

LITIGANTS IN PERSON IN THE FEDERAL COURT OF AUSTRALIA: A CONTEMPORARY APPROACH¹

Council of Australasian Tribunals Whitmore Lecture – 17 June 2026

INTRODUCTION

- 1 It is good to be back on Gadigal country.
- 2 Thank you to the Council of Australasian Tribunals for inviting me to speak tonight. The Council's objectives of fostering a closer professional network among members of the administrative justice community, promoting awareness of the importance of that community's work, and providing support and services to its members are worthy ones, and I commend the Council for its work. The provision of support to members of tribunals is a particularly worthy objective, and I applaud the Council for its commitment to encouraging tribunals to develop best practice models and standards of behaviour and conduct for their members.
- 3 It is a privilege to be asked to deliver this lecture in honour of Professor Harry Whitmore, whose contributions to the administrative law reforms of the 1960s and 1970s did so much to enhance the rights of ordinary people. Fundamentally, those reforms were about access to justice. They sought to address a lack of transparency and accountability which too often shrouded administrative decision making, and opened up new and more straightforward avenues for people to challenge original decisions. Making tribunal access straightforward is, I know, a shared goal of many here tonight.

¹ This is a written version of the oral address given at the Council of Australasian Tribunals' Whitmore Lecture, delivered on 17 June 2026. Sincere thanks to my Associate, Alex Christie, for his assistance on this presentation.

4 Tonight, I want to talk to you about a different access to justice issue: namely, the increasing number of people representing themselves in the Federal Court of Australia and the steps that the Court is taking to address that increase.

5 This is the second time this year that I have spoken publicly on this topic.² Once again, I will start by giving you all some idea of the increasing size of the Court’s litigant in person cohort, including by sharing with you some of our latest data. I will also speak again about the continuing work of our Litigant in Person and Pro Bono Project. Finally, I want to review some of the recent developments in this space and discuss what I see as potential areas for further reform in the medium-to-long term future.

6 In honour of Professor Whitmore, I begin by paraphrasing from the opening remarks of the Kerr Committee report:

We have been mindful that it is essential to achieve a balance between the desirability of achieving justice to the individual and the preservation of the efficiency of the [judicial] process. In approaching that question it is necessary to keep in mind that, although ... efficiency is a dominant objective of the [judicial] process, nevertheless the achievement of that objective should be consistent with the attainment of justice to the individual.³

7 The Court’s approach to this issue is guided by our duty to facilitate the attainment of justice to all of our litigants, not only those who — whether by choice or circumstance — come before the Court as litigants in person.

² “Litigants in Person and the Administration of Justice” (Speech, Commonwealth Law Conference, 27 February 2026) <<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/mortimer-cj/mortimer-cj-20260227>>.

³ Commonwealth Administrative Review Committee, Parliament of Australia, *Report of the Commonwealth Administrative Review Committee* (1971) at [12].

THE LATEST DATA

- 8 The Court is continuing to collect a range of data about litigants in person. The most recent data collection was carried out in March of this year.

Matters in Judges' dockets

- 9 As of March 2026, 552 matters in Judges' dockets involved a litigant in person. That is across 58 full-time Judges and approximately 2,850 matters in total. So, litigant in person matters made up about 19% of all matters in Judges' dockets.
- 10 Well over three quarters of those matters fell within just three of the Court's National Practice Areas: nearly half were in the Administrative and Constitutional Law and Human Rights NPA, a third were in the Commercial & Corporations NPA, and 15% were in the Employment & Industrial Relations NPA. Those 552 matters overwhelmingly involved unrepresented applicants; 22% involved unrepresented respondents. Finally, 68% of those matters were in the Court's original jurisdiction, 29% were in the Court's appellate jurisdiction but being dealt with by a single Judge, and 3% were appeals heard by a Full Court. This represents something of a shift from the previous data collection in December last year, when 82% of litigant in person matters were in the Court's original jurisdiction and just 18% were appeals.

Allocations to Judges

- 11 The Court also collects data about what we call "litigant in person allocations", being instances in which a proceeding is allocated to a Judge⁴ and that proceeding involves an applicant, plaintiff or appellant who is a litigant in person at the time of the allocation. This includes allocations of interlocutory hearings, such as applications for review of Registrar decisions,

⁴ This data does not include data about proceedings (whether in the original or appellate jurisdiction) that are heard by a Full Court.

and applications for leave to appeal. Generally, therefore, this data captures litigants who are representing themselves from the beginning of, or early in, the course of a proceeding.

12 In the 12-month period from May 2024 to April 2025, there were 319 such allocations. In the following 12 months, there were 498, an increase of 56%. Notably, litigant in person allocations in the E&IR NPA increased by 130%, from 31 to 71. There was also an above-average increase in litigant in person allocations in the Taxation, C&C, and Intellectual Property NPAs.

13 Those numbers are not the whole picture. Many would-be litigant in person matters are never allocated to a Judge's docket because the documents relied upon are not accepted for filing.⁵ In 2023, there were 80 occasions where documents were not accepted for filing. The number grew to 143 in 2024, then 244 in 2025. There had been 88 refusals to accept documents for filing as of May this year, which is equal to the number of refusals there had been at the same time last year. So, the numbers remain high and continue to increase. Overwhelmingly, these are documents that are rejected for filing on the basis that a Registrar is satisfied that the allegations constitute an abuse of the process of the Court or are frivolous or vexatious.⁶ The Court has recently amended its rules in relation to the acceptance or refusal of documents for filing, which I will discuss in more detail later.

Other data collected by the Court

14 The Court also recently undertook a comparative sampling exercise to measure the extent to which litigant in person matters are more likely to involve a greater degree of interaction with the Court's staff, Registrars and Judges. I discussed this exercise in my speech earlier this year,⁷

⁵ *Federal Court Rules 2011* (Cth) r 2.27.

⁶ *Federal Court Rules 2011* (Cth) r 2.26.

⁷ "Litigants in Person and the Administration of Justice" (Speech, Commonwealth Law Conference, 27 February 2026) at [8]–[9] <<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/mortimer-cj/mortimer-cj-20260227>>.

but, in short, we looked at proceedings in the areas with high proportions of litigants in person, being the ACLHR NPA, the Migration subarea of that NPA, and the E&IR NPA. The proceedings in the ACLHR and E&IR NPAs that involved litigants in person had about three times more email correspondence recorded on the Court file than those which did not. Similarly, the number of court listings and orders was about two to three times higher in proceedings involving a litigant in person. Interestingly, however, there was no significant difference in the number of orders, emails or listings in the Migration sample between matters with litigants in person and matters without.

15 This corresponds with the data that we collected earlier this year as part of a survey of the Court's 58 full-time judges, for which we had a response rate of about 50%. The Judges' responses indicated that litigant in person matters in the Migration subarea tend not to involve the same kind of procedural intensity as do other kinds of litigant in person matters.

16 Outside of the Migration subarea, the survey results reveal the additional workload which can arise from litigant in person matters. Around 86% of responding Judges said that proceedings involving litigants in person require "much more time" compared to other proceedings. Around half of responding Judges said that hearings involving litigants in person ran for "much longer", with almost all other Judges saying the hearings were "a little bit longer". Two thirds of responding Judges said that litigants in person make interlocutory applications more frequently than represented parties. These were matters such as recusal/bias applications, review of Registrar decisions, applications for leave to appeal interlocutory decisions, and discovery applications. On the other hand, two thirds of responding Judges also said that litigants in person can conduct their cases in a reasonable and timely way, with only 27% answering that this "rarely" or "never" occurs.

17 This assumption — that, with support, litigants in person can conduct proceedings reasonably — underlies much of the approach in the Court’s Practice Note on litigants in person.

The different kinds of litigants in person

18 Trying to identify whether a litigant in person has previously engaged with the Court is important. It is helpful for the Court to identify what kind of assistance might be required for the litigant, and doing so can pick up where litigants may already have proceedings in the Court. Identifying previous engagements with the Court also assists in spreading the allocation of proceedings involving litigants in person reasonably equitably across all Judges, and attempts to ensure appropriate allocation of Registrars to assist Judges and litigants in person.

19 Of all the litigant in person matters in Judges’ dockets as of March this year, 62% involved a first-time litigant; 25% involved an experienced litigant; 11% involved a frequent litigant; and 2% involved a vexatious litigant. People in those last two categories of litigant were involved in a disproportionately high number of proceedings. That is, although 13% of litigant in person proceedings involved either a frequent or a vexatious litigant, litigants of that kind represent just 4% of the total number of litigants in person with proceedings before the Court.

The Court’s ACLHR NPA

20 There is a recent trend in the data that may be of particular interest to this audience. By May 2026, the Court had already received more human rights filings in its ACLHR NPA than it had in any previous financial year. In fact, the number of filings we had received by May 2026 is double the number that we had received by the same point in the 2024/25 financial year.

21 That increase is primarily in the number of disability discrimination, race discrimination and sexual harassment claims filed in the Court. Of the human rights filings this financial year to May 2026, nearly 40% were filed by litigants in person. If we remove sexual harassment

claims, which have a higher proportion of represented applicants, that number rises to over 50%.

22 These increases may be related to the 2024 amendments to the *Australian Human Rights Commission Act 1986* (Cth) that made appeals from the Commission under s 46PO essentially a cost-free jurisdiction.⁸ The Court has heard from some in the profession that the new costs provisions are a factor that is helping to encourage applicants to pursue these claims. The Court also understands that there remains a significant backlog of cases in the Commission, meaning that the full effect of these amendments may yet to be fully realised.

23 In other parts of the ACLHR NPA, such as administrative law filings (for example, appeals from the Administrative Review Tribunal), 57% of the proceedings were filed by litigants in person.

THE COURT'S LIPPB PROJECT

24 The Court's Litigant in Person and Pro Bono Project was established in August 2024. The Judges, Registrars and staff of the Court all recognise the need for more focus on this litigant cohort. In general terms, the Project's objectives are to:

- introduce a whole-of-court approach to the management of litigant in person matters;
- adopt an early intervention approach, particularly with respect to the provision of information to litigants in person and the handling of preliminary issues;
- offer improved case management tools and mechanisms to assist judges and registrars;
- implement more robust measures to prevent abuse of the Court's processes;

⁸ See *Australian Human Rights Commission Act 1986* (Cth) s 46PSA. That section was inserted by the *Australian Human Rights Commission Amendment (Costs Protection) Act 2024* (Cth).

- enable greater accessibility to the Court and its processes, including by assisting litigants in person to better understand the role of the Court and its staff, as well as expected standards of behaviour;
- provide better support and resources to Judges, Registrars and other Court staff;
- collect more comprehensive data on litigants in person; and
- strengthen the operation of the Court’s pro bono referral program.⁹

25 The Project is one of the largest that the Court has undertaken in recent years. It is coordinated by a Senior Judicial Registrar who has been relieved of some of her usual duties to focus on this important work. It is led on the judicial side by Justice Craig Colvin from the Court’s Western Australian registry. Project work like this is undertaken by Judges and Registrars across the Court voluntarily contributing their time to the Project, in addition to their ordinary work. The Project team also includes two Litigant in Person and Pro Bono Coordinators. I would hope to introduce Litigant in Person and Pro Bono Coordinators in each of the Court’s major registries around the country, but that will depend on funding. As a national court, it is critical that we implement these measures in a way that meets the needs of litigants nationally.

26 I am grateful for the efforts of all of my colleagues who work on the Project, and I want to describe some of the work that we have done in the less-than-two years since the Project was established.

Litigant in person joint allocation model

27 In May 2025, the Court adopted a new model for allocating Registrars to work with Judges in proceedings involving litigants in person.

⁹ “Litigants in Person and Pro Bono Project”, *Federal Court of Australia* (Web Page) <<https://www.fedcourt.gov.au/going-to-court/i-am-a-party/litigants-in-person-and-pro-bono-project>>.

28 Broadly speaking, this joint allocation model has two objectives: to improve communication with litigants in person about procedural requirements and to reduce case management demands on the docket Judge. While the overall responsibility for case management remains with the docket Judge, joint allocation can allow the Judge to refer certain tasks to the Registrar, including processes that have been introduced as part of the broader work of the Project. For example, a Registrar might be directed to convene a confidential or non-confidential conference for the purpose of explaining aspects of procedure to the litigant in person, such as what is required in a pleading, or the type of discovery orders that may be appropriate, or what needs to be included in an affidavit. This kind of assistance would, obviously, stop short of substantive legal advice, but we believe that there are opportunities for more one on one engagement in conference settings than might currently occur.

Litigants in person Practice Note

29 A major piece of work completed earlier this year was the publication of a new Litigants in Person Practice Note.¹⁰ The Practice Note was the result of an extensive consultation process with both internal and external stakeholders. As part of that process, the Project received 9 internal submissions, 19 external submissions, and had 20 community organisations participate in online consultation sessions. This input from stakeholders was extremely helpful.

30 The Court was also assisted by the substantial input of two plain English experts, who supported our efforts to ensure that the Practice Note would be as easy to understand by its target audience as possible. Any reader of the document should immediately see how different it is to the Court's other practice notes.

¹⁰ "Litigants in Person Practice Note (GPN-LIP)" *Federal Court of Australia* (Web Page), <<https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-lip>>.

31 Relatedly, the Court has published professionally translated versions of the Litigants in Person Practice Note into the next eight most commonly spoken languages of our litigants, being Mandarin, Punjabi, Malay, Tamil, Urdu, Vietnamese, Arabic and Persian.

32 The Practice Note addresses the following topics:

- the initial decision whether an individual should act as a litigant in person in the Court, including making people aware of the avenues that might be available in terms of legal advice and representation, as well as of the potential risks of representing oneself;
- the basics of what an individual will have to do if they decide to commence, defend or continue a proceeding as a litigant in person;
- the role of Judges, Registrars and Court staff, including what the Court cannot do for litigants in person; and
- an emphasis on the requirement that all who participate in court proceedings must behave reasonably and respectfully.

33 The Practice Note also contains a number of attachments that explain the meaning of commonly used legal words, the Court's case management objectives, the other practice notes published by the Court, and information about how to access free legal research databases.

34 While not intended to be a manual or handbook about the conduct of a proceeding in the Court, the Practice Note is intended to be a foundational document for litigants in person. For that reason, litigants in person will be asked to acknowledge in writing at the beginning of a new proceeding that they have sought to familiarise themselves with the Practice Note.

35 The Court has received positive feedback about the Practice Note from across the legal community, and from some litigants in person.

Changes to the Court's website

36 Alongside the publication of the Practice Note, the Court has also updated its website to include more information for litigants in person.¹¹ We now have a dedicated page with information about the Project, where we have posted updates about the Practice Note and other initiatives that affect litigants in person.¹²

Consultations with community legal centres

37 This year, along with members of the Project team, I have held meetings with the community legal sector as part of my annual visit to each of the Court's registries. So far this year, I have spoken with members of the sector in Sydney, Adelaide, Canberra, Perth and Brisbane. I will be meeting with the sector in Melbourne tomorrow, and then in Hobart and Darwin in the following three weeks.

38 These meetings have been very well attended, and I am grateful for all of the insights that the sector has shared with us. We have heard from specialist community legal centres that deal collectively with the full spectrum of legal and social issues, as well as from generalist bodies. We have been particularly fortunate to hear from each of the federally funded self-representation services that operate across Australia, being Justice Connect (ACT, NSW, Tasmania and Victoria), LawRight (Queensland), JusticeNet (South Australia) and Legal Aid Western Australia.

39 A number of themes have emerged from these meetings in relation to litigants in person. One is that there remains more work to be done in terms of the initial contact with the Court at the time of filing. Community legal centres highlighted aspects of the filing process that might

¹¹ The Court would like to do a full refresh of its website, but currently there is no funding for this.

¹² "Litigants in Person and Pro Bono Project", *Federal Court of Australia* (Web Page) <<https://www.fedcourt.gov.au/going-to-court/i-am-a-party/litigants-in-person-and-pro-bono-project>>.

pose a particular challenge to some litigants in person, such as accessing Registry buildings, communicating with Registry staff, understanding formal requirements around the preparation of documents, and being aware of, and meeting, applicable filing deadlines. It was also observed that simply telling litigants in person about services that might be able to assist them is not enough, and that the Court might consider seeking litigants' consent to link them directly with relevant services. In other words, a more interactive and pro-active approach to connecting people to services. In a similar vein, some attendees suggested that more could be done to make vulnerable litigants in person aware of the options that might be available to them in terms of suppression orders and the use of pseudonyms. The possibility of the Court making targeted pro bono referrals, such as referrals for mediation only, received an enthusiastic response from the sector.

40 Another common theme of discussion was the use of technology by other courts around the world. I understand, for instance, that some overseas courts require litigants in person to complete online training modules before they are allowed to commence proceedings. The use of generative artificial intelligence cannot be ignored. There are ways that generative artificial intelligence might be harnessed to assist litigants in person and the courts in dealing with litigants in person.

FURTHER DEVELOPMENTS

41 I now turn to some more recent developments in the Court's Litigant in Person and Pro Bono Project, and also to some of the initiatives that are on the horizon.

Judges have begun to apply the Practice Note

42 There have been at least four occasions since the publication of the Litigants in Person Practice Note in which it has been referred to by Judges in their reasons for judgment.

43 Two of those judgments concerned a single litigant whose behaviour, according to the presiding Judge, included “[c]onsistently late attendances, repetitive interruptions and irrelevant submissions at routine case management hearings”.¹³ As a result of this behaviour, the Judge made orders requiring the litigant to show cause why the proceeding should not be stayed until the litigant gave an undertaking that they would, in general terms: act respectfully and honestly; not shout, swear, threaten or be rude; communicate with the Court in a reasonable way; and comply with the orders of the Court.¹⁴ In doing so, the Judge specifically referred to the requirements set out in the Practice Note about how litigants must behave in their interactions with the Court. When the issue was discussed at a subsequent case management hearing, the litigant “interrupted the presiding judge numerous times”, “became agitated, angry and aggressive”, and made “irrelevant submissions [and] unfounded assertions of impropriety”.¹⁵ The Judge ultimately made orders staying the proceeding until the litigant gave the necessary undertaking.¹⁶

44 Another of the judgments also involved what was said to be “discourteous and disrespectful” behaviour on the part of a litigant.¹⁷ In that case, the litigant had sought the recusal of the Judge on the basis of actual or apprehended bias. That was in part due to email exchanges between the litigant and Court staff,¹⁸ which had prompted the Judge to make an order precluding the parties from communicating with the Court other than through the Registry.¹⁹ In dismissing the recusal application, the Judge, among other things, justified the making of that earlier order by reference to the requirements in the Practice Note about litigants’ behaviour.²⁰

¹³ *Ogbonna v Link Workforce Pty Ltd (No 3)* [2026] FCA 668 at [14].

¹⁴ *Ogbonna v Link Workforce Pty Ltd (No 2)* [2026] FCA 298 at Order 6.

¹⁵ *Ogbonna v Link Workforce Pty Ltd (No 3)* [2026] FCA 668 at [4]–[5].

¹⁶ *Ogbonna v Link Workforce Pty Ltd (No 3)* [2026] FCA 668 at Order 1.

¹⁷ *Kirkham v Monash University* [2026] FCA 453 at [39].

¹⁸ *Kirkham v Monash University* [2026] FCA 453 at [9].

¹⁹ *Kirkham v Monash University* [2026] FCA 453 at [43].

²⁰ *Kirkham v Monash University* [2026] FCA 453 at [45].

45 The fourth judgment involved a Judge referring to what the Practice Note says about what the
Court cannot do for litigants in person as part of a broader point about the need to ensure that
such litigants receive a fair hearing.²¹

46 These references to the Practice Note by Judges, especially in the context of concerns about
litigants' behaviour, is encouraging and demonstrates the value of the Practice Note.

Filings Judge procedure and amendments to the Rules

47 In my last speech, I mentioned the new "Filings Judge procedure" that the Court was planning
to implement.²² Last week, amendments to the *Federal Court Rules 2011* (Cth) came into force
that will facilitate that procedure.²³

48 There is a current power under the Rules for Registrars to refuse to accept documents for filing.
But Registrars refusals can only be based on what is on the face of the document and are subject
to a right of review before a judge.²⁴ Under the new procedure, a lodgement by a litigant in
person may be referred to the Duty Registrar for consideration. The Duty Registrar will then
consider whether to refer the lodgement to the Filings Judge.

49 The purpose of referring a lodgement to the Filings Judge is so that the Judge can then consider
whether to make a direction that the document is not to be accepted without leave first being
obtained from a Judge. If such a direction is made, the litigant will then be afforded an
opportunity to explain why leave should be granted.

²¹ *Safarimaznabi v Commissioner of Taxation (No 2)* [2026] FCA 712 at [8].

²² "Litigants in Person and the Administration of Justice" (Speech, Commonwealth Law Conference, 27 February 2026) at [67]–[74] <<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/mortimer-cj/mortimer-cj-20260227>>.

²³ *Federal Court Amendment (2026 Measures No. 1) Rules 2026* (Cth).

²⁴ *Federal Court Rules 2011* (Cth) rr 2.26, 3.11; *Federal Court of Australia Act 1976* (Cth) s 35A(5).

50 Where the document is an originating application or a notice of appeal, then, under new r 2.27A, the application for leave must be:

- made in accordance with a new, tailor-made form that has been designed for use by litigants in person; and
- accompanied by an affidavit that, among other things, lists all of the litigant's current proceedings before the Court as well as any Registrar refusals or Judge-made directions under r 2.27(f) in the preceding 12 months.

51 The application is to be made without notice to any other person, ensuring that other parties' resources are not unnecessarily consumed. The new procedure is also significant because it ensures that, where necessary, proposed proceedings will be reviewed by a Judge before they are commenced. Should that Judge refuse leave to institute proceedings, no appeal will lie due to the operation of s 24(1AA)(a) of the *Federal Court of Australia Act 1976* (Cth).²⁵

52 Now that necessary amendments to the Rules have been made, the Filings Judge procedure will formally commence shortly.

Targeted pro bono referrals

53 As I have already mentioned, the Court has received enthusiastic support for the idea of Judges making targeted referrals for pro bono assistance for the purposes of mediation only. Targeted referrals would recognise the fact that while many practitioners are eager to help people who are otherwise unrepresented, there are serious resource challenges involved in providing ongoing legal support to such litigants and going on the record. That is particularly the case in relation to law firms and community legal centres, which is why the Court is considering

²⁵ *Praljak v Office of the Australian Information Commissioner* [2025] FCAFC 126.

expanding its referrals to include solicitors, whereas it has historically only made referrals to counsel.

54 It is hoped that more pro bono assistance at the stage of mediation may help more matters reach an appropriate early resolution rather than proceed to a full hearing. At the least, it may ensure the Court and its Judges can be confident that a litigant in person has received some legal advice and assistance during the currency of their proceeding, even if the matter does not settle.

Use of artificial intelligence

55 The Court is also continuing to progress reforms on the use of Registrar conferences in litigant in person proceedings. We are particularly interested in the possibilities presented by generative artificial intelligence in this space. A proposal that is under active consideration is the possibility of using closed generative artificial intelligence during preliminary Registrar conferences to help collate answers given by a litigant in person into an exposition of their claim, or perhaps even into a court document such as a concise statement. As other courts and tribunals are finding,²⁶ it is important that we do not deny the reality of the use of artificial intelligence by litigants in person but instead find ways to deploy it in a manner that might be helpful to the articulation and resolution of proceedings.

56 The development of artificial intelligence tools of this kind is not within the Court's core skill set. Therefore, we must find appropriate partners across both industry and the academy. This is something we are eager to do, although our eagerness is somewhat constrained by present financial realities. But just as the use of artificial intelligence is now widespread among members of the legal profession, its use by litigants in person is clearly here to stay. So, in my

²⁶ See, eg, Justice Adam Hatcher, "A disrupted future: Artificial intelligence and the Fair Work Commission" (Presentation to the Victorian Bar Association, 18 February 2026) <<https://www.fwc.gov.au/about-us/news-and-media/news/ai-and-increased-workload-commission>>.

view, it is in everyone's interest — including lawyers, courts and governments — that courts work to assist litigants in person to have an opportunity to use reliable artificial intelligence under conditions that are likely to produce material that is as accurate and as useful as possible.

CONCLUSION

57 Where to from here? It seems to me that courts such as ours are at something of a fork in the road when it comes to litigants in person. One path involves a redoubling of our efforts to increase the amount of legal representation and assistance to those who would otherwise be left to represent themselves. This would require funding from government and generosity from the legal profession, and a deliberate effort on the part of the courts to encourage those two things. The other path, which has been taken in some jurisdictions around the world, is simply to give up, accept the exponential increase in litigants in person and develop processes to address that increase.

58 I prefer we continue to advocate for the first path. While people are free to represent themselves if they so desire,²⁷ I believe that the administration of justice is best served when all parties are represented by qualified legal practitioners. We should not give up on this aspiration. Where legal representation is not available, however, courts must continue to find appropriate ways to support litigants in person, while ensuring that the way proceedings are conducted facilitates “the just resolution of disputes”²⁸ — recalling not only the “just” part of this objective, but also the “resolution” part.

²⁷ See, eg, s 78 of the *Judiciary Act 1903* (Cth); “Litigants in Person and the Administration of Justice” (Speech, Commonwealth Law Conference, 27 February 2026) at [119]–[124] <<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/mortimer-cj/mortimer-cj-20260227>>.

²⁸ *Federal Court of Australia Act 1976* (Cth) s 37M(1).