless permitted by the judicial officer, your support person cannot sit with you at the bar table or address the court. They will be required to sit behind you in the public gallery.

If they are permitted to sit with you, what they are able to do or say is at the discretion of the court.

What is the court process?

Your matter will be called on by court staff. The person who began the court process usually stands to speak to the judicial officer first. You (or your lawyer) will then have an opportunity to speak.

After hearing from both sides, the judicial officer may:

- **adjourn** the matter to allow time for something to happen
- **stand the matter down** (put it on hold) for you to negotiate with the other side that day
- make **interim orders**
- refer the case to **alternative dispute resolution**, such as mediation or conferencing
- ask you or the other side to provide an **expert report** or **further information**
- schedule another **interim hearing** (hearing pending a final hearing) date
- set the date for **trial** (final hearing) so that the court can then make a final decision.

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How are criminal charges dealt with?

If you are facing criminal charges, **do not attempt to represent yourself** without first getting legal advice. This fact sheet explains what usually happens, but if you do not understand something, ask the judicial officer.

If you are pleading **guilty**:

- the charges will be read to you and you will be given an opportunity to plead guilty
- you (or your lawyer) will tell your story, explain your personal circumstances and provide references
- the judicial officer will tell you your penalty.

If you are pleading **not guilty**:

At the first court appearance your case will probably just deal with preliminary matters before being adjourned. On the next occasion you may be given a date for a pre-trial conference and/or trial. If you have witnesses, they will need to be available on the trial date (not on the first day you plead not guilty).

On the day of the trial:

- the prosecution will present its case through **witnesses** and **evidence**
- you (or your lawyer) may question prosecution witnesses and challenge its evidence
- you (or your lawyer) may, if you choose, **call your own witnesses** to give evidence in your defence (this is not always necessary - if in doubt, get legal advice)
- the prosecution may question your witnesses and challenge your evidence
- if the prosecution does not provide enough evidence to prove your guilt, the case will be **dismissed** and you will be free to go
- if you are found guilty, you (or your lawyer) may be asked if there is anything you would like to say. The judicial officer will either tell you your penalty or may adjourn the case to set a penalty at a later date.

After the court hearing

If you are unsure about anything, ask the court staff to explain what happened in court. Find out whether you need to sign any documents or take further action before leaving the court.

This information is general and not a substitute for legal advice. The Legal Services Commission provides free advice for most legal problems. 12/23

If you are still unsure about what happened or what rights you might have (including your right to appeal), get legal advice from a lawyer.

Who's who in the court

PRESIDING JUDICIAL OFFICER - the Magistrate or Judge who decides what happens in your case (for example, whether you caused damage, you owe a debt, you are guilty or not guilty, or whether your case will have to go to another court or be put off until another day).

When you speak with the Magistrate or Judge, you should address them as 'Sir/Madam' or 'Your Honour'.

PROSECUTOR / PROSECUTION - appears in criminal matters and presents the police case against you. It will usually be a police prosecutor or a solicitor from the Office of the Director of Public Prosecutions.

LAWYER / DUTY SOLICITOR - presents your side of the story to the court. In criminal cases, it is best to be represented by a lawyer, regardless of whether you intend to plead guilty or not guilty. You can pay a private lawyer or apply for a grant of legal aid. Always speak with a lawyer before speaking with police.

COURT STAFF - sit in front of the judicial officer and keep a record of decisions made and evidence given. Depending on the court, they may be clerks, judge's associates, personal assistants or judicial support officers.

SHERIFF'S OFFICER - calls people into court and keeps order in the courtroom. You must tell the sheriff's officer when you arrive, so the court knows you are present. Ask them to show you where to stand.

WITNESSES - must tell the truth to the court about what they saw or heard. Sometimes expert witnesses are called to offer their specialised opinion on a technical matter relevant to your case.

In criminal cases, the police may be called to give evidence of what you said to them. You can call your own witnesses who can give evidence supporting your version of events at trial.

PUBLIC - most court cases are open to the public and members of the public, including friends and family, generally have the right to watch court proceedings.