Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD
PRISONERS' LEGAL SERVICE INC
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What's my lawyer talking about?

Sometimes your lawyer might use legal terms or talk about legal processes that you are unfamiliar with. This month, PLS have put together a Q&A edition of Prison News to answer common questions you might have about how legal systems work and how lawyers can help.

Legal Jargon Dictionary

Authority
Lawyers might ask you for "authority" to talk to other people or organisations about your matter, because they need permission to share your confidential information.

Certified Copies of Documents
A certified copy is a copy of an original document which a qualified person (JP or lawyer)[1] has verified to be a *true copy of the original*. To get a document certified you need to bring the original and the copy to the qualified person.

Committal hearing
Proceedings in a Magistrates Court to determine whether there is sufficient evidence to put a person on trial for an indictable offence.

Community Legal Centre (CLC)
An organisation of lawyers who provide free legal services to people who can't afford a private lawyer.

Conflict of interest
Lawyers are held to very high ethical standards and this means that they cannot help you if they have already helped someone whose interests *conflict* with yours.

Justice of the Peace (JP)
A Justice of the Peace is a volunteer who is trained to officially witness and certify documents.

Legal advice
Only a *lawyer* can give legal advice. A paralegal, support worker, police officer, prison guard, or psychologist cannot give you legal advice.

Legislation
Laws written and passed by Parliament.

Private lawyer
A lawyer you have paid to provide you with legal services.

***Pro bono* lawyer**
A private lawyer who is providing legal services to you for free.

Remand
If you are "on remand" you are *in custody*, for criminal charges but you have not been convicted or sentenced for those charges.

Sentencing Remarks
This is a written record of what the judge said when they were "sentencing" you (telling you what punishment you get for your crime).

[1] Justices of the Peace, Commissioners for Declarations, lawyers, notary publics and conveyancers.

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.

Common Questions & Answers

- **What is the difference between a barrister and a solicitor?**
  Barristers and solicitors are both lawyers, but barristers generally represent you in court and solicitors generally talk to you directly.

- **How does a referral work?**
  When your lawyer (A) "refers" you to another lawyer (B), it means that the second lawyer (B) is better able to help you with your legal issue (usually because lawyer (A) does not have the resources or the special skills needed to help you).

- **What is the difference between a statement, a statutory declaration and an affidavit?**
  All of these documents are a type of statement, but statutory declarations and affidavits are more formal. Statutory declarations need to be witnessed by an "authorised witness" (JP or lawyer)[2] and affidavits are similar to statutory declarations but *more formal* because they are used as evidence in court proceedings. It is very important that you do not lie on these documents.

- **What is the difference between "swearing" and "affirming"?**
  Both are formal promises that you are telling the truth, but swearing means that you hold a religious text (e.g. swear on the bible) and affirming is a non-religious promise to tell the truth.

- **What does "witnessing" a document mean?**
  "Witnessing" is when an authorised person watches you sign a document and then signs the document themselves to say that you are really the person who signed it.

- **What is the difference between "mandatory" and "discretionary"?**
  Mandatory means it *must* happen, every time. Discretionary means that the decision maker can *choose* whether or not it happens.

- **Why doesn't my lawyer know the answer to all my legal questions?**
  There are many different areas of law that are complex in different ways. Most lawyers specialise in one or two areas of law and your question might be outside their scope.

Contact Prisoners' Legal Service

By phone: Call our free advice line on **Tuesdays between 9-11am and 12-2pm**

By mail: Send a free blue letter to **GPO Box 257, Brisbane, QLD, 4001**

[2] Some other people are authorised witnesses but JPs and lawyers are most common.

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