***Role of the Courts in Australia***

**The purpose of a court**

A court is an official forum in which two or more parties present their dispute so that a lawful authority, usually a judiciary such as a judge or jury, can administer justice.

**The Australian court system**

The Australian court system is structured as a hierarchy, which means that some courts are more powerful than others. Depending on the seriousness of the offence, different courts in the hierarchy will deal with different cases.

There are two basic types of courts; State courts, which are set up under State laws, and Federal courts, which are set up under Commonwealth laws. There are also courts and **tribunals** (specialised courts) that deal with specific issues, such as the Children's Court, which looks after cases involving juveniles, or the Family Court, which deals with cases related to divorce.

**The State courts**

There are three levels of State courts. The State courts deal with the bulk of disputes and offences. The structure is the same for all States in Australia, though the role of each court may differ from state to state. Each court has a slightly different set-up with regard to who hears and decides on the case and different powers with regard to the penalties they can impose.

At the lowest level is the **Magistrates Court**, sometimes called the **Local Court**. A qualified legal practitioner called a **magistrate** hears the case, issues a **verdict** (decision) and decides on the penalties, which may be a fine or punishment. There is no jury. The Magistrates Court deals with minor disputes such as civil matters involving amounts less than $40 000 and minor criminal cases such as theft and drink-driving. For more serious offences, the magistrate will decide if the case should go to a higher court, a decision called a**committal hearing**.

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[Image 1 - Structure of a Magistrates Court, also known as the Local Court.](javascript:void(0);)

Some special Magistrates Courts include the Children's Court (for offenders or defendants under 17), the Minor Debts Court, the Small Claims Tribunal, the Coroners Court (for unnatural deaths or arson) and the Industrial Magistrates Court (for disputes between employers and employees).

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[Image 2 - Structure of the District Court, which is the same as the Trial division of the Supreme Court.](javascript:void(0);)

The **District Court** sits on the next level above the Magistrates Court. The District Court will hear appeals from the Magistrates Court. An **appeal** is an application to review the decision made on a case if one or more parties are not satisfied with the outcome. The District Court also deals with more serious cases such as civil disputes up to $250 000 and criminal offences such as armed robbery, rape and fraud. The District Court may have a judge and/or jury.

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[Image 3 - Structure of the Supreme Court of Appeal.](javascript:void(0);)

The **Supreme Court**is the highest State court. It has two divisions, the Trial Division and the Court of Appeal. The Supreme Court of Appeal deals with cases that have already progressed through the lower courts where one or more parties are not satisfied with the result. A panel of three or five judges preside over the Court of Appeal and make decisions.

The Trial Division deals with civil cases over $250 000 and serious criminal cases involving murder, manslaughter and serious drug offences. The Trial division uses a **jury**, a panel of ordinary citizens who decide on the facts of a case, to deliver a 'guilty' or 'not guilty' verdict.

**The Federal courts**

The Federal courts handle matters not covered by State law. The results from the Federal courts set precedents that apply to all of Australia.

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[Image 4 - The Family Court deals with divorce issues.](javascript:void(0);)

The **Family Court** specifically looks after divorce and issues relating to divorce, which can be financial, such as the division of assets (for example, property), or social, like child custody.

The **Federal Court**covers any breach of Federal law. This includes a wide range of cases, from bankruptcy and trade practices to immigration and international relations.

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[Image 5 - The Federal Court deals with Commonwealth issues such as bankruptcy.](javascript:void(0);)

The **High Court** is the highest court in Australia. It is the final court of appeal, which means that if disputes have progressed through lower courts without a satisfactory resolution, people can take their case to the High Court for a final decision. The High Court also deals with constitutional and Commonwealth matters.

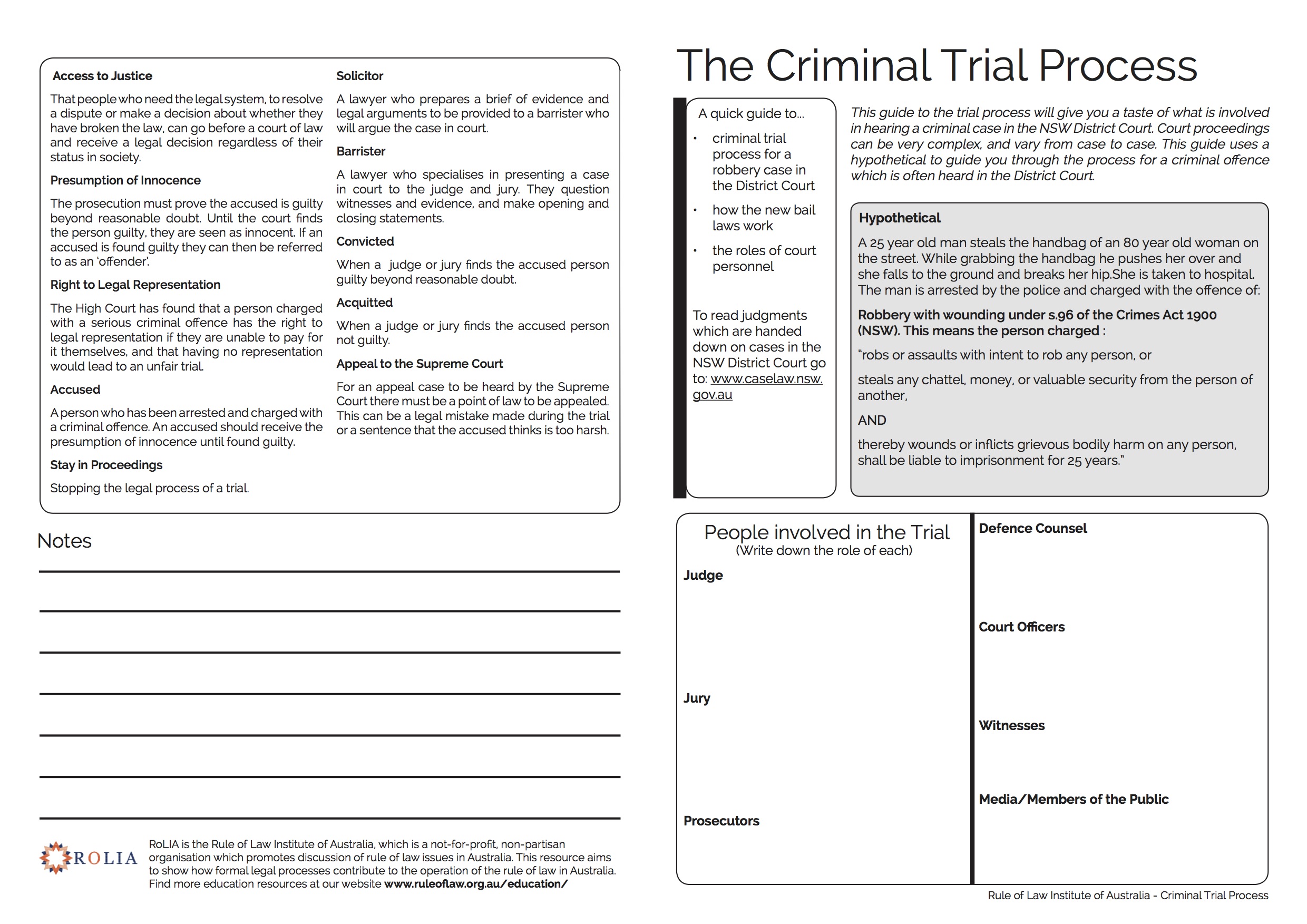
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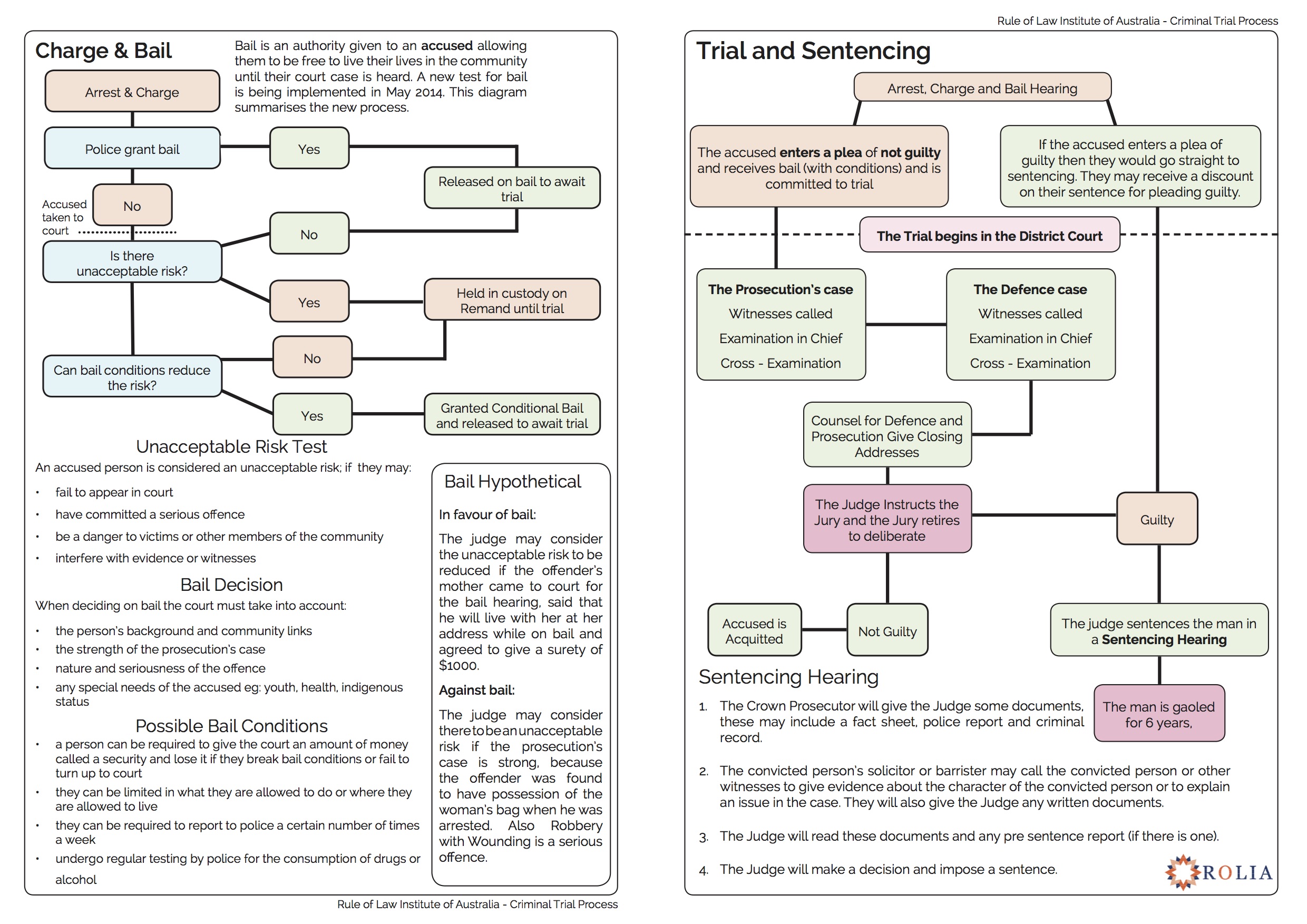
[Image 6 - The High Court is the final court of appeal and also deals with Commonwealth and constitutional matters.](javascript:void(0);)

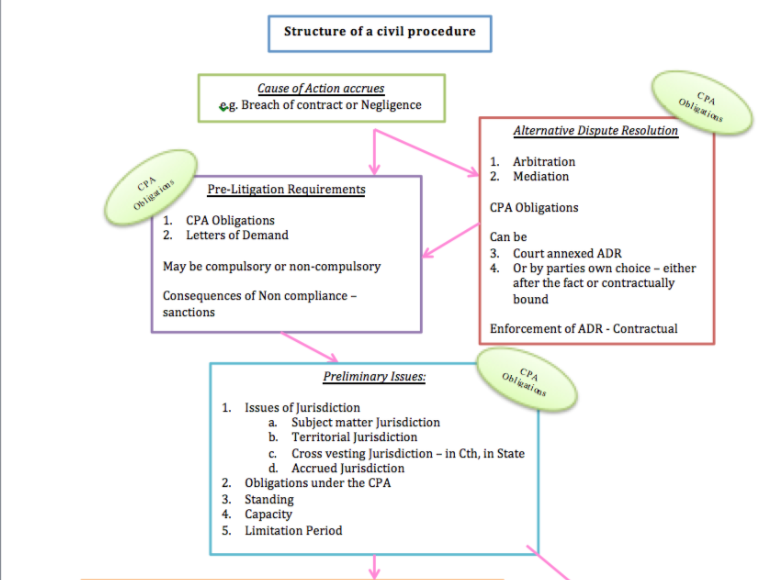
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| **State courts** | **Presides over:** |
| Magistrates Court or Local Court | Civil cases to $40 000 Minor criminal cases: e.g. theft, drink-driving, assault Committal hearings for more serious offences Bail applications |
| Coroners Court | Deaths by unnatural causes Arson |
| Children's Court | Criminals under 17 |
| District Court | Appeals from Magistrates Court Civil cases to $250 000 Criminal cases: e.g. armed robbery, rape, fraud |
| Supreme Court | Appeals from District Court Civil cases above $750 000 Criminal cases: e.g. manslaughter, murder, serious drug offences |
| **Federal courts** | **Presides over:** |
| Family Court | Divorce and divorce-related disputes |
| Federal Court | Appeals from Commonwealth Administrative Appeals Tribunals Federal cases: e.g. bankruptcy, trade practices, native title |
| High Court | Final court of appeal Constitutional cases |

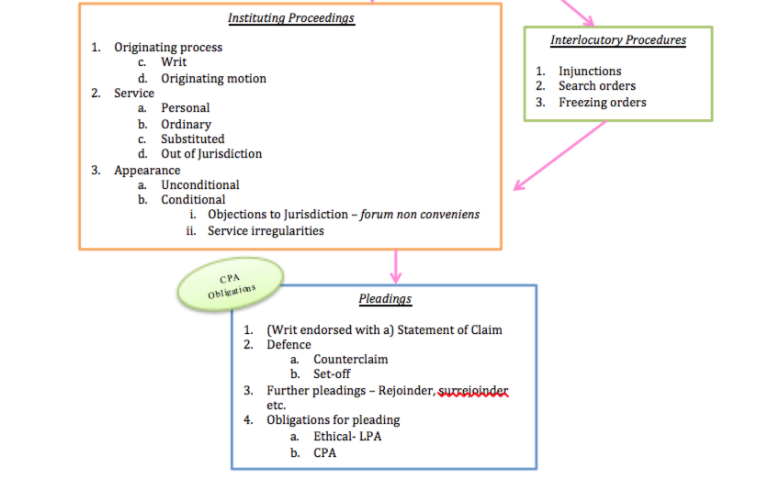
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***Criminal and civil procedures***

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