

29 October 2025

The Hon Chief Justice Mortimer
Federal Court of Australia
Law Courts Building
Queens Square
SYDNEY NSW 2000

By email: LIPfeedback@fedcourt.gov.au

Dear Chief Justice

PROPOSED LITIGANTS IN PERSON PRACTICE NOTE

I refer to your letter dated 1 October 2025 inviting the Law Society of Western Australia (the Society) to provide input on the Federal Court's proposed Litigants in Person Practice Note (the Practice Note). The Society's Administrative and Migration Law, Access to Justice and Courts Committees provided feedback on the contents of the Practice Note.

The Society supports the publication of a Practice Note to assist unrepresented parties to understand the Court's structure, processes and procedures which may be relevant to them. The Society emphasises the need for the use of consistent and clear language which is easily understood by parties who are not legally represented.

The Society is concerned that an unrepresented litigant may not understand the meaning of the term 'litigants in person' and therefore may not recognise if the Practice Note will apply to them. The Society notes that the terms 'unrepresented party' and 'self-represented litigant' are also commonly used to describe litigants in person.

The Society suggests the use of language such as '*If you are not represented by a lawyer*' or '*Litigants who are representing themselves*', noting this is the language used at paragraph 18.2 of the Central Practice Note: National Court Framework and Case Management (CPN-1). The Practice Note and references to it on the Court's website should provide an explanation of the term 'litigants in person'.

The Society supports the inclusion in the final version of the Practice Note of each of the matters set out in your letter. The Society further recommends the Practice Note includes any published guidance specifically directed to litigants in person on the use of artificial intelligence in Federal Court proceedings.

The Society would welcome the opportunity to provide further feedback on the draft Practice Note once it is completed.

If you have any questions or wish to discuss the above, please contact Susie Moir, Director, Advocacy and Professional Development on smoir@lawsocietywa.asn.au or by telephone on (08) 9324 8646.

Yours sincerely

A handwritten signature in grey ink, appearing to be 'GM', with a stylized flourish extending to the right.

Gary Mack
President