

## A Civil and Administrative Tribunal

A tribunal which determines minor civil disputes (consumer disputes, residential tenancy issues, and other disputes), appeals against administrative decisions made by governments through their departments, and hearings in relation to professional boards.

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## Abor a trial

Terminate a trial before it is completed.

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## Abscond

To leave or run away from a place without proper permission. It is also when a person does not come to court on the date when a judge or police officer tells them to come to court.

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## Accused

The person who police say broke the law is called the accused, or the defendant.

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## Accomplice

A person who helps another person break the law.

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## Acquittal

A finding that a defendant is not guilty of a crime as charged.

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## Act

A law made by a state, territory or federal parliament.

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## Adjourn

To postpone a meeting or hearing to a later date.

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## Adjourned sine die

When a court trial or hearing is delayed but a new date is not specified.

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## Adjourned without notice

When a court trial is delayed to a later date, and the court does not require that the defendant be given notice of when the next court date will be.

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## Adjournment

When a court trial or hearing is delayed to a later date.

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## Adjudicators

Legally qualified tribunal decision-makers for minor civil disputes and other matters.

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## Admissibility

Whether evidence can be heard in court or not.

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## Admissible Evidence

Evidence that a court is permitted to consider in deciding a case. Statute and case-law govern what evidence is admissible. Generally, the purpose is to ensure that evidence is relevant and reliable.

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## Admission

Acceptance by a party that they have said or done something.

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## Adversarial

A legal system or proceeding where each party with competing claims puts their best case to an impartial person who then decides the outcome.

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## Advocate

The person presenting a case to a court or tribunal on behalf of one of the parties involved.

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## Affidavit

A written sworn statement by a witness that can be used in court as evidence.

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## Affidavit of service

A statement that describes the way a legal document was delivered to someone (a party).

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## Affirmation

A non-religious alternative to an oath. An affirmation has the same binding effect as an oath. It is as a promise to tell the truth.

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## Aggravated

An aggravated offence or count is worse or more serious than a basic offence. The maximum penalty is harsher. There are many circumstances that may make an offence aggravated. For example, committing a robbery with a weapon will make the offence aggravated as it is more serious than committing a robbery without a weapon.

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## Aggrieved

The person in need of protection and for whose benefit a Domestic Violence Order is made.

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## Agreed facts

A set of specific information agreed by the Defence and the Prosecution, regarding the charges that are brought before the court. Usually presented after a plea of guilty.

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## Alias

Another name used by a person. Often, it is a false or assumed name.

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## Alibi

A claim by an accused person that they did not commit the alleged criminal offence, because they were somewhere else or with somebody else at the time the offence was committed.

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## Allegation

An assertion or accusation that a particular person has committed a criminal offence.

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## Alleged (unproven)

Another word for 'unproven'. An alleged offence is the crime the Prosecution says someone has committed.

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## Alleged facts

The facts presented by the Prosecution to the court about the criminal offence they say the accused has committed.

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## Alleged offender

A person suspected of committing a criminal act.

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## Alleged victim

A person claiming to be a victim of crime.

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## Allocutus

A question that a court officer asks an accused who has been found guilty or pleaded guilty to an indictable offence. The court officer asks the accused if there is any reason why the court should not pass a sentence for the offence according to the law. After the allocutus is put to the accused the plea in mitigation is presented.

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## Alternative charge

A charge (of a criminal offence) which is less serious than another charge, based on the same facts. If the accused is found not guilty of the more serious charge, the evidence may be enough to prove they are guilty of the alternative charge. For example, a person who is charged with murder may be charged with the alternative charge of manslaughter.

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## Alternative dispute resolution (ADR)

Different ways to work out differences of opinion and reach an agreement outside of court; including mediation, conciliation and compulsory conferences.

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## Amicus curiae

Latin for 'a friend of the court'. A person, usually a lawyer, who, with the court's permission, may volunteer to assist the court to decide a case.

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## Antecedents/Criminal history

Records of previous criminal offences, usually with details of conviction, penalties and appeals.

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## Appeal

Asking a higher court, such as a Supreme Court, to reconsider the decision of a lower court, such as a District Court.

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## Appeal of Tribunal Decision

A review of a tribunal decision by a court or in some cases by an appeal division of a tribunal.

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## Appear for

When a person has a lawyer who is representing them in relation to a court case, and the lawyer is present in court, the lawyer is said to 'appear for' the person.

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## Appearance

1. Coming to court, either in person, or represented by a lawyer. 2. Formally filing in the court a document called an 'appearance' or 'entry of appearance'.

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## Appellant

The person who brings an appeal.

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With support from:

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## Appellate Jurisdiction

The power of a higher court, such as a Supreme Court, to review a case that has already been heard by a lower court, such as a District Court.

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## Applicant

The person who makes an formal request for a court or tribunal order or outcome.

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## Application

A formal request for a court order or outcome.

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## Apply

A formal request for something (for example, to apply for the court to make an order).

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## Apprehended Violence Order (AVO)

Apprehended violence means fear of violence. When someone fears someone will be violent towards them, they can ask for protection from the court through an Apprehended Violence Order, or AVO. In New South Wales, an AVO is an order made by a court designed to stop acts of violence, intimidation or harassment by one person towards another. An AVO usually states that a person must not assault, threaten, stalk, or intimidate or harass another person. An AVO may include other conditions. Comparable terms in other jurisdictions: In South Australia and Victoria, an Intervention Order. In Queensland, it is a Domestic Violence Protection Order. In Western Australia, a Restraining Order. In the Northern Territory and ACT, Domestic Violence Order. In Tasmania, Family Violence Order.

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## Armed robbery

Taking something of value from someone by force or threats of force with a weapon made before, during or after obtaining the thing.

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## Arraignment

To call an accused/defendant before the court to confirm that they are the person named in the charge, the charges are read, and the accused is asked to plead.

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## Arson

An offence where a person uses fire to destroy or damage someone's property.

## Assault

When a person intentionally uses or threatens to use unwanted force to another person. For example, hitting someone, telling someone you are going to hit them, or spitting on someone.

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## Assault occasioning bodily harm (AOBH)

An assault resulting in injury that is not usually permanent.

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## Associate

The person who assists the judge to manage court business and acts as a personal assistant for the judge.

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## Associated domestic violence

Acts of domestic violence by a respondent towards: - a child of the aggrieved; - a child who usually resides with the aggrieved; - a relative of the aggrieved; or - an associate of the aggrieved.

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## Attendant

The person who helps run the court room throughout a trial.

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## Attempted murder

When someone tries to kill someone but that person does not die.

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## Attorney-General

The principal law officer of a government and the minister responsible for the administration of justice. The Attorney-General is a member of Cabinet and has responsibility for government policies to maintain and improve laws and the administration of justice.

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## Australian Citizen

People recognised as 'Australians' under the Constitution. This can include people who were born in other countries and have taken on Australian citizenship.

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## Authority/authorities (case law)

A case (written decision of a court), statute (legislation) or highly regarded legal textbook which is relied on as the basis for a legal principle or explanation of the law on a particular topic.

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## Bail

The temporary release of a person charged with a criminal offence. Bail allows them to stay out of jail, or get out of jail, until the court deals with the charge, with the promise to come back to court when they are told to, and to obey any other conditions the court imposes.

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## Bail application

An application for an accused to be allowed to remain living in the community (out of prison) while they are waiting for the next court date.

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## Bail conditions

The rules that an accused person who is on bail must obey while they are waiting for the court to deal with the charge against them. These conditions might include regularly reporting to the police, living at a particular address, not going out at night (a curfew), not contacting witnesses and any other conditions the court decides are appropriate.

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## Bail enlarged

If a defendant is on bail and the court makes an order that the defendant's bail be extended to a later date.

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## Bail Order

An order of a court that releases a defendant from prison while they are waiting for their next court date.

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## Bailiff

An officer of the court who carries out the court's orders.

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## Balance of probabilities

The standard or level of proof that applies to disputed facts in civil proceedings (that is, court proceedings not involving criminal offences). For example, in a civil case, if there is a dispute about whether a person did something, the judge will decide whether it is more probable than not that the person did it, based on the evidence.

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## Bar table

The table where the lawyers sit during court proceedings.

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## Barrister

A lawyer who specialises in a particular area of law and represents the accused or a defendant in criminal or civil jurisdictions.

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## Basha inquiry

When a trial judge permits a Crown witness to be cross-examined by defence counsel in the absence of the jury.

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## Bench

The table where the judge or magistrate sits in a court room. It is also a name for the judge or the group of judges in court. This means that when a lawyer says 'the bench' they mean the judge.

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## Bench warrant

A warrant issued by the presiding magistrate or judge for the arrest of a person.

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## Beyond reasonable doubt

The standard or level of proof that applies in a criminal proceeding, to proving the elements of the criminal offence the person is charged with. For example, for a jury to decide if an accused is guilty, they need to be convinced beyond reasonable doubt.

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## Bond

A written agreement to do a particular act. Failure to perform the act may mean that the person who signed the agreement has to pay a specified sum of money. Sometimes a bond is secured by a promise to pay a sum of money if the bond is breached. An example of a bond is to be of good behaviour.

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## Break and Enter

Entering a place without permission.

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## Breach

To break or not obey an order made by a judge or a promise made to a judge. The respondent may be punished for a breach.

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## Breach hearing

A request by the Prosecution for a court order when a defendant has broken a promise on a bail or a bond.

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## Breach of Apprehended Violence Order

Disobeying the conditions of an Apprehended Violence Order (also known as an intervention order), made to protect another person. For example, contacting a protected person when the order prohibits them from doing so.

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## Breach of bail

Disobeying the conditions of a bail order or agreement. Doing something prohibited by the bail order, or not doing something required by the bail order.

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With support from:

## Breach of contract

When a person who signed a contract did not perform (carry out) an obligation under the contract.

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## Breach of duty of care

Negligent or careless conduct, or failure to act, by a person who owes a duty of care to another and who fails to maintain the standard of care necessary to fulfil that duty.

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## Breach of Probation

Disobeying the conditions of a probation.

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## Breach of suspended sentence

Disobeying the conditions of a suspended sentence order.

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With support from:

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## Brief of evidence/police brief

A set of papers that forms all the evidence intended to be used against an accused person. The papers may include witness statements, a police interview, reports, and forensic results.

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## Briefing a witness

When a lawyer meets with their witness before the witness gives evidence in court to prepare them for court.

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## Burden of proof

This refers to who has the responsibility to prove something in court. In a criminal case, the burden of proving the elements of the offence is on the Prosecution. In a civil case, the burden of proof will usually be on the person who started the proceeding.

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## Burglary

Entering a place without the permission of the owner or occupier with the intention of committing a crime (for example, the crime of stealing).

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## Cabinet

The group of ministers responsible for making top level decisions and policies about governing the nation. Cabinet is made up of senior ministers and the prime minister (or premier at state level).

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## Call-over or Call-over list

If there are a lot of cases listed on a particular day in court, the judge or magistrate may do a 'call-over' of the cases, which means they call the parties (or their lawyers) in each case, one at a time, to stand at the bar table and tell the judge or magistrate something about the case. The 'call-over list' is the list of all the cases on that day.

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## Carnal Knowledge

The act of sexual intercourse.

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## Case conference

A meeting between the parties to discuss the issues in dispute in order to resolve the matter more quickly.

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## Cause of action

The facts that are necessary to establish the legal basis of a claim.

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## Challenge (a potential juror)

An objection to a member of the jury panel made during empanelment of the jury by the accused or their lawyer.

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## Chambers

The term used for judges and barrister's offices.

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## Change of plea

A defendant changing their plea to the charge from 'not guilty' to 'guilty' or vice versa.

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## Charge

A formal accusation stating the law the suspect broke.

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## Child Exploitation Material

Any material (for example, photographs or videos) containing a child naked, in sexual poses, engaging in sexual activity, or being exposed to torture, cruelty or abuse.

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## Child endangerment

Placing a child in a potentially harmful situation, through either negligence or misconduct.

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## Child of an aggrieved/respondent

A child, whether biological, adopted or a stepchild, of the aggrieved or respondent, or in the care or custody of the aggrieved or respondent.

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## Child who usually lives with the aggrieved

A child who spends time at the residence of the aggrieved on a regular or on-going basis.

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## Children's Court

A court which deals with matters relating to young people under the age of 18, including care and protection of children, and crimes committed by children.

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## Choking

Constricting or obstructing another person's throat, making it difficult for them to breathe.

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## Circuit Judge

A judge who does not sit in just one court. They usually travel between different regional or country courts.

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## Civil Jurisdiction

The term jurisdiction means that a court has the power to hear certain cases. If a court has civil jurisdiction, it generally means it has the power to hear all non-criminal matters. This includes, as examples: contract disputes, tenancy disputes, and personal injury claims.

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## Claim

The formal document that is filed with a court to start a civil proceeding.

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## Client

The person helped or represented by a lawyer.

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## Closed Court

When a court is not open to the public.

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## Closing addresses

The final arguments presented to the judge or jury at the end of a trial by each side of the trial.

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## Co-accused

A person who is jointly charged with another for the same offence.

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## Coerce

To try to make a person do something that they do not want to do.

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## Commit to the Supreme Court

To 'send' to the Supreme Court for trial.

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With support from:

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## Committal Hearing / Proceedings

A preliminary hearing of an indictable offence held before a magistrate to determine whether there is enough evidence for the charges to be heard by the District or Supreme Court.

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## Common assault

An act of unlawful violence that does not cause any lasting injury or scarring.

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## Common Law (Australia)

The law that develops from decisions made by judges. It is also known as case law.

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## Common purpose

A law that says a person is guilty of breaking the law when they help another person break the law.

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With support from:

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## Commonwealth Executive

This is the cabinet and the government departments. The Commonwealth Executive makes sure that everyone follows the laws that the Commonwealth Parliament has made. They control Centrelink, immigration, taxes and other government groups.

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## Commonwealth Government

The government of the Commonwealth of Australia, also known as 'The Australian Government' or the 'Federal Government'. The Commonwealth Government is located in Canberra and is led by the Prime Minister of Australia.

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## Commonwealth Parliament

This is the Parliament for all of Australia. It sits in Canberra.

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## Community Based Order (CBO)

A group of sentences such as a community service order, probation or home detention that allow a person to stay in the community. The offender can stay in his own home and keep working at their job and does not have to go to prison.

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An initiative of:

With support from:

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## Community Service Order (CSO)

A sentence which requires a convicted offender to do unpaid community work for a specified number of hours.

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## Community Work Order

This is another name for "Community Service Order".

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## Compensation

A payment of money to someone to make up for, or make amends for, injury, suffering or loss of money caused by someone else.

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## Complainant

The person who alleges that they are the victim of a criminal offence.

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## Compulsory conference

A dispute resolution method used by the tribunal to identify and narrow issues in dispute and to make orders and directions.

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## Conciliation

When people cannot agree on something, they can have someone else, a conciliator, help them agree and to come to a resolution. This is called a conciliation. Conciliations are conducted outside of the court, in a more informal setting.

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## Conditional discharge

The release of an offender on the condition that they will be of good behaviour and not commit another offence for a specified period.

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## Conditions

A requirement imposed by a court. If conditions are imposed as part of a court order, such as a bail order, the conditions must be obeyed.

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An initiative of:

With support from:

## Conditions of an order

What a person is restricted or prohibited from doing when a court order is made against that person.

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## Confession

When a person says to another person that they broke the law or committed a crime, their words are called a 'confession'.

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## Consent Order

When you agree to something and the agreement is approved by the court or tribunal. It then becomes an order.

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## Consideration

To take something into consideration means to think about something when making a decision or forming an opinion.

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## Constitution

The Commonwealth Constitution sets out the principles by which Australia is governed. It sets out the law-making powers of the Commonwealth Parliament and the structure of the Commonwealth Parliament. It gives the High Court the power to interpret the Constitution.

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## Consumer

User of goods and services.

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## Contempt

A court order that declares a person or organisation to have disobeyed or been disrespectful of the court's authority.

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## Contest the charges

To plead not guilty to the charges.

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## Contested application

This is where the respondent disputes an application for a protection order.

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## Contract

A legally binding promise or agreement. Legally binding means that it can be enforced in court.

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## Contravention of an Order

Another word for "breach". When somebody does not obey an order, they are contravening, or breaching, the order and may be punished for it.

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## Convict no further punish

A sentence where an offender is convicted but no punishment is given. The conviction will appear on the offender's criminal record, i.e. record of prior convictions.

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## Conviction

A court verdict that a defendant is guilty of a crime.

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## Conviction not recorded

A sentence where an offender is found guilty of an offence, but the court orders that a conviction not be recorded. No conviction will appear on their criminal record, i.e. record of prior convictions.

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## Conviction recorded

A sentence where an offender is found guilty of an offence, and the court orders that the conviction be listed on that person's criminal record, i.e. record of prior convictions.

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## Coroner

A judge who looks at how and why a person has died.

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An initiative of:

With support from:

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## Coroner's Court

A specialised court which conducts investigations into certain deaths, such as unexpected deaths, unusually violent deaths or where the person was in custody or recently underwent surgery. This Court may make findings about the circumstances of the death, the identity of the deceased person and cause of death. In some cases, the court may make recommendations of ways to prevent further deaths. The court can also conduct inquiries into fires.

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## Correction

The power of a tribunal to make small changes to a decision that has already been made. Usually this power is limited to: an obvious slip or omission, a miscalculation of certain figures or a mistake in the description of a matter, person or thing mentioned in the decision, etc.

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## Corrections Officer

Another name for "Probation and Parole Officer".

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## Costs

See "legal costs".

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## Counsel

A lawyer who represents a party in court.

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## Counselling

Personal and/or psychological assistance and guidance from a professional.

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## Count

Another word for a "charge". A count refers to each separate occasion/time a person is alleged to have broken the law.

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## Counter-claim or counter-application

An application by the respondent against the applicant or another party regarding the same dispute or issue.

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With support from:

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## Counterfeiting

Making an illegal copy of something with the aim to deceive, such as money.

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## Couple Relationship

Exists between two persons of the same or different sex who have or had a relationship as a couple, either married or de facto.

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## Court

An institution with the power to decide disputes between parties, or to decide criminal prosecutions, and make decisions which must be obeyed.

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## Court Building

The place where judges and magistrates work, and where the court rooms in which cases are heard are located.

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## Court of Appeal

A court that hears cases decided in lower courts, such as magistrates courts, to decide whether there was an error in the original decision. Courts of Appeal generally involve three or more judges.

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## Court of Criminal Appeal (CCA)

A court constituted by three or more judges that hears appeals on criminal cases.

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## Court registry

The court's administration office.

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## Court room

A dedicated room inside a court building where the judge or magistrate hears cases and makes decisions with respect to those cases.

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With support from:

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## Court transcript

A written record of all that was said and done during the course of a hearing or trial.

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## Court's discretion

A discretion means the court has a choice to decide what should be done, or what should happen, in a particular situation.

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## Crime

Any action that a person does that breaks the criminal law.

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## Crime scene

The place where a person has committed a crime.

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## Criminal Code

An Act of parliament that sets out criminal offences. There is a Commonwealth Criminal Code for federal offences (Criminal Code 1995 (Cth)). Certain states and territories also have a Criminal Code.

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## Criminal intent

Having an intention to commit a crime.

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## Criminal Jurisdiction

The term jurisdiction means that a court has the power to hear certain cases. If a court has criminal jurisdiction, it generally means it has the power to hear some criminal matters.

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## Criminal record

A statement about a person showing their prior convictions (every time they were found guilty by a court) and sentences (punishments given by a court). Other names for this are 'priors', 'criminal history'.

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## Cross-application

Where both parties make applications for protection orders against each other.

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## Cross-examination

When a person who gives evidence in court is questioned by the other party.

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## Crown

The term used to refer to the Crown prosecutor in the District/County and Supreme courts.

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## Crown facts

What the Prosecutor says a person did that was against the law.

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## Cumulative sentence

A court may order that sentences are to be served one after the other, rather than at the same time. For example, a person who is sentenced to 2 years imprisonment for one offence, and 2 years imprisonment for another offence, would serve a total of 4 years imprisonment under cumulative sentences.

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## Curfew

A condition imposed by the court placing time restrictions on the movements of a person.

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## Custodial sentence

A sentence where a person must go to prison or a correctional centre for a time specified by the court.

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## Custody

To be held, detained or imprisoned.

## Dangerous operation of a motor vehicle/Dangerous driving

Driving at a speed or in a manner that is or might be dangerous to any person.

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### De facto

Means 'in fact'. De facto describes a situation that is accepted in practice, but may not be accepted in the law (for example, de facto husband and wife, who although are not legally married, live in a domestic situation as husband and wife).

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### Decision

In court, when there is a dispute about an issue or the case generally, the court or tribunal makes a decision. What a court or tribunal decides is called the decision.

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### Decision (Tribunal)

The tribunal's determination of the dispute.

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## Default decision

A decision made by the tribunal without having a full hearing, based on a failure of a party to do something. For example, where a party has not appeared, or provided the tribunal with a response within a certain period as directed by the tribunal.

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## Defence

The term used to refer to the defence lawyer and their team.

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## Defence lawyer

The lawyer for the defendant or accused in a court case.

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## Deliberation

The jury's discussions at the end of a criminal trial to decide whether the accused is guilty or not guilty.

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An initiative of:



**JUDICIAL COUNCIL**<sub>ON</sub>  
DIVERSITY & INCLUSION

With support from:



## Deprivation of liberty

Taking away a persons freedom to come and go as they would like.

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## Detention

A sentence of imprisonment for a youth instead of an adult. The sentence is served in a Detention Centre for the period of time specified in the order.

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## Direction

An instruction by the court or judge to a defendant, witness, or other person involved in the case.

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## Directions Hearing

A hearing before a trial where a court may give directions about what needs to be done before the trial commences.

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With support from:

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## Directions Hearing (Tribunal)

A short hearing in which a Tribunal member directs the parties as to how a dispute will be managed. The hearing deals only with procedural matters, such as setting a timetable for the filing of documents and telling the parties when to appear next.

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## Directions to the jury

The trial judge's instruction to the jury about the law that must be applied by them in their deliberations.

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## Discharge

A discontinuation of anything relating to a court case. For example, if an accused is discharged that means that it is the end of that case against that person; if a jury is discharged, that means that the jury does not have to continue their work as jurors.

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## Discovery

The process by which the parties to a civil court proceeding show each other all the documents they have that are relevant to a disputed issue in the proceeding.

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## Disqualification order (e.g. licence)

A sentence imposed by a court that means a person cannot hold a licence for a specified time. For example, a person may be disqualified from holding a driver's licence and therefore cannot drive. It may apply to other types of licences such as a firearms licence.

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## District Court

An intermediate court between the Supreme Court and the Magistrates/Local Court. District Courts conduct trials in civil and serious criminal matters, and appeals from magistrates decisions. In some states this is called the County Court. This court hears trials with juries.

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## Dock

The place in the court a defendant, or accused in a criminal proceeding, sits during a hearing or trial.

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## Domestic violence (DV)

Behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that is: physically or sexually abusive, emotionally or psychologically abusive, economically abusive, or is threatening, coercive, or in any other way controls or dominates the second person to fear for the second person's safety or wellbeing or that of someone else.

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With support from:



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## Domestic Violence Order (DVO)

A court order to protect a person from acts of domestic violence such as violence by a family member, partner or previous partner. A DVO has conditions imposed by the court which forbid certain acts. For example, a DVO may prohibit a person from entering another persons workplace or from communicating with that person. It is an offence to breach a condition of the order. Also known as an "Apprehended Violence Order (AVO)" or "Family Violence Order (FVO)".

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## Drug Court

A specialist court that deals with offenders who abuse drugs and that abuse leads to the offender committing crimes. Drug Courts can make orders requiring a person to participate in drug rehabilitation and treatment supervised by the Court. These orders can be made instead of a prison sentence.

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## Drugs - supply; trafficking; use

**Supply** means to provide another person with an illegal drug without seeking payment for the drug.

**Trafficking** means to sell an illegal drug, or to prepare, transport or possess an illegal drug with the intention of selling the drug, or knowing that the drug would be sold. **Use** means to consume an illegal drug.

---

## Earliest release date

The first possible day a prisoner could be released from prison when serving a sentence. Earliest release date may have different meanings in different states and can even be somewhat fluid depending on context.

---

An initiative of:

With support from:

## Economic abuse

Behaviour by a person that is coercive, deceptive or unreasonably controls another person without the second persons consent: - in a way that denies the second person the economic or financial autonomy the second person would have had but for that behaviour; - by withholding or threatening to withhold the financial support necessary for meeting the reasonable living expenses of the second person or a child, if the second person or the child is entirely or predominately dependent on the first person for financial support to meet those living expenses.

---

## Election

An election is a choice. There are two types of elections an accused can make. One is the election about which court should hear and determine their case. The other election is the choice the accused person has during the trial at the end of the Prosecution case to give or call evidence, or to remain silent.

---

## Elements of the offence

An essential component of the offence, as it is defined in the legislation. The Prosecution must prove each element of the offence beyond reasonable doubt.

---

## Emotional or psychological abuse

Behaviour by a person towards another person that torments, intimidates or harasses, or is offensive to the other person.

---

An initiative of:

With support from:

---

## Empaneling the jury

The process of selecting a jury at the beginning of a criminal trial. There is a number of stages to the process: First, the jury panel attend court. Second, names are selected at random from the jury panel to become jurors. Third, the Crown may stand aside any potential juror. Fourth, the Defence may challenge any potential juror. Fifth, the trial judge checks that the potential jurors do not have any knowledge about the case and are available for the expected length of the trial. Jurors can ask the trial judge to be excused. If a juror is excused, another name is selected at random from the jury panel to become a juror. When there are 12 members of the panel, and any reserve jurors, the jury is sworn in.

---

## Empanelment

See "empaneling the jury".

---

## Enabling Act

An Act that gives powers to a body or person. There is an enabling Act for each tribunal that gives the tribunal its powers to hear and determine disputes.

---

## Enforceable

When something can be legally applied and put into effect.

---

An initiative of:

With support from:

## Evidence

Information given to the court during a court case that is used to decide the case. Evidence includes what witnesses say in court when they are questioned, or it may be documents or items.

---

## Evidence Act

A statute that contains rules governing the admissibility and use of evidence in court.

---

## Evidence-in-chief

The questioning in court of a witness by the party calling the witness. Evidence-in-chief occurs first before questioning by the other party, which is called cross-examination.

---

## Ex parte hearing

Latin: 'on one side only.' A hearing done in the absence of a party.

---

An initiative of:

With support from:

## Excusal

The trial judge may exempt a member of the jury or a member of the jury panel from serving on a jury.

---

## Execute a search warrant

Perform legal searches upon a premises or person in accordance with conditions specified in a warrant signed by a magistrate or judge.

---

## Executive

The executive is one of the three parts of the government. The other parts are the parliament, also called legislature, and the judiciary. The government departments and cabinet are the executive. The executive is also called the 'executive government'.

---

## Exhibit

A document or thing produced by a party which a tribunal or court agrees to accept as evidence.

---

An initiative of:

With support from:

## Expert conclave

A meeting of experts to reach agreement on their evidence to be given to a court or tribunal.

---

## Expert evidence

Evidence provided by qualified experts in their field. Expert evidence may be scientific, forensic, or medical evidence.

---

## Exposed to family violence

A person may be exposed to domestic violence, in particular a child, if they see or hear domestic violence or experiences the effect of family violence. In family law matters, family violence is defined in a section of the Act.

---

## Extradition

An order to transfer an accused from one state or country to another state or country that seeks to place the accused on trial.

---

An initiative of:

With support from:

## Family Court

A specialist Federal Court that only deals with family law matters, such as divorce, custody disputes and property settlements.

---

## Family law

The laws relating to family matters, such as divorce, care or children and separation of property.

---

## Family Violence Order (FVO)

Tasmanian term used instead of a Domestic Violence Order. An order of a court to protect a person from acts of family violence such as violence by a family member, partner or previous partner. A FVO has conditions imposed by the court which prohibit specified conduct. For example, it may prohibit a person from entering another persons workplace or from communicating with that person. It is an offence to breach an order.

---

## Federal Government

This is another name for "Commonwealth Government".

---

An initiative of:

With support from:

## Federal Parliament

This is another name for "Commonwealth Parliament".

---

## File

All the documents that a lawyer, prosecutor, police officer or judge will use when they work on a court case.

---

## Fine

A sentence imposed by a court requiring the offender pay a certain amount of money to the government.

---

## Flight

To not appear in court, run away, or try to run away, from the consequences of someone's actions.

---

An initiative of:

With support from:



## Forensic testing

Testing done by forensic scientists.

---

## Forensics

All the different sciences that are used to investigate crimes and to solve the identity of the perpetrators who committed the crime. For example, the science of DNA profiling.

---

## Foreperson

A member of a jury who is the spokesperson.

---

## Forfeiture

Losing property, a right or privilege, as a penalty (for example, a person may be required to forfeit a mobile phone used to commit drug offences).

---

An initiative of:

With support from:

---

## Forfeiture Order

A court order that lists items used in committing a crime to be taken by the government.

---

## Forgery

An illegal act of imitating or counterfeiting documents, signatures, works of art, etc. to trick people.

---

## Fraud

When a person deliberately deceives someone or lies to someone to gain money, property or some other benefit.

---

## Fresh charges

New charges against a defendant or accused.

---

An initiative of:

With support from:

## Full Court

A Full Court involves three or more judges hearing an appeal from a single judge or a lower court (i.e. a magistrates court). Sometimes a Full Court will decide complex legal issues at the request of a single judge or lower court.

---

## Full term

When a court sentences an offender to imprisonment, the whole length of the time that an offender could spend in custody if not released early is called the full term. It is also called the 'head sentence'.

---

## Fully suspended sentence

See "wholly suspended sentence".

---

## General deterrence

One of the aims of sentencing that a court considers when deciding upon a sentence. The aim is to discourage other people from committing similar offences. The court may impose a heavier sentence so that it has this effect.

---

An initiative of:

With support from:

## Give evidence

A person 'gives evidence' when they give information and answer questions in court about an issue in a court case.

---

## Good behaviour bond

A sentence imposed by a court. The Bond will state that the offender must not break the law for a specified period of time. The court may impose other conditions that the offender must obey.

---

## Government

Government is formed by the political party (or coalition of parties and independent members of Parliament) that achieves the majority of members elected to the lower house of parliament, which is one of two houses of parliament (except in Queensland, the Australian Capital Territory, and the Northern Territory, which have only one house of parliament). All members of parliament who belong to this political party (or coalition) form the government. This Government has the authority to govern the state or country.

---

## Grievous Bodily Harm (GBH)

Very serious injury.

---

An initiative of:

With support from:

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## Grooming

A course of conduct where a person tries to convince another person (generally someone the offender has power over, for example, a child or vulnerable person) to engage in sexual activity.

---

## Guardian

A person appointed to help adults with impaired decision-making capacity by making certain personal and health care decisions on their behalf.

---

## Guilty

When an accused pleads 'guilty' they are admitting that they have committed the offence. When an accused person is found 'guilty' by a judicial officer or jury, it means that the jury or judicial officer were convinced beyond reasonable doubt that there was enough evidence to convict them of the offence.

---

## Habeas corpus

An order that a detained person must be brought to court in order to justify their detention.

---

An initiative of:

With support from:

## Hand-up committal

A committal hearing in which, with the agreement of the Defence, Prosecution and the Magistrate, the written statements of the prosecution witnesses are simply presented to the Magistrate and no witnesses appear in court.

---

## Hearing

The court case when evidence is presented and the court will decide the outcome. In some cases and in some courts the word trial is used instead.

---

## Hearsay evidence

Evidence of a witness based on what they have been told by another person rather than based on what the witness has observed themselves or experienced directly.

---

## High Court

The highest court in the Australian judicial system. The functions of the High Court are to interpret and apply the law of Australia, decide cases of special federal significance including challenges to the constitutional validity of laws and to hear appeals from Federal, State and Territory courts.

---

An initiative of:

With support from:

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## Home Detention Order

A sentence imposed by a court that requires the offender to stay in his or her home except for the purposes approved by the court, such as going to work or receiving medical treatment.

---

## Hostile witness

A witness who is reluctant to give evidence or participate in a hearing (sometimes for fear of retribution or self-incrimination, or in order to protect an accused person). In these circumstances, the party calling the witness can seek leave to declare the person hostile and cross-examine them.

---

## Hung jury

A jury that after an extended period of deliberation cannot reach a unanimous or majority verdict.

---

## Identify

To name a person (that did something) or a thing (that is being asked about).

---

An initiative of:

With support from:

## Illegal

When a person does something that breaks the law, it is illegal. A judge might punish (sentence) a person who did something that is illegal.

---

## Impaired Capacity

Where a person is unable to make a reasonable decision because of a disability that makes it difficult for them to understand what the decision means.

---

## Imprisonment

A sentence under which a person is ordered to serve a specified period of time in prison. The person may have to go to prison for part of or all of the time, or may be able to serve part of the time in the community. For example, "partially suspended sentence" or "intensive correction order".

---

## In-camera

A hearing or trial where the public and press are not permitted to observe. This is usually reserved for sensitive cases or cases where the witness or defendant is a child.

---

An initiative of:

With support from:



## Inadmissible evidence

Evidence that cannot legally be heard in a court case.

---

## Incest

Having sexual intercourse with an immediate blood relative.

---

## Indecent assault

When a person intentionally touches someone in a sexual way, without the other persons consent/permission. Also known as "sexual assault".

---

## Indecent exposure

An individual deliberately exposing part of their body in public that most people generally expect to be covered up. This can include: genitals, buttocks and breasts.

---

An initiative of:

With support from:

---

## Indemnity costs

See "legal costs". The court may order that a person pay either indemnity costs or standard costs. Indemnity costs include all legal costs that were reasonable for the person to spend. This is a greater amount than standard costs, which are capped.

---

## Indictable offence

A serious offence dealt with in the District/County or Supreme Court making a person liable to be indicted in the Court.

---

## Indictment

A written document setting out the charge or charges against the accused, which is presented to the District Court or the Supreme Court by the Prosecution.

---

## Informal care relationship

Exists between two persons if one of them is or was dependent on the other person (a carer) for help in an activity of daily living. The relationship does not exist between a child and parent of a child. It also does not exist if the person helps the other person in an activity of daily living under a commercial agreement.

---

An initiative of:

With support from:

## Innocent

The opposite of 'guilty'. When a person did not break the law.

---

## Innocent until proven guilty

This is the meaning of "presumption of innocence".

---

## Inquest

An inquiry by a Coroner or medical examiner into the cause of certain deaths.

---

## Instructions (by Judge)

An explanation of the law governing a case, which the judge gives orally to the jury after the lawyers have presented all the evidence and made final arguments, but before the jury begins deliberations.

---

An initiative of:

With support from:

## Instruct

To 'tell'. When a client tells their lawyer what they want to do, this is called instructing the lawyer.

---

## Intensive Correction Order

A custodial sentence, for a fixed term, that an offender can serve in the community and not in prison. The offender must obey certain conditions, such as not committing another offence and reporting to a corrective services officer.

---

## Interim Family Violence Order

A temporary Family Violence Order which is current until the hearing, when the court will decide whether a final order should be made.

---

## Interim order

A temporary order.

---

An initiative of:

With support from:

---

## Interim Restraint Order

A temporary restraint order which is current until the hearing, when the court will decide whether a final order should be made.

---

## Interlocutory Application

Request by a party for court orders that is made during court proceedings.

---

## Interrogatories

Specific questions that one side asks the other side in a civil proceeding.

---

## Interstate order

An order made by a court of another State, Territory or New Zealand.

---

An initiative of:

With support from:

---

## Intimate personal relationship

A spousal relationship, an engagement relationship or a couple relationship.

---

## Intimidation or harassment

The act of following a person in public or lingering outside that person's house or workplace or repeatedly contacting that person via any means (telephone, text, email, etc). Injuring or threatening to injure that person's pets is also considered intimidation or harassment.

---

## Jail (gaol)

Another name for "prison".

---

## Joint criminal enterprise

Another name for "common purpose".

---

An initiative of:

With support from:

## Joint custody

An arrangement between estranged parents to share the upbringing of their child/children. Joint custody can be joint legal and/or joint physical custody.

---

## Judge

A senior law-person who has special power to decide legal problems. The judge is the person who presides over a case in court. The judge is completely impartial.

---

## Judge's associate

A judge's associate is a person who works for a higher court judge and acts as a personal assistant for the judge. See "the associate".

---

## Judge's ruling

A judge's authoritative decision on a debated point of law.

---

An initiative of:

With support from:

## Judge's summing up

A judge's address to the jury at the end of a criminal trial, identifying the issues that arise, summarising the evidence produced in court and arguments from both sides, and instructing the jury on the applicable law.

---

## Judicial Officer

A person who has been appointed to hear and decide a case, such as a magistrate or a judge.

---

## Judiciary

One of the three parts of the government. (The other parts are the executive and the legislature) Sometimes the judiciary is called 'the judicial branch', which is all the judges. Sometimes it is called the courts.

---

## Jurisdiction

1. The authority of a particular court (or tribunal) to hear certain cases. 2. The geographic area over which the authority extends (for example, Queensland).

---

An initiative of:

With support from:



## Juror

A member of a jury.

---

## Juror Oath

A solemn religious promise given by a juror to properly and impartially decide the case.

---

## Jury

A group of at least 10 jurors, but more usually 12 jurors for a criminal trial in most states. In a criminal trial, the jury's role is to decide whether the accused is guilty or not guilty of the crime with which they are charged. In a civil trial, there may be as few as 4 and as many as 12 jurors, depending on the state. In a civil trial, the jury's role is to decide whether the plaintiff's claim is legitimate or not.

---

## Jury box

The place inside the court room where the jury sits. From the jury box, the jury can look at and listen to a witness when they give evidence.

---

An initiative of:

With support from:

---

## Jury Discharge

An order of the trial judge releasing a jury or a juror from their responsibilities to serve as jurors.

---

## Jury panel

A group of adult citizens called up to be selected for a jury. They are chosen at random from the electoral roll. The jury is chosen from this group.

---

## Juvenile

Usually a child under the age of 18 years, but may be younger in some jurisdictions.

---

## Kidnapping

Taking or detaining someone without that persons consent/permission.

---

An initiative of:

With support from:

## Law

An Act of Parliament that states what can and cannot be done.

---

## Lawful

When a person does something and they have power from the law to do it, it is lawful.

---

## Lawyer

A professional trained in law.

---

## Learned counsel

A respectful way of referring to the defence counsel by the prosecutor or the judge.

---

An initiative of:

With support from:

## Learned Crown prosecutor

A respectful way of addressing or referring to the Crown prosecutor by the defence counsel or the judge.

---

## Legal

Anything a person does that does not break the law is called 'legal'.

---

## Legal aid

Legal aid is when a lawyer helps a person with their legal trouble and that person does not pay for the lawyer, or the person only pays a small cost.

---

## Legal costs

The fees lawyers charge their clients for the work they perform for them and the expenses they pay on their behalf, for example, court fees.

---

An initiative of:

With support from:

---

## Legal Representative

A person who represents a party in legal proceedings.

---

## Legislation

Laws that have been enacted (written and approved) by parliament. Also known as an Act of Parliament or a statute.

---

## Legislature

This is another name for "parliament".

---

## Litigant

A party to a court action who starts that action.

---

An initiative of:

With support from:

## Litigant in person

A person who appears before a court without a solicitor or barrister.

---

## Local government

Most towns and communities have a council or shire. Councils and shires are also called 'local government'.

---

## Magistrate

The presiding judicial officer in a Local or Magistrate's Court. The Magistrate is completely impartial.

---

## Magistrates Court

This court deals with less serious criminal and civil matters. This court is also known as the Local Court in some states. Magistrates decide cases. Jury trials are not held in this court.

---

An initiative of:

With support from:

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## Maintaining sexual relationship with child/young person

When an adult engages in 2 or more unlawful sexual acts with a child over any period.

---

## Majority verdict

When a certain number of jurors make a decision on the case, which is then accepted as the verdict of the whole jury, even if some jurors do not agree. A majority verdict is not allowed in every trial. The trial judge will instruct the jury if a majority verdict is allowed. The exact number of jurors needed to have a majority is different in each state.

---

## Malicious damage

Intentionally destroying or damaging another persons property.

---

## Mandatory life imprisonment

Where a judge is required by law to sentence an offender to life imprisonment. For example, in Queensland, South Australia and the Northern Territory (and Western Australia in most situations), a judge must sentence a person found guilty of murder to stay in jail for life.

---

An initiative of:

With support from:

## Manslaughter

Doing something that is so dangerous or reckless that it unintentionally causes another person's death. It can also refer to when someone doesn't do something to prevent the death.

---

## Marked For Identification (MFI)

When something (a document or a thing) is referred to in court (by a witness or a lawyer), but is not being presented as evidence, it will be marked for identification (for example, MFI 'A') so that it is easily identifiable later on.

---

## Matter

A reference to 'the matter' may be a reference to a particular court case between parties. A reference to 'a matter in issue', may mean a particular thing which is disputed in the court case. There are other technical legal meanings of 'matter' also.

---

## Mediation

A formal negotiation between the parties in a matter, with a mediator, who is an independent person, to try resolve a dispute and to avoid having to go to court.

---

An initiative of:

With support from:



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## Memorandum to jury

A document given to the jury by the trial judge to explain any particular aspects of the law that the jury must apply in reaching their verdict. It can also include a summing up of the case to the jury by the judge.

---

## Mens rea

Latin for 'a guilty mind'. It refers to the state of mind of a criminal offender.

---

## Mention

The initial listings of a matter in court before it goes to hearing or sentencing for the purpose of entering a plea, applying for bail, etc.

---

## Mention Date

The first date that the application will be heard in court by a magistrate or judge who will adjourn the application to another day for hearing.

---

An initiative of:

With support from:

## Minister

A member of parliament chosen to be in charge of a government department or departments (for example, Human Services or Health). Some senior ministers are members of the cabinet.

---

## Minor

A person who is under 18 years of age.

---

## Misconduct

Behaving improperly. Doing the wrong thing.

---

## Mitigating circumstances

Facts or circumstances that can be presented to try to reduce the seriousness of the situation.

---

An initiative of:

With support from:

## Motive

A reason or desire that causes a person to do something. For example, obtaining money may be a motive for murder.

---

## Mr/Madam Crown

A respectful way of addressing or referring to the Crown prosecutor by the presiding judge.

---

## Murder

The intentional and conscious act of doing something which kills another person.

---

## My learned friend

A respectful way of referring to the opposing counsel in court.

---

An initiative of:

With support from:

## Named person

A relative, associate, or child who is protected by being specifically named in the domestic violence protection order.

---

## Negligence

Carelessness. Not acting carefully, often causing harm of some kind to another person as a result. Such as driving dangerously or failing to protect your children.

---

## No-contact condition

A respondent who is under this condition cannot telephone, speak to, or follow the aggrieved or go to a place where the aggrieved is likely to be. They also cannot email or contact the aggrieved by any other electronic means.

---

## Nolle prosequi

Latin for 'do not prosecute'. This is a formal written statement by the Prosecution in a criminal case that the prosecution will not pursue a particular charge against the person who was charged. The nolle prosequi brings an end to any proceedings regarding those charges.

---

An initiative of:

With support from:

---

## Non-indictable offence

A minor offence that must be heard in the Magistrates/Local Court. It is also known as a "summary offence".

---

## Non-parole period

The time an offender must serve in prison before they are released on parole or become eligible to apply for release on parole, depending on the State.

---

## Not guilty

When a person pleads (tells the court) that they are not legally responsible for an offence, or when a jury (or magistrate) decides after a trial that they cannot say beyond reasonable doubt that a person committed an offence.

---

## Notice of motion

A written statement informing parties that a civil case will be conducted in court.

---

An initiative of:

With support from:

---

## Notice to Appear (NTA)

A notice issued by police advising a person that their offence will be dealt with in court.

---

## Notice to produce

A notice requiring documents to be brought to court.

---

## Oath

Where a person swears or promises, by a god recognised by that person's religion, that what they are going to say in court is the truth. The person must do this by placing their hand on the bible, Quran, or other holy book recognised by their religion. If the person does not have a religion, they may make an affirmation instead.

---

## Objection

A protest about evidence or questions during a court case from the counsel from the other side.

---

An initiative of:

With support from:

## Objective elements

Part of an offence that is proved by an objective test. The test is what a reasonable person would have done, or believed in the circumstances, as opposed to the particular defendant. For example, a reasonable person would expect that aiming a gun at someone and firing would lead to that person being hurt. Under an objective test it does not matter if the defendant did not believe that.

---

## Offence

When a person does something that is prohibited by the law or does not do something that is required by law.

---

## Offender

A person who has been found guilty of an offence.

---

## Offender levy

A standard amount of money to be paid by every convicted offender as part of their sentence.

---

An initiative of:

With support from:

## Offensive weapon

A thing that can be used for an aggressive or offensive purpose.

---

## On bail

The defendant is permitted to live in the community while waiting for their case to be heard because a court has made a bail order.

---

## On remand

See "remand".

---

## Onus of proof

Another name for "burden of proof".

---

An initiative of:

With support from:



## Opening address

A summary of the case made by a party at the beginning of a hearing.

---

## Operational period

When a judge punishes (sentences) an offender using a suspended sentence, the operational period is how many months or years the offender must obey the court rules (orders) when the offender is living in the community.

---

## Opinion evidence

An opinion is a person's view, judgment or conclusion about something. It is different from fact. There are special rules in courts about when a person can give evidence of their opinion. For example, usually only an expert can give opinion evidence.

---

## Order

The formal direction of a judge, magistrate or tribunal that can be enforced if it is not obeyed.

---

An initiative of:

With support from:

## Ouster condition

Under this condition, the respondent is prohibited from remaining at the stated premises, entering or attempting to enter the premises and/or approach within a stated distance of the premises.

---

## Parliament

The parliament is one of the three parts of the government. The others are the executive and the judiciary. The parliament is also called the legislative branch or legislature.

---

## Parole

Conditional freedom of a prisoner before the end of their sentence. The prisoner has to obey conditions to keep their freedom.

---

## Parole Order

An order to leave prison before the end of the sentence to serve the rest of the sentence in the community. The Parole Order says how many years that person will be on parole. It also says what rules (conditions) the person must obey while they are on parole.

---

An initiative of:

With support from:

## Parole report

A report prepared for the Parole Board about the prisoner applying for parole to help the Board make the decision about whether the prisoner should be granted parole.

---

## Part heard

The hearing for the dispute has which not finished and will have to be completed at another date.

---

## Partially suspended sentence

A suspended sentence where the offender goes to jail for part of the term of imprisonment, but then is free to live in the community for the rest of the time, as long as they do not commit other offences.

---

## Particulars

Details of a charge, or of a claim.

---

An initiative of:

With support from:

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## Parties (Party)

The people or companies who are named in the dispute.

---

## Penalty

A punishment, fine or disadvantage imposed for wrong conduct.

---

## Penalty Units

A set amount of money used to calculate the amount of a fine. For example, if an offender commits an offence that has a maximum fine of 50 penalty units in a State or Territory with a penalty unit value of \$100, the offender would have to pay a maximum of \$5,000.

---

## Perjury

An offence of giving false evidence (telling lies) under oath in judicial proceedings.

---

An initiative of:

With support from:

## Perpetrator

The person who actually committed an offence.

---

## Personal deterrence

To deter means to attempt to stop something from happening. When sentencing an offender, personal deterrence is the concept used by the court to deter the offender from offending again. The aim is to discourage the offender from committing further offences in the future.

---

## Perverting the course of justice

Conduct that prevents the legal system from being able to deliver justice. For example; lying to the court, deliberately hiding or destroying evidence, asking a witness not to give evidence, or threatening or intimidating a witness, a juror or judge.

---

## Planning and Environment Court

This court hears matters relating to planning and environmental law, such as building or environmental protection disputes. Not all jurisdictions have this court.

---

An initiative of:

With support from:

## Plea

The defendant's answer to a charge alleging a crime or offence. Generally a plea is guilty or not guilty but there are other types.

---

## Plea bargain (also called charge bargaining)

A negotiation process between the Defence and Prosecution, before or during a criminal trial, to give opportunity: - for the accused to plead guilty to a lesser charge; and - for the Prosecution to secure a conviction and avoid the cost of a full trial.

---

## Plea in mitigation

Mitigation means to reduce the level of seriousness. The background and personal information about a defendant can be presented by the Defence as mitigating circumstances to reduce the seriousness of the offence. This information is presented in court by the defendant or their lawyer after the Prosecution has presented factual information about the offence that was committed. The presentation of the defence information is called a plea in mitigation

---

## Plea of guilty

The accused person agrees that they committed the offence.

---

An initiative of:

With support from:

## Plea of not guilty

The accused person does not agree that they committed the offence.

---

## Pleadings

Written documents that list the facts each side of a proceeding is relying on, and the orders they are asking the court to make.

---

## Police caution

A statement by police to a suspect before they interview them about an offence they are accused of committing. This statement warns the suspect that the content of the interview may be presented in court.

---

## Police custody

When a police officer detains a person.

---

An initiative of:

With support from:

## Possession

According to the law, possession means two different things. It means that a person has something with them. For example, they might have a knife in their pocket. Possession also means that a person is in charge of something. For example, someone might hide alcohol in a car and go away from the car. They are still 'in possession' of that alcohol, even though they are not holding that alcohol with their hands.

---

## Possession (drugs)

Having illegal drugs either on your person (in your pocket, bag etc) or in a house, car or other property which you occupy or own.

---

## Possession (real estate)

(Of land) Usually refers to the physical occupation of, or control over, the land.

---

## Post-Mortem

Latin: after death. An autopsy. An examination of a corpse to determine the cause of death.

---

An initiative of:

With support from:



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## Pre-hearing mention

A preliminary hearing before a judge or magistrate, where procedural issues may be addressed, before the main hearing.

---

## Pre-recorded evidence

Evidence recorded before a trial and replayed at the trial, as opposed to evidence given in court during the trial. For example, examination of a vulnerable witness (such as a child) may be pre-recorded so that they do not have to go to court.

---

## Pre-sentence report

A report about the circumstances of an offender to assist the court in deciding on the sentence. Pre-sentence reports cover the offender's background, attitude and prospects of rehabilitation.

---

## Pre-trial hearing

A proceeding held before a trial, to clarify issues, argue the admissibility of certain evidence etc.

---

An initiative of:

With support from:

## Precedent

A legal case establishing a law, principle or rule that a court or other judicial body may apply when determining similar cases.

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## Prejudice

A preconceived adverse judgment or opinion.

---

## Preliminary Hearing

A hearing of a particular issue that needs to be determined before the hearing of the main dispute.

---

## Preliminary Hearing (Tasmania)

A hearing conducted before the trial starts when a judge may make determinations about any questions of law or procedure that are expected to arise in the trial.

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An initiative of:

With support from:

---

## Preliminary Proceedings (Tasmania)

The questioning of a Crown witness in the Magistrates Court before a criminal trial occurs in the Supreme Court. Preliminary proceedings can only occur if an order has been made specifying the witness or witnesses and matters that they may be questioned about.

---

## Premeditated crime

A crime committed with deliberate consideration and planning.

---

## Presumption of innocence

A rule that says every person is considered to be innocent of a criminal charge until they are proven guilty.

---

## Prima facie

Latin: on the face of it or at first sight. A legal presumption that means that upon the initial observation, there is sufficient evidence that can be used to prosecute.

---

An initiative of:

With support from:

## Prison

A place where people are detained because: 1.They are refused bail and remanded in custody and waiting for court; or 2. They are offenders who have been sentenced by a court to imprisonment.

---

## Privileged information

Information that is legally protected against disclosure.

---

## Pro-bono

Latin: for the public good. Voluntary and free professional legal services undertaken as a public service.

---

## Probation

A sentence imposed by courts. An offender must be supervised by a Probation Officer for a specified amount of time. The offender must obey the reasonable directions of their probation officer and not re-offend during the specified period. There may be other conditions that the offender has to comply with.

---

An initiative of:

With support from:

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## Probation and Parole Officer

A person who works with defendants and offenders outside of prison. The Probation and Parole Officer will supervise offenders and defendants to check that they obey a judge's rules (orders). A Probation and Parole Officer is also called a PPO or Parole Officer.

---

## Procedural fairness

The obligation placed on courts, tribunals and decision-makers to ensure that all parties are given the opportunity to present their case and to be able to respond to the case put by the other side. Also described as natural justice.

---

## Produce documents

When a judge uses a summons or subpoena to tell a person to bring papers to court, that person must 'produce documents'. That is, they must bring those papers to the court room.

---

## Proof

Evidence that establishes or helps establish a matter that needs to be decided.

---

An initiative of:

With support from:

## Proofing a witness

See "briefing a witness".

---

## Prosecutor (Prosecution)

A lawyer who conducts the case against the defendant/accused in conjunction with the police.

---

## Protection order

A court order that prohibits one person (respondent) from committing an act of domestic violence towards another (aggrieved).

---

## Prove

See "proof".

---

An initiative of:

With support from:

## Public gallery

A seating area at the back of the court for the public.

---

## Queen's Counsel (QC)/ Senior Counsel (SC)

A senior barrister.

---

## Quash a conviction

To set aside or annul a conviction.

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## Rape

Having sexual intercourse or continuing to have sexual intercourse with another person without their consent/permission.

---

An initiative of:

With support from:

---

## Re-examination

Where the party who calls a witness questions that witness in court again after the other party cross-examines them. The witness can only be questioned about matters they were questioned about by the other party during cross-examination.

---

## Re-hearing

A hearing to review a decision by looking at the same material that was presented to the original decision maker.

---

## Re-offend

To commit the same offence again.

---

## Re-opening

When a party's case can be opened again, with some new information presented, which will be taken into account by the decision maker.

---

An initiative of:

With support from:



## Read someone their rights

The requirement for police to inform a suspect of their legal rights (for example: to remain silent, not answer questions, call a lawyer or another support person) before asking them any questions. It is also called a caution.

---

## Reasons

The explanation given by the court for the courts decision.

---

## Record of proceedings

Courts keep a formal record of what happens in court and orders and directions that are made. This is known as the record of proceedings.

---

## Registered interstate order

An interstate order that is registered in another participating State or Territory.

---

An initiative of:

With support from:

## Registry committal

A committal that is dealt with in the registry of the court, without a hearing, using only documents filed by the parties.

---

## Rehabilitation

To reform or to change a person's behaviour so they stops committing crimes.

---

## Remand (remand in custody)

To 'remand' a person is to place them in custody while they are waiting for further court appearances in relation to the charge or charges against them. The court would order that the accused is 'remanded in custody'. They are then held in custody 'on remand'.

---

## Remote witness room

A room which is separate from the court room, in which a witness (for example, a child) may be allowed to sit while they give their testimony using an audio-visual link to the court, instead of having to sit in the witness box in the court room.

---

An initiative of:

With support from:

## Repeat offender

A person who repeatedly commits and is convicted of the same offence.

---

## Reserve decision

After hearing a case, a court may not immediately deliver a decision. A court may need time to consider the information provided and the law and may deliver a decision later.

---

## Resist arrest

When a person tries to stop a police officer from arresting them.

---

## Return order

This allows a person to return to premises they have been banned from to collect or remove certain personal property or other personal items.

---

An initiative of:

With support from:

## Revoke

To cancel or stop a court order.

---

## Robbery

Stealing by force or threat of force.

---

## Search warrant

A document issued by an official, usually a judge or a magistrate, authorising the police to search a vehicle, place or person.

---

## Seek leave to appear

Asking a court's permission to appear for a party to a proceeding.

---

An initiative of:

With support from:

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## Seek leave to withdraw

Asking a court's permission to no longer appear for a party to a proceeding.

---

## Self-incriminating evidence

Evidence given by a witness in a trial or other legal proceedings that could subject them to criminal prosecution.

---

## Self-represented litigant

A person who appears in court without a solicitor or barrister, and represents themselves in a court case.

---

## Self-representation

Where a party conducts their own case rather than having a lawyer represent them. Also referred to as a litigant in person.

---

An initiative of:

With support from:

## Sentence

The punishment imposed by a court after a person has pleaded guilty or been found guilty of an offence.

---

## Sentence conditions

When a judge sentences an offender, the judge may impose requirements that the offender has to obey. For example, directions to attend rehabilitation or not to re-offend.

---

## Sentence indication

The court gives an indication of the type of sentence in general terms that the person may receive if the person were to plead guilty. These indications are usually given in a special court list in the Magistrates Court.

---

## Sentenced to the rising of the court

A sentence where the offender is in the custody of the court for the period of the hearing and is then immediately released when court is finished.

---

An initiative of:

With support from:

---

## Sentencing options

The different sentences that the court can impose.

---

## Sentencing range

The range of sentences usually imposed by a court for a type of offence, from least severe to most severe.

---

## Separation of powers

A rule that is fundamental to our society, and is embodied in the Commonwealth Constitution, that the three arms of government (the executive, the legislative and the judiciary) are separate, and their respective functions and powers are independent of each other.

---

## Serve

Deliver a court document to a person.

---

An initiative of:

With support from:

---

## Sexual assault

The sexual touching of a person without their consent/permission (if an adult). Consent is irrelevant if the victim is a child. Also known as "indecent assault".

---

## Sheriff

Someone who carries out the orders of a court.

---

## Show cause situation

A presumption that bail should not be granted unless the accused can satisfy the court otherwise.

---

## Soliciting

To ask for something or to ask for something to happen.

---

An initiative of:

With support from:



## Solicitor

A solicitor is a lawyer. Solicitors help people to understand what the law says about their problems. They also prepare cases for court. Solicitors do not usually represent people in court cases.

---

## Speaker

A member of a jury who is the spokesperson for the jury.

---

## Special witness

A witness who is likely to have trouble giving evidence for various reasons, such as; being under 16 years old, having a disability, or because they may suffer emotional trauma by giving evidence. If a judge decides that a person is a special witness, special arrangements may be made to help them give evidence for example, they may be allowed to give their evidence by audio-visual link or allowed to have a support person with them.

---

## Specific deterrence

See "personal deterrence".

---

An initiative of:

With support from:

## Spousal Relationship

A marriage-like relationship that exists between two people of any sex.

---

## Spouse

A spouse includes a de facto partner and legally married partner. It also includes a former spouse of the person and a parent or former parent of a child of the person.

---

## Stalking

A course of conduct that involves actions directed at another person that are intended to cause that person harm or to be fearful. Stalking can include phone calls, text messages, messages left on social media sites, unwanted gifts, or physically following the other person, amongst other things.

---

## Stand aside

An objection to a member of the jury panel becoming a juror made during empanelment of the jury by the Crown.

---

An initiative of:

With support from:

---

## Standard costs

See "legal costs". The court may order that a person pay either indemnity costs or standard costs. Standard costs means all legal costs that were necessary for the person to spend. This is less money than indemnity costs.

---

## Standard of proof

Also known as 'level of proof', it is how much evidence there must be, or how strong the evidence must be, before a judge, a magistrate or a jury can decide about a case. For criminal law, the standard of proof is called beyond reasonable doubt. For civil cases, the standard of proof is called the balance of probability.

---

## State Executive

The body of members of parliament of the governing political party who formulate policy and control the government departments at the state level.

---

## State government

The government of each state.

---

An initiative of:

With support from:

## State Parliament

This is the parliament for each State. There are six States in Australia.

---

## Statement

A witness written account of what they heard and saw. The witness usually gives a statement to a police officer who assists by asking relevant questions (criminal matters). In civil matters a statement may be taken by a party own solicitor.

---

## Statement of claim

A formal document in which a person who brings a civil claim lists the facts that support their claim, and the orders they want the court to make.

---

## Statute

Legislation; an Act of Parliament.

---

An initiative of:

With support from:

## Statutory declaration

A written statement declared to be true in the presence of an authorised witness, usually a Justice of the Peace, Commissioner of Declarations, or solicitor.

---

## Stay

A stay of a decision postpones a decision taking effect until a certain date or a further order is made.

---

## Steal

When a person takes something that does not belong to them without the owner's permission.

---

## Steal by finding

Finding and keeping property belonging to another without attempting to find its owner or return it.

---

An initiative of:

With support from:

## Subjective elements

An aspect of an offence relating to the defendant's knowledge or belief.

---

## Submissions

The things that a party says to persuade the tribunal or court to make a decision in favour of that party. Submissions can be written, or spoken at a hearing. Submissions are different to giving evidence.

---

## Summary Charges

Charges that are dealt with and finalised in the Magistrates Courts.

---

## Summary offence

A minor offence that is dealt with in the Magistrates/Local Court.

---

An initiative of:

With support from:

## Summons

A document by a court telling a person they must come to court or bring something, like documents, to court.

---

## Supervise

To keep watch over a person to make sure they do the right thing and to provide help and guidance. If a court makes a sentencing order that an offender is to be supervised then that means that the offender may be given reasonable directions by the supervising officer which must be complied with.

---

## Supervision

Where a person is being supervised.

---

## Supervision assessment

A court directs that an offender be assessed to see if a supervision order is appropriate and to see if the Probation and Parole Office are able to supervise the offender.

---

An initiative of:

With support from:

## Support person

Someone who can be with the suspect at the police station as they are being asked questions. The person can be a friend or family member.

---

## Supreme Court

The highest court at the state and territory level. This Court hears the most serious criminal and civil matters. It can hear some cases for the first time, and can hear appeals from lower courts.

---

## Supreme Court Justice

A judge who decides court cases in the Supreme Court. They often hear more serious legal issues.

---

## Suspect

A person who police think broke the law. When a police officer charges that person, then that person is called a defendant.

---

An initiative of:

With support from:



---

## Suspended sentence

A sentence that means that the offender does not have to serve the period of imprisonment if they comply with conditions. Generally, these conditions include a requirement that the offender not commit another offence in a set period of time. Suspended sentences are sometimes called 'conditional liberty'. A court may order that a term be wholly suspended or partially suspended.

---

## Swear

To promise on oath that what you say is true.

---

## Temporary protection order

An order made for a short period of time until a final decision on an application for a protection order is made by the court.

---

## Tender evidence

To present something as evidence in court (for example, a document, or a thing). If the document or thing is accepted as evidence by the court, it will be marked as an 'exhibit' and given an exhibit number.

---

An initiative of:

With support from:

## Territory Government

This is the government for a Territory. It is like a State Government. There are two Territories in Australia, the Northern Territory and the Australian Capital Territory.

---

## Territory Parliament

This is the Parliament for the Northern Territory or the Australian Capital Territory.

---

## Testify

To give oral evidence, under oath or affirmation.

---

## Testimony

Oral evidence given by a witness who has taken an oath or affirmation.

---

An initiative of:

With support from:

## Threats

A communication that some harm or something unpleasant will happen to a person.

---

## Three levels of government

There are three levels of government in Australia. Federal Government, State Government or Territory Government, Local Government.

---

## To be affirmed (as a witness)

The administering of an affirmation to a witness (rather than an oath) binding the witness to tell the truth when giving evidence.

---

## To be found not guilty

After a trial or hearing the judicial officer or jury has found the defendant not guilty of the charge/s.

---

An initiative of:

With support from:

---

## To be sworn in (as a witness)

The witness takes an oath to tell the truth.

---

## To give an Undertaking

A binding promise given to a court to act or to not act in a particular manner, or to do or not do something.

---

## Transfer of indictment - district and jurisdiction

When court proceedings are transferred from a court in one location to another or from one level of court to another, for example, from Supreme Court to District Court.

---

## Trespass

Entering or remaining on premises of another person without consent/permission.

---

An initiative of:

With support from:

## Trial

The court case when evidence will be presented and the outcome will be decided. In some cases and in some courts this is called a hearing.

---

## Unanimous verdict

When all the jurors agree on the verdict.

---

## Unauthorised surveillance

Unreasonable monitoring or tracking of the person's movements, activities or interpersonal associations without the person's consent, including, for example, by using technology.

---

## Under duress

When a person is compelled by threats or coercion to commit criminal acts or to give a confession or consent to something, they are said to be under duress.

---

An initiative of:

With support from:

## Unlawful

When a person does something but they do not have power from the law to do it, their action is unlawful.

---

## Unlawful assault

This is another name for assault.

---

## Unlawful detention

Holding an individual against their will without a legal basis for doing so.

---

## Unlawful entry

Going inside a house or building without the owner's permission, usually with bad intentions (for example, to steal).

---

An initiative of:

With support from:

---

## Used in evidence against you (used against you)

If a person tells a police officer information about an offence, that information may be used in evidence against that person in any future court case. This means that the Prosecution may use this evidence to try to prove that the person committed the offence. The police must warn or caution a person that any information they give the police officer may be used in evidence against them.

---

## Vacate a court date

The cancellation of a pre-set date for a court hearing.

---

## Variation of domestic violence order

A change of a condition, duration, or the persons named in the order.

---

## Verdict

The decision of a jury in a criminal trial on whether an accused is guilty or not guilty.

---

An initiative of:

With support from:

## Victim

A victim is a person who an offender hurt when the offender broke the law.

---

## Victim impact statement

A document written by the victim of a crime explaining the impact the crime has had on their life. The statement is given to, and considered by, the sentencing judge at the accused's hearing.

---

## Victims of crime compensation levy

The Tasmanian equivalent to an "offender levy". When offenders have been sentenced, they have to pay a standard amount of money to the government. It is called a victims of crime compensation levy because it goes towards compensation paid by the government to victims of crime.

---

## Voir dire

A preliminary examination of prospective jurors or witnesses under oath to determine their competence or suitability. Also, a hearing to decide legal issues, or what evidence will be used in the trial.

---

An initiative of:

With support from:



---

## Voluntary intervention order

An order that requires the respondent to attend: an approved intervention program and/or counselling provided by an approved provider.

---

## Warning (e.g. said by the police when they give evidence)

A statement that a police officer must make to a person before asking them questions about an offence. The police officer must tell the person that they have the right to remain silent, but if they do say something, it may be used in evidence in any future court case, including as evidence against them. Also known as a police caution.

---

## Warrant

A document issued by an official, usually a judge or a magistrate, to police, authorising the police to do the things referred to in the warrant (for example, a search warrant or a warrant of apprehension).

---

## Warrant of apprehension

Also called an arrest warrant, or warrant for arrest - it is a warrant authorising the police to arrest a person and bring that person to court.

---

An initiative of:

With support from:

---

## Weapon

Anything that has been used to threaten or injure the aggrieved, for example: a martial arts weapon, a bat or even a dog. Information about such weapons, and any weapons licences, may be included in the domestic violence order.

---

## Witness statement

A signed written document outlining the evidence of a witness that would otherwise be given orally in court.

---

## Witness stand/Witness box

The place in the court room where witnesses sit to give their evidence.

---

## Witness

A person who has seen or heard anything in connection with the case in court. Witnesses are asked to answer questions about what they have seen or heard to help decide a case.

---

An initiative of:

With support from:

---

## Without prejudice

Without detriment to, or loss of, any pre-existing right or claim.

---

## Without admissions

Where a person agrees to the making of a protection order, and being named as the respondent (a consent order), even though they do not admit to the allegations of domestic violence and the court has not made a finding that domestic violence has occurred.

---

## Withdraw a question/comment

To retract, or take back (for example, a lawyer may withdraw a question, following an objection from the opposite party).

---

## Wholly suspended sentence

A suspended sentence where the offender does not go to jail at all.

---

An initiative of:

With support from:

## Wounding

Causing an injury to a person involving the breaking of the skin.

---

## Writ

A document which commences a claim in court.

---

## Your Honour

A formal title used to address magistrates and judges to show respect. When anyone speaks to a magistrate or judge they call them "Your Honour".

---

An initiative of:

With support from:

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