

Assisting Self-Represented Defendant's in Traffic Matters



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Acknowledge of Country

Community Legal Centres Queensland acknowledges the traditional owners of the land on which we are holding this presentation, the Turrbul and Jaggara people.

We pay our respects to their elders, past, present and emerging, and acknowledge the important role Aboriginal and Torres Strait Islanders continue to play in our society.

As this presentation is being viewed throughout Queensland, we also pay respect to the traditional owners of the land throughout the country and extend a warm welcome to any First Australians listening to this presentation.



Outline

1. Why clients self-represent
2. General tips
3. Courtroom etiquette
4. Conducting the advice session
5. Structure of oral submission
6. Work licence and special hardship applications
7. Pleading guilty on-line



Why clients self-represent

1. Personal choice
2. The development of the idea of 'do-it-yourself'
3. Legal advice and representation is too expensive
4. Legal Aid is unavailable



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General tips

- Non-legal jargon
- Police material
- Be familiar with the court and roles
- Provide information about court rules, procedures and etiquette
- Be prepared
- Communication and practice
- Honesty
- Provide handouts and written materials
- Use of interpreters



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Courtroom etiquette

- Be on time
- Let the Prosecutor know have arrived
- Bowing and standing
- Approaching the bar table
- Addressing the Magistrate
- Remaining polite and courteous
- Presentation and dress
- Support person
- Other advice inc mobile phones, recordings, eating, drinking, sit quietly.



Conducting the advice session

- Police material
- Offences and elements to be proven
- Standard of proof
- Defences
- Vehicle impoundment
- Options
- Relevant forms / applications - work licence and special hardship orders
- Mitigating circumstances



Conducting the advice session - cont.

- Likelihood of success
- Penalty
- Time limitations
- Fail to appear
- Disqualification
- Recording conviction
- Offender levy
- Referrals
- References
- Appeal
- Court etiquette



Structure of oral submission

1. Antecedents
2. Explain the offending
3. Attitude to offending
4. Supports and future goals
5. Penalty



Work Licence and Special Hardship Applications

1. Options
2. Eligibility
3. What you need to show the court
4. Documents required
 - Filing - copies of documents, filing fee, timing of filing
 - Copies of examples and step by step resources available from the Legal Aid Queensland website.
 - Consequences for driving outside of conditions



Pleading guilty on-line

1. The plea will not be accepted if a conviction could result in the driver licence being disqualified
2. Application must be submitted online at least two business days before the court date.



Acknowledgements

Legal Aid (Qld)

<http://www.legalaid.qld.gov.au>

Australian Government, 2014 Productivity Commission report *Access to Justice Arrangements*,

<https://www.pc.gov.au/inquiries/completed/access-justice/report>

Queensland Courts, Representing Yourself,

<https://www.courts.qld.gov.au/going-to-court/representing-yourself>

Queensland Law Handbook, Traffic Offences,

<https://queenslandlawhandbook.org.au/the-queensland-law-handbook/offenders-and-victims/traffic-offences/>



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