



# AUSTRALASIAN INSTITUTE OF JUDICIAL ADMINISTRATION

## Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals Conference

15-17 April 2014

Crowne Plaza Coogee Beach, 242 Arden Street, Sydney, New South Wales

### PROGRAM

| TUESDAY 15 APRIL        |  |  |   |
|-------------------------|--|--|---|
| 9.00-10.00              | <b>Registration</b>  |  |   |
| 10.00-10.15             | <b>Welcome and Opening</b><br><b>Welcome to Country</b><br><i>Welcome: The Hon Justice Michelle May, President, AIJA</i>   |  |   |
| 10.15-11.30             | <b>KEYNOTE: Case Study Pinpointing the various dilemmas for Courts and tribunals of self- represented litigants – The dark side of SRLs: Are they the new face of process abuse in Australian courts?</b><br><i>Professor Tania Sourdin, Director, Australian Centre for Justice Innovation (ACJI) and Ms Nerida Wallace, Principal, Transformation Management Services, Victoria</i><br><b>A self- represented litigant’s experience with the Court</b><br><i>Ms Courtney Ryrrie, Self- Represented Litigant Coordinator, County Court of Victoria</i><br><b>Commentator:</b> TBA |  |   |
| <b>Oceanic Ballroom</b> |  |  |   |
| 11.30-12.10             | <b>Unrepresented Litigants – at home and away</b><br><i>Speaker: The Hon Justice Mark Le Poer Trench, Chair, Self Represented Litigants Committee, Family Court of Australia</i>   |  |   |
| 12.10-12.45             | <b>Self Represented Litigants – the Federal Circuit Court Experience</b><br><i>Speaker: His Honour Judge Stephen Scarlett, Federal Circuit Court of Australia</i>  |  |   |
| 12.45 -1.30             | <b>LUNCH</b>   |  |   |
|                         | <b>Oceanic Ballroom</b>  | <b>Terrace View Room</b>   | <b>Centennial Room</b>  |
| 1.30-2.30               | <b>The Impact of the Emotions of Self Represented Litigants and Litigants in Person on the stakeholders in the operation of tribunals with particular attention to procedural fairness</b><br><i>Speaker: Mr Philip Boyce, Solicitor, New South Wales</i>  | <b>The Participation of Unrepresented Litigants in Dispute Resolution Conferences of the Children’s Court of NSW. Observations; statistics and Anonymised Case Studies from a Children’s Registrar’s perspective</b><br><i>Speaker: Ms Edwina Hunter, Registrar, Children’s Court of NSW</i> | <b>The Merits Review of decisions by the National Disability Insurance Agency</b><br><i>Speaker: Ms Jill Toohey, Senior Member, AAT</i> |
| <b>Oceanic Ballroom</b> |  |  |   |
| 2.30-3.30               | <b>Panel session</b><br><b>Self-representing people and the interface with Legal Aid</b><br><i>Participants: Ms Gabrielle Canny, Director, Legal Services Commission SA, Dr John Boersig PSM, Chief Executive Officer, Legal Aid ACT and Ms Monique Hitter, Executive Director Civil Law, Legal Aid NSW</i>  |  |   |

*The conference organisers reserve the right to make any changes to this program up to and including the days of the conference.*

|           |   |  |  |
|-----------|---|--|--|
| 3.30-4.00 | <b>AFTERNOON TEA</b>  |  |  |
| 4.00-4.45 | <b>Self Represented Parties and the Court Rules in Queensland</b><br><i>Speaker: Mr Iain McCowie, Solicitor, Self Representation Service (Courts), QPILCH</i> | <b>“With a little help from a friend”: Unrepresented litigants, friends and the question of payment</b><br><i>Speaker: Dr Nicky Jones, Lecturer, School of Law and Justice, University of Southern Queensland</i><br><b>A Third Way? The experience of Lay Advocates in both specialist and common law employment litigation in NZ</b><br><i>Speaker: Chief Judge Graeme Colgan, Employment Court, New Zealand</i> | <b>Legal aids scheme in Indonesia: Between the Policy and the Implementation</b><br><i>Speaker: Dr E Sundari, Lawyer, Atma Jaya Yogyakarta University, Indonesia</i> |
| 4.45-5.30 | <b>Guidelines for Barristers on dealing with self-represented litigants</b><br><i>Speaker: Mr Garry McGrath SC, Barrister, NSW Bar Council</i>                | <b>Self represented litigants in the High Court of Australia</b><br><i>Speaker: Ms Denise Weybury, Deputy Registrar, High Court of Australia</i>   | <b>Choosers or losers: Self-represented litigants as the masters of their suits</b><br><i>Speaker: Dr Rabeea Assy, Law Faculty, University of Haifa, Israel</i>      |
| 7.00-8.30 | <b>COCKTAIL RECEPTION – Oceanic or Terrace View Room</b>  |  |  |

## WEDNESDAY 16 APRIL

|             |  |   |   |
|-------------|--|---|---|
|             | <b>Oceanic Ballroom</b>  |   |   |
| 8.30-9.30   | <b>Querulant Behaviour in Litigation</b><br><i>Speakers: Judge Philip Misso, County Court of Victoria<br/> Ms Narelle Bedford, Adjunct Lecturer Faculty of Law, Bond University and TC Beirne School of Law, University of Queensland and<br/> Ms Monica Taylor, Director, UQ Pro Bono Centre, University of Queensland</i>  |   |   |
|             | <b>Oceanic Ballroom</b>  | <b>Terrace View Room</b>  |   |
| 9.30-10.15  | <b>Panel session</b><br><b>Managing the constant tension which exists between trying to persuade self- represented litigants (in civil proceedings and civil appeals particularly) to seek and retain legal advice (in the higher court setting) whilst always being cautious to keep the 'access to justice doors open</b><br><i>Speaker and Facilitator: Mr Shane Draper, Self-Represented Litigant Coordinator, Supreme Court of Victoria</i> | <b>The use of technology to provide pro bono assistance to unrepresented litigants in regional and remote Australia</b><br><i>Speaker: Ms Leanne Ho, National Pro Bono Resource Centre</i><br><b>‘Fourth Party’ assistance for unrepresented litigants; The next generation of online lodgement technology</b><br><i>Speaker: Mr Daniel Toohey, Adjudicator, Office of the Commissioner for Body Corporate and Community Management</i> |   |
| 10.15-10.45 | <b>MORNING TEA</b>   |   |   |
|             | <b>Oceanic Ballroom</b>  |   |   |
| 10.45-11.45 | <b>The Unrepresented Litigant on Appeal</b><br><i>The Hon Justice Margaret McMurdo AC, President, Court of Appeal, Queensland,<br/> the Hon Justice Margaret Beazley AO, President, Court of Appeal, NSW and<br/> the Hon Justice Michelle May, Appeal Division, Family Court of Australia</i>   |   |   |
| 11.45-1.00  | <b>The unrepresented group member and Australian class actions</b><br><i>Speakers: Associate Professor Michael Legg, and Professor Degeling, Faculty of Law, the University of NSW</i>   | <b>A ladder of legal participation for tribunal users</b><br><i>Speaker: Gráinne Mckeever, School of Law, University of Ulster</i>  | <b>Special Problems for Lay Participants in the Inquisitorial Context of a Coroner’s Inquest</b><br><i>Speaker: Judge Neil MacLean, Chief Coroner, Auckland District Court, New Zealand</i> |

|            |  |   |  |
|------------|--|---|--|
| 1.00-2.00  | <b>LUNCH</b>   |   |  |
| 2.00-3.00  | <p><b>Innovative approaches or programmes being used-piloted/proposed in Australian and overseas jurisdictions</b><br/> <i>Speaker: Ms Julie Grainger, Member, VCAT</i></p>  | <p><b>Aiding the Plight of Self Represented Litigants</b><br/> <i>Speaker: Mr Chad Silver, Student, Western Australia</i></p> <p><b>Walk a Mile in My Shoes: Understanding SR Litigants' Experiences</b><br/> <i>Speaker: Ms Bridgette Toy-Cronin, University of Otago, New Zealand</i></p> |  |
| 3.00-3.30  | <b>AFTERNOON TEA</b>   |   |  |
| 3.30-5.15  | <p><b>Unrepresented litigants before tribunals</b><br/> <i>Speakers: Judge Carrie Wainwright, Chair, Immigration and Protection Tribunal, New Zealand</i></p> <p><b>Tough love - justice and the right to self-representation in NSW tribunals</b><br/> <i>Mr Richard Perrignon, Mediator, Senior Member (NCAT), Arbitrator (Workers Compensation Commission of NSW)</i></p> <p><b>Assisting self-represented parties outside of the hearing room: a registry perspective</b><br/> <i>Ms Sian Leathem, Principal Registrar, NCAT</i><br/> <i>Ms Elizabeth Pendlebury, Solicitor, Self Representation Service, QPILCH</i><br/> <i>Ms Peta Stilgoe OAM, Senior Member, QCAT</i></p> <p><b>Access to justice in the State Administrative Tribunal: Experiences of self-represented litigants in strata title proceedings</b><br/> <i>Speaker: Dr Bertus de Villiers, Member, State Administrative Tribunal, Western Australia</i></p> |   |  |
| 7.00-10.30 | <b>DINNER – Oceanic Ballroom</b>   |   |  |

## THURSDAY 17 APRIL

|                         |   |  |  |
|-------------------------|---|--|--|
| 8.30–9.30               | <b>Oceanic Ballroom</b><br><b>KEYNOTE: Do-It-Yourself Law: Access to Justice and the Challenge of Self-Representation</b><br><i>Professor Dame Hazel Genn, Dean and Co-Director of the UCL Judicial Institute, Faculty of Laws, University College London</i><br><b>Chair:</b> <i>Professor Greg Reinhardt, Executive Director, AIJA</i>  |  |  |
| <b>Oceanic Ballroom</b> |   | <b>Terrace View Room</b>   |  |
| 9.30-10.45              | <b>Panel session</b><br><b>Data Collection and measuring the impact of self represented litigants on any given jurisdiction</b><br><i>Facilitator: Mr Rob Schade, Supreme Court of Victoria</i><br><i>Speaker: Mr Shane Draper, Self-Represented Litigant Coordinator, Supreme Court of Victoria</i><br><i>Commentators: Ms Liz Richardson, Monash University and Ms Nerida Wallace, Principal, Transformation Management Services, Victoria</i><br><br><b>Using the National Center for State Courts' new guidelines for counting cases with self-represented litigants – a discussion of the policy and management implications of using case-level and event-level data to identify when litigants represent themselves, when their cases stall, and when to target assistance.</b><br><i>Speaker: Mr Richard Schauffler, Director, Research Services, National Center for State Courts (NCSC), United States of America</i> | <b>Assisting Self-represented Litigants for Cases with On-going Site Hearings or On-site Conciliation Conferences</b><br><i>Speaker: Mr Tim Moore, Commissioner, Land and Environment Court of New South Wales</i> |  |
| 10.45-11.15             | <b>MORNING TEA</b>  |  |  |
| 11.15-12.30             | <b>Subject Unrepresented litigants and the practising profession</b><br><b>The importance of Preserving the Independent Criminal Bar</b><br><i>Speaker: Mr Michael Gleeson, Barrister, New South Wales</i><br><b>Counsel's duty to assist opposing litigants where they are unrepresented</b><br><i>Speaker: Ms Natalie Vogel, Victorian Bar</i><br><b>Dealing with Self Represented Litigants</b><br><i>Speaker: TBA</i>   |  |  |
| 12.30                   | <b>Conference Close</b>   |  |  |



The Australasian Institute of  
Judicial Administration Incorporated

*The AIJA*

***Assisting Unrepresented Litigants – A Challenge for  
Courts and Tribunals  
Conference***



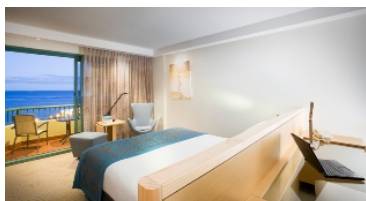
**AIJA Conference Registration Guide**  
Tuesday 15<sup>th</sup> – Thursday 17<sup>th</sup> April 2014



***Crowne Plaza Hotel***

***Coogee Beach***

***Sydney NSW***



# AIIA Conference Registration Guide

## Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals

Tuesday 15<sup>th</sup> – Thursday 17<sup>th</sup> April 2014

Crowne Plaza Hotel Coogee Beach, Sydney



### Venue Crowne Plaza Coogee Beach

Crowne Plaza Hotel Coogee Beach is located in Sydney's Eastern Suburbs, opposite Coogee Beach, close to the city, airport and a strip of cafés, restaurants and shops.



Register online at [www.amp.com.au/aia14](http://www.amp.com.au/aia14)

Please read all information carefully. To secure your place, complete & return the conference registration form with your payment **by Friday 21<sup>st</sup> March 2014**

All prices include GST.

### Registration Closing Dates

- Early bird closes - **extended to 28 February 14**
- Regular registration closes - **21<sup>st</sup> March 2014**

**Note:** Late registrations are welcome in consultation with A.M. Meetings Plus.

### Conference Dates and times

- Tuesday 15<sup>th</sup> April, 9:00am – 5:30pm
- Wednesday 16<sup>th</sup> April, 8:30am – 4:30pm
- Thursday 17<sup>th</sup> April, 8:30am- 1:00pm

### Conference Registration

#### Early Bird - **extended to 28 February 14**

- AIIA Corporate Member (pp) AUD \$850
- AIIA Individual Member AUD \$880
- Non-member AUD \$950
- Speaker rate AUD \$850

#### Regular registration closes **21<sup>st</sup> March 14**

- AIIA Corporate Member (\*pp) AUD \$880
- AIIA Individual Member AUD \$910
- Non-member AUD \$980
- Speaker rate AUD \$880

**\*PP = Per Person**

### Your registration fee includes

- Attendance at sessions on registered days
- Conference pack with documentation
- Welcome Reception Tuesday evening
- Arrival Tea/coffee, morning & afternoon tea & lunch where applicable on registered days

### Welcome Reception

**Date** Tuesday 15 April 2014  
**Time** 6:30pm – 8:00pm  
**Venue** Crowne Plaza Hotel, Coogee Beach  
**Dress code** Smart Casual

### Conference Dinner (optional)

**Date** Wednesday 16<sup>th</sup> April 2014  
**Time** 7:00pm - 10:30pm  
**Venue** Oceanic Ballroom, Crowne Plaza Hotel CB  
**Cost** **AUD \$110** per person - Includes 3.5 hour drinks package & 3 course set menu  
**Dress code** Smart Casual

### Cancellation policy

- More than 30 days prior to conference – full refund less \$110 administration fee
- No refunds after 17<sup>th</sup> March 2014 (Substitute participant accepted)
- Substitute participants are welcome prior to 17<sup>th</sup> March 2014

**Changes and/or cancellations must be made in writing and sent to** A.M. Meetings Plus P/L via

**Email** [aia14@amp.com.au](mailto:aia14@amp.com.au)

**Fax** 03 9372 7184

### Guidelines to complete this form

1. ONE PERSON PER FORM ONLY
2. Please print clearly & return your conference registration form with full payment
3. Cheques should be made payable to AIIA
4. All prices are in Australian Dollars (AUD\$) and include 10% Australian Goods & Services Tax (GST).
5. On receipt of completed form & payment you will be issued a confirmation letter, Tax Invoice, and accommodation itinerary if applicable.
6. Cancellations, changes and amendments to confirmed bookings must be made in writing to [aia14@amp.com.au](mailto:aia14@amp.com.au)
7. Changes/cancellations to accommodation bookings may be subject to venue imposed fees and penalties.
8. **Important note** if paying by credit card the following will appear on your bank statement **“AM MEETINGS PLUS P L MOONEE PONDS”**. **A \$220 fee may apply if a transaction you have authorised A.M. Meetings Plus to charge as payment to attend this conference /event is reversed or queried.**

## AIJA Conference Registration Guide

### Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals

Tuesday 15<sup>th</sup> - Thursday 17<sup>th</sup> April 2014

Crowne Plaza Hotel Coogee Beach, Sydney



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## Accommodation

### Terms & Conditions

Accommodation rates have been negotiated for conference delegates based on the following terms and conditions.

1. Rates are available by booking on the conference registration form or securely on-line only
2. Full payment in advance is required
3. Bookings are strictly subject to availability & early reservations are recommended
4. Changes and cancellations MUST be made in writing to A.M. Meetings Plus on [aija14@ammp.com.au](mailto:aija14@ammp.com.au) and not directly to the hotel
5. If your changes incur additional costs, please include your written authorisation to charge the credit card already provided the difference.
6. Please note that 'no shows' or cancellations in full or partial may be subject to penalties at the discretion of the venue.
7. All rates listed are in Australian dollars and are inclusive of the 10% Australian Goods and Services Tax.
8. Check your personal accommodation itinerary for check in and out times. Earlier and/or later check in/out will be at the discretion of the venue and may be subject to additional fees.
9. Tax invoices and personal itineraries will be issued on receipt of your booking and once full payment has been processed.
10. Breakfast is not included in the accommodation rate. Please make arrangements with the hotel directly for breakfast bookings and payment.
11. Government rates are not available via the conference registration process and may be arranged directly with the hotel.
12. A credit card imprint may be required on check in for disbursements and other hotel expenses.

### Important notes regarding accommodation

Bookings made on the conference registration form are part of a group block booking. Block bookings are made on behalf of conference delegates to ensure availability of accommodation during the conference and to reduce the impact of price fluctuations which occur during major events. Block bookings are subject to different terms and conditions to regular individual bookings. For this reason all changes or cancellations to bookings MUST be made in writing to A.M. Meetings Plus and NOT to the hotel directly.

The following accommodation rates have been negotiated for conference delegates. All rates are per room per night.

### Crowne Plaza Hotel Coogee Beach

Address: 242 Arden Street, Coogee

#### Coogee Village Room

**\$190 per night**

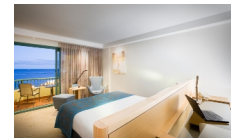
Coogee Village View rooms include ensuite bathroom, LCD television, 24 hour in-room dining, ergonomic workspace, Wi-Fi internet access, King bed or two double beds, fully stocked minibar, radio, clock & alarm, hair dryer, iron & ironing board, in-room temperature control, secure in-room safe and telephone & voicemail



#### Ocean View Room

**\$270 per night**

Ocean View rooms provide outlook to the ocean via a private balcony. Rooms include furnished balcony directly facing Coogee Beach, king bed or two double beds, ensuite bathroom with premium amenities, LCD television with Fox Sport channels and movies on demand, work desk with ergonomic chair, Wi-Fi internet access, fully stocked minibar, radio, clock and alarm, hair dryer, iron and ironing board, in-room temperature control, secure in-room safe, telephone and voicemail, valet laundry and dry cleaning



### Conference Secretariat & Registration Enquiries

A.M. Meetings Plus Pty Ltd

PO Box 16, Ascot Vale Vic 3032 Australia

**Phone:** 03 9372 7182

**Fax:** 03 9372 7184

**Email:** [aija14@ammp.com.au](mailto:aija14@ammp.com.au)

**Privacy Statement** In registering for this conference, relevant details you supply may be incorporated into a delegate list for the benefit of all delegates. Your details will also be made available to parties directly related to the conference including A.M. Meetings Plus P/L, banks, venues and accommodation providers for the purposes of processing payments, room bookings and conference options. Your details and information will also be added to the AIJA conference database in order to liaise and correspond with you in relation to your attendance. Please note that should you not wish your details to be used in the manner described above, we may be unable to process your booking or registration.

**Disclaimer** The information published in this document has been prepared for the clients and associates of the Australasian Institute of Judicial Administration Inc. No responsibility for any loss occasioned to any person acting on or refraining from action as a result of information in this publication is accepted by it's authors, the conference organisers A.M. Meetings Plus P/L, AIJA or it's affiliates. The contents of this document are accurate at the time of printing however, the AIJA reserves the right to make changes as it sees fit. © AIJA 2014

## AIJA Conference Registration Form

Assisting Unrepresented Litigants – A Challenge for Courts and Tribunals

Tuesday 15 – Thursday 17 April 2014

ABN: 13 063 150 739 Register online at [www.amp.com.au/aija14](http://www.amp.com.au/aija14)

### Delegate details

Title:  Justice  Judge  Mr  Ms  Other \_\_\_\_\_

Given name \_\_\_\_\_

Surname \_\_\_\_\_

Organisation \_\_\_\_\_

Address \_\_\_\_\_

City/Suburb \_\_\_\_\_

State \_\_\_\_\_ P/code \_\_\_\_\_

Phone (BH) \_\_\_\_\_ (Fax) \_\_\_\_\_

Mobile phone \_\_\_\_\_

E-mail (**required**) \_\_\_\_\_

Special dietary & other requirements \_\_\_\_\_

### Corporate Membership name

In compliance with the Privacy Act 2001 please indicate with a tick if you **do not** want your name and organisation details to be published in a conference delegate list for distribution to conference delegates.

### Tax Invoice (TI) contact (if different from above)

Contact person full name \_\_\_\_\_

Tax Invoice email \_\_\_\_\_

Phone \_\_\_\_\_

**Note:** If Tax Invoice details are not supplied the delegate is responsible for passing on all relevant documents.

### Registration and Payment

#### Early Bird – extended to 28 February 14

AIJA Corporate Member (pp) AUD \$850

AIJA Individual Member AUD \$880

Non-member AUD \$950

Speaker registration AUD \$850

#### Regular registration closes 21 March 14

AIJA Corporate Member (pp) AUD \$880

AIJA Individual Member AUD \$910

Non-member AUD \$980

Speaker Registration AUD \$880

### Social Functions

**Welcome Reception** (included in registration fee)

I will attend the **Welcome Reception**

I will NOT attend the **Welcome Reception**

**Conference Dinner (optional)**

**Dinner tickets** \_\_\_\_\_ (insert No) @ AUD \$110 pp

### Accommodation *Rates are per room, per night.*

*All rooms subject to availability.*

#### Crowne Plaza Hotel, Coogee Beach

Coogee Village room @ \$190 per night

Ocean View Room @ \$270 per night

### Dates & other requirements

**Room type**  Single/Double  Twin share

**Arrival date** \_\_\_/04/14 **Departure date:** \_\_\_/04/14

**Total nights required** \_\_\_  Smoking room required

Full name of person/s sharing room (if applicable) \_\_\_\_\_

### Total payment summary

Payments to be made in Australian Dollars (AUD)

Registration AUD\$ \_\_\_\_\_

Accommodation AUD\$ \_\_\_\_\_

Dinner AUD\$ \_\_\_\_\_

Other (please specify) AUD\$ \_\_\_\_\_

**Total amount enclosed** AUD\$ \_\_\_\_\_

### Method of Payment (tick)

Cheque (**payable to AIJA**) **Total cheque** AUD\$ \_\_\_\_\_

Credit card Payment **MasterCard & Visa ONLY**

(**CC agreement**) I understand that paying by credit card the following will appear on my bank statement

“AM MEETINGS PLUS P L MOONEE PONDS” and that \$220 fee may apply if a transaction I have authorised A.M. Meetings Plus to charge as payment to attend this conference /event is reversed or queried.

Cardholders name (PRINT) \_\_\_\_\_

Credit Card no \_\_\_\_\_

\_\_\_\_\_

Expiry Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ **Total Payment** AUD\$ \_\_\_\_\_

Cardholder's signature \_\_\_\_\_

### Return this completed form & payment to:

AIJA c/-A.M. Meetings Plus

P.O. Box 16 ASCOT VALE VIC 3032 Australia

**Fax** +61 (0)3 9372 7184

**Email** [aija14@amp.com.au](mailto:aija14@amp.com.au)

**Final closing date** **Friday 21<sup>st</sup> March 2014**

**Enquiries** A.M. Meetings Plus PL

**☎** +61 (0)3 9372 718