Legal Terminology Manual
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Family Law

Applicant
In a divorce case the applicant is the person filing for the divorce.

Affidavit
An affidavit is a statement, written on oath, that the details included in a divorce application are correct.

Application for Divorce
An Application for Divorce is made using Form 4. The marriage details and the personal details of both parties are entered on this form.

Decree absolute
A decree absolute is a final decision or order that legally ends a marriage. The parties are now free to remarry. The decree absolute is usually issued four weeks after the decree nisi.

Decree nisi
A decree nisi is a conditional decision or order made after the divorce proceedings. At this stage the divorce is not final and the parties are still married.

De facto
A de facto wife and a de facto husband are individuals who live together, but are not married.

Dependent
A dependent is a person who is supported financially by another person. In divorce proceedings the term dependents usually refers to the children of the marriage.

Dissolution
A dissolution of a marriage occurs when one of the parties has died or by a judicial decree.

Ex nuptial
Ex nuptial applies to something that has occurred outside of the marriage. For example, a child born outside of the marriage would be an ex nuptial child.

Form 4
A Form 4 is the form used for an Application for Divorce. It is used to record the details of the marriage and the personal details of both parties.

Form 17
A Form 17 is the form used to detail the finances of parties involved in a dispute. The completed form is known as the Statement of Financial Circumstances.
Guardian
A guardian is someone who is responsible for the welfare of a child.

In loco parentis
The term in loco parentis means in the place of a parent.

Interim custody order
An interim custody order applies in a custody dispute where one party has full custody of the child (or children) until the full court hearing takes place.

Respondent
In a divorce case the respondent is the person who has not applied for the divorce.

Statement of Financial Circumstances
A Statement of Financial Circumstances is the statement used to detail the finances of the parties involved in a dispute. A Form 17 is used to create the Statement of Financial Circumstances.
Conveyancing

Abstract of Title
An Abstract of Title is a document that records the history of all the transactions relating to a property.

Auction
An auction is a public sale of property where individuals can make bids.

Caveat
A caveat is the Latin word for warning. A person with a legal or equitable interest in real property may register a caveat with the Titles Office. Any person considering acquiring an interest in that property will, upon conducting a Titles search, be put on notice of any interest a third party may claim to have in relation to that property. For example, a bank may register a caveat when a mortgage is taken over a property and there is to be a delay in the registration of the mortgage. This will note the bank’s interests until the mortgage is registered. The applicable legislation prohibits the Titles Office from registering an interest in property the subject of a caveat without first notifying the caveator.

Caveator
The caveator is the person who has lodged a caveat.

Certificate of Title
A Certificate of Title is the title deed of a property. This document records the legal description of the owners and the land.

Chattel
A chattel is a movable article of property. In terms of a property sale any chattels that are included in the sale will be documented individually.

Contract Note
A Contract Note is a simplified form of a Contract of Sale used by real estate agents. The Note lists details of the property and the conditions of sale. This is usually the first document signed upon the purchase of a property. Once the Contract Note has been signed by the vendor and purchaser, it is a binding contract (subject to the cooling off period).

Contract of Sale
A Contract of Sale is a document that details the arrangements made between a vendor (the seller) and the purchaser (the buyer) with regards to the purchase of a property. A Contract Note is often made subject to a Contract of Sale. A Contract of Sale is, however, optional. As the Contract of Sale is more comprehensive than a Contract Note, the parties to the Transfer may choose to use a Contract of Sale as well as a Contract Note.

Consideration
The consideration is the money paid by the purchaser in return for the promise of the sale of a property.

Controlling Party
The Controlling Party is the party that has control over documents or dealings.
Conveyance
A conveyance is used to register the change of ownership of a property. It is equivalent to a Transfer of Land document under the Transfer of Land Act.

Conveyancing
Conveyancing is the area of law dealing with the transfer of property.

Cooling off period
A cooling off period is a specified period of time in which a signatory to a document can choose to terminate the contract. For example, property buyers have a cooling off period in which they can choose to terminate the contract. The cooling off period will be detailed in the “Buyer’s Cooling-off Rights” section of the Contract of Sale.

Covenant
A covenant is a restriction placed on the use of land to provide benefits to a particular neighbourhood. For example, some neighbourhoods may have restrictions regarding the size of houses or whether tin garages are allowed. Covenants are determined by local councils and will vary depending on the neighbourhood.

Dealing
A dealing is a document such as a mortgage or Transfer of Land affecting a Certificate of Title.

Dealing Number
When a document is registered at the Titles Office it receives a number called a Dealing Number.

Debenture
A debenture is a legal document issued by a company or a public body as security for a loan. A Debenture provides a bank with the Power of Attorney over the assets of the company or public body. A debenture is more commonly called a Registered Mortgage Debenture (RMD).

Discharge of Mortgage
A Discharge of Mortgage is a document that passes the land from the mortgagee back to the mortgagor following the repayment of monies owing.

Easement
An easement is a path across land that authorities can use for services such as sewerage, electricity and phone lines.

Encumbrance
An encumbrance is a claim or burden on a property. An encumbrance restricts or limits the owner’s freedom to use or dispose of their property. There are several different types of encumbrances including: easements, mortgages, caveats, covenants, leases.

Fee simple
Fee simple is the most complete form of ownership that someone can have in a property.
**Freehold Mortgage**
A Freehold Mortgage is a mortgage over land and is the most common type of mortgage.

**Guarantee**
A guarantee is a promise made in writing by one party to be answerable for the payment of a debt by another party. The person giving the guarantee is known as the guarantor or surety. The person with the debt is known as the principal or principal debtor. Guarantees are commonly required when the borrower does not have sufficient security to cover the debt or when the customer applying for the loan and the registered owner of the proposed security for the loans are not the same person.

**Guarantor**
A guarantor is a person who gives a guarantee. They are also known as a surety.

**Lease**
A lease is an agreement between the owner of a property and another party that allows the other party to use the property for a stated period. A lease can only be noted on the Certificate of Title, if the lease is for more than three years. However, in practice, terms of considerably more than this period are registered usually by the lessee’s solicitor.

**Leasehold Mortgage**
A Leasehold Mortgage is a mortgage over a leasehold interest.

**Memorial**
A memorial summarises the details of a legal document. Under the Property Law Act every document that is to be registered must have a related memorial. The memorial is retained by the Registrar General’s Office and is indexed in the Memorial Book.

**Mortgage**
A mortgage is a deed that sets out the details of the agreement between the mortgagor and the mortgagee to lend money to purchase a property. A mortgage contains the conditions relating to both the loan agreement and the use of the asset by both parties.

**Mortgagee**
The mortgagee is the party that lends the money. The mortgagee provides funds to the mortgagor in exchange for security for the loan and interest repayments.

**Mortgagor (mortgager)**
The mortgagor is the party that borrows the money.
**Property Law Act**
The Property Law Act covers property that is registered under General Law by the Registrar General’s Office. This Act provides the conditions under which the Registrar General will allow dealings with the property. Property includes assets such as land, stock and crops. Under General Law any dealing on the land requires a separate deed (or document) which forms part of the Chain of Title.

**Rate notice**
A rate notice is used to set out the charges that a property owner must pay for services such as sewerage and garbage collection.

**Reconveyance**
Under reconveyance the mortgagee, as registered proprietor of the land, re-conveys the land to the mortgagor or the mortgagor’s legal representative.

**Registrar General’s Office**
The Registrar General’s Office registers all documents that fall under the Property Law Act. Details of the documents are recorded in Register Books.

**Registered Number**
When a document is registered at the Titles Office it is given a number called a Registered Number. The Registered Number is recorded on the Certificate of Title.

**Settlement**
Settlement is a transaction that completes a purchase or sale of real estate. It occurs when the representatives of a vendor, purchaser and lender come together to exchange money for documents, such as a Certificate of Title, Transfer of Land and Discharge of Mortgage. There are two types of settlement: a Receiving Deeds Settlement and a Surrendering Deeds Settlement. A Receiving Deeds Settlement completes a contract for a purchase or the refinancing of a loan. It involves a bank handing over money to another party in exchange for documents that act as security for the loan. A Surrendering Deeds Settlement involves surrendering documents to another party to complete a Contract of Sale or the refinancing of a loan. As security the bank has held the documents. In exchange for the documents, money is received which clears the debt to the bank.

**Stamps Act**
The Stamps Act outlines all of the requirements relating to the payment of stamp duty for the State of Victoria.

**Stamp duty**
Stamp duty is a tax levied by the State Government on real estate purchases.

**Stamps Office (also known as the State Revenue Office)**
The Stamps Office assesses the stamp duty to be paid on Transfer of Land documents.

**Subdivision Act**
The Subdivision Act replaced the Stratum Titles Act, the Strata titles Act and the Cluster Titles Act. The Subdivision Act gives a detailed outline of the requirements for the division of land.
Tenancy Law
Tenancy Law deals with issues relating to the occupancy by one party of a property owned by another party.

Titles Office
The Titles Office holds a register that records the owners of land under the Transfer of Land Act. It also holds the originals of all Transfer of Land Act documents.

The Titles Office processes dealings lodged for registration under the Transfer of Land Act. A dealing is a document such as a mortgage or Transfer of Land affecting a Certificate of Title. When a document is lodged to be registered, it receives a number called the Dealing Number. When the document is registered, the Dealing Number becomes a permanent number called the Registered Number. This number is recorded on the Certificate of Title.

Transfer of Land
The Transfer of Land is the document that actually transfers the ownership of property from the vendor to the purchaser. It is registered at the Titles Office and its registered number is noted on the back of the Certificate of Title with the name of the registered owner. It is equivalent to a conveyance.

Transfer of Land Act
The Transfer of Land Act allows for one document (Transfer of Land) to replace the cumbersome Chain of Titles. The Act is based on the Torrens system. The original Certificate of Title is retained by the Titles Office and each time the property changes hands, the new proprietor is registered on the Title. A copy of the amended Title is issued to the new proprietor.

Transfer of Land (Conversion) Act
The Transfer of Land (Conversion) Act allows the proprietor of any General Law land to apply to have their Chain of Title converted to a Torrens title. After conversion of the property from General Law to the Torrens system, the proprietor is issued with a Certificate of Title which replaces the Chain of Title.

Title particulars
The title particulars are the terms used to describe a property. Examples include lot number and strata plan number.
**Litigation**

**Accused**
The accused is a person who has been charged with a criminal offence. They are known as the defendant during the proceedings.

**Acquittal**
An acquittal occurs when the defendant is set free.

**Affidavit**
An affidavit is a statement, written on oath, that the details given are correct. This statement can be used as evidence in court.

**Alibi**
An alibi is a defence that a person was elsewhere when the offence was committed.

**Call-over**
All litigation matters are placed on a court registry list and given a call-over date. On this call-over date the date is then set when the case will actually be heard.

**Committal proceedings**
Committal proceedings occur in order to decide if enough evidence exists to put someone on trial.

**Complainant**
A complainant is the person who makes the complaint.

**Creditor**
A creditor is the party to whom money is due from a debtor.

**Debtor**
A debtor is the party who owes money to a creditor.

**Defamation**
Defamation occurs when one person causes injury to another person’s reputation.

**Deponent**
A deponent is the person who swears an affidavit to be true.

**Deposition**
A deposition is a statement used as evidence during court proceedings. A deposition is written under oath.
Due process
Due process occurs when the appropriate legal procedures are followed correctly thus protecting the rights of the accused.

Indictable offence
An indictable offence is a major offence that is heard before a judge, or a judge and jury. Examples of a major offence include murder, manslaughter, and armed robbery.

Interrogatories
Interrogatories are the questions that both parties in a dispute are entitled to ask. These questions must be answered under oath.

Misdemeanour
A misdemeanour is a term applied to a criminal offence. It is most often used to describe a minor offence such as shoplifting.

Notice for Discovery
A Notice of Discovery is a legal document that can be issued by either side in a dispute. The party that receives the Notice for Discovery must list all the relevant documents that relate to the case.

Perjury
Perjury occurs when someone intentionally gives evidence that is false whilst under oath.

Plaintiff
A plaintiff is the person who brings the action in a civil case.

Prosecution
The term prosecution applies to the side conducting the case against the defendant.

Statement of claim
A statement of claim is the plaintiff’s written statement regarding the facts against the defendant.

Statement of defence
A statement of defence is the defendant’s answer to the plaintiff’s statement of claim.

Summary offence
A summary offence is a minor offence heard before a magistrate.

Summons
A summons is a notice calling on an individual to appear before the court.

Writ
A writ is a written order used to begin the proceedings in a court. A writ is used in the Supreme and County/District Courts.
**Commercial**

**Application for Reservation of Name**
An Application for Reservation of Name is the form used when a company changes its name or when someone wishes to reserve a name for a new company.

**Australian Securities and Investments Commission**
The Australian Securities and Investments Commission (ASIC) is Australia’s national corporate regulator and is responsible for administering the laws and regulations of the Corporations Act. A major task for the ASIC is to receive, process and store information lodged by Australian companies, foreign companies and other bodies registered in Australia under the Corporations Act.

**Certificate of Registration**
A Certificate of Registration is issued when a company is registered.

**Common Seal**
A Common Seal is a stamp bearing the name and number of a company. The seal is used when a document is signed on behalf of a company.

**Corporate Affairs Office**
On request the Corporate Affairs Office will provide information on businesses such as registered proprietors, address and expiry date.

**Debenture**
A debenture is a document detailing a debt. A debenture can be used as security for a debt and is often issued by an incorporated company.

**Liquidation**
Liquidation occurs when a company or business stops trading and its financial affairs are settled by the sale of its assets.

**Trust Deed**
A Trust Deed is a document that is used to establish a trust. It indicates who the trustees are and defines their power.

**Trust**
A Trust is a relationship where the trustee holds the title to property for the benefit of the beneficiary.
Wills and Probate

Administrator
The administrator is the person who administers an estate when a Will has not been left.

Bequeath
Bequeath is the term used where a Will disposes of personal property. The property can include money.

Beneficiary
A beneficiary is a person who receives property in accordance with the details of a Will or Trust. The property can include money.

Codicil
A codicil is a supplement to a Will. This supplement can be an addition to or a modification of the Will.

Executor
An executor is a male appointed in a Will to ensure that the testator’s interests are met.

Executrix
An executrix is a female appointed in a Will to ensure that the testator’s interests are met.

Intestate
Intestate is the term used when someone dies prior to making a Will or when the Will does not dispose of all the property correctly. The property that has not been disposed of properly is known as the residue.

Letter of Administration
A Letter of Administration is a document used when the deceased has not left a Will. The document allows the estate to be administered.

Probate
A probate is a document certifying that a Will is valid. A probate is issued by a probate court.

Testate
Testate is the term used when a valid Will has been left.

Testator
A testator is a male who has made a Will.

Testatrix
A testatrix is a female who has made a Will.

Will
A Will is a written legal declaration of the way a deceased person wishes their property to be disposed of.
Latin Terms

Bona fide
In good faith.

Caveat emptor
Let the buyer beware.

Consortium vitæ
Spirit of the marriage.

Et al
And others.

Inter alia
Among other things.

Prima facie evidence
Prima facie evidence is a first-hand impression of an incident. This evidence can be enough to establish a fact or to raise a presumption of fact.

Pro rata
Fixed or agreed proportion.

Sub judice
Not yet judicially settled.

Sui juris
Full legal capacity.
Old English Terms

Aforesaid
Said or named before.

Bequeath
To leave, commit or entrust personal property by Will to another.

Hereinafter
Afterword in this document.

Hereunder
Under this.

Hereunto
To this point of time.

Notwithstanding
In spite of, nevertheless, however or yet.

Predecease
Death before another’s death.

Whereof
Of which.

Whereto
To which or to what.

Whomsoever
Whatever person.
General Legal Terms

**Appeal**
An appeal is the process of applying to a higher court or tribunal for a review of a case.

**Attestation**
Attestation is the act of bearing witness as to the signing of a document to certify its genuineness.

**Attestation clause**
The attestation clause details that the signatory (the signer) is bearing witness that the document is genuine. The attestation clause is also referred to as the signing clause.

**Bail**
In a criminal case a prisoner can be released on bail. Under bail the individual is released from legal custody and comes under the custody of the individuals who have deposited a security. If the prisoner does not appear for trial at the appointed date then the security is forfeited.

**Bill**
A bill of indictment is the written accusation used to charge a person with an offence that is tried by a jury. In Victoria the bill of indictment is known as a presentment.

**Brief**
A solicitor prepares a brief for a barrister to use when the case is presented at court. The brief is a summary of the relevant information and documents relating to the case. Often the word brief is used to refer to a barrister.

**Case**
A case refers to the information submitted on behalf of a party. A case can also refer to the proceedings that take place in court.

**Certified copy**
A certified copy of a document is one that has been signed by a witness.

**Clause**
A clause is a numbered paragraph in a legal document.

**Cooling off period**
A cooling off period is a specified period of time in which a signatory to a document can choose to terminate the contract. For example, some property buyers have a cooling off period in which they can choose to terminate the contract.

**Damages**
Damages refers to the amount of money that is estimated to be equivalent to an injury or loss.
Duplicate
A duplicate in law is an exact copy of a legal document.

Draft
A draft is the first version of a piece of writing or document. A draft is subject to change before it becomes finalised.

Engrossment
Engrossment occurs when a document is written or copied in a formal manner.

Execute
Execute means to sign.

Garnishee
A garnishee is the person who has been served with a garnishment. A garnishment is the warning served by a court to a defendant that a creditor will hold money or property belonging to the defendant until the case is settled.

Hearing
A hearing occurs when a matter is presented before a court or tribunal.

In camera
An in camera court case is one that is closed to everybody except those authorised to attend.

Indict
To indict someone is to charge them with an offence or crime.

Injunction
An injunction is a legal order made to ensure a person desists from an action. It may also be used to force an individual to undertake a specific action.

Legalese
Legalese refers to the specialised language used in the legal world. Legal documents are constructed using legalese.

Matter
In law a matter refers to an allegation or a statement. An allegation occurs where a party makes an unsupported statement and then attempts to prove it.

Negligence
Negligence is deemed to have occurred when the correct degree of care has not taken place and has resulted in injury to others.
**Precedent**
Precedents are past legal decisions or forms of proceeding that are used as authoritative guides in other similar cases.

**Pursuance**
Pursuance is the carrying out of a particular action. For example, the carrying out of an injunction.

**Remand**
When a prisoner or an accused person is put on remand they are sent back into custody to wait for the next proceedings.

**Schedules**
Schedules refer to attachments, such as detailed lists.

**Signing clause**
The signing clause details that the signatory (the signer) is bearing witness that the document is genuine. The signing clause is also referred to as the attestation clause.

**Statute**
A statute is the passing of a bill into law by the government. Statute is also used to refer to the document that expresses the law.

**Trial**
A trial can relate to both a case where a person’s guilt or innocence is determined and to a case where the facts of an issue are examined.

**Tribunal**
A tribunal is a judicial body that decides on matters brought before it. Tribunals were established to help resolve disputes without resorting to a formal legal process. Tribunals have limited jurisdiction as they are established to deal with specific areas of law. Tribunals can resolve disputes using a number of different means including mediation, negotiation and commercial arbitration.

**Verdict**
A verdict is the decision given by a jury after hearing the facts of a trial.

**Without prejudice**
Information that is without prejudice means that it will not affect a legal issue.
Legal Documents

Statutory Declaration
A Statutory Declaration is a written statement that is witnessed by a recognised official. A Statutory Declaration is not sworn on oath and cannot be presented as evidence. The person who writes the Statutory Declaration is known as the deponent.

Subpoena
A subpoena is the document used to summon witnesses.

Notice of Appearance
A Notice of Appearance is a document used by the defendant to indicate that a claim will be defended. It must be issued within a specified period from the date the writ has been received.

Complaint
A complaint is the document used to start proceedings in the Magistrates’ Court.

Power of Attorney
A Power of Attorney is the document used to authorise an individual to act on behalf of another person. A Power of Attorney can be General or Enduring.

Originating Motion (Probate)
The Originating Motion is the document used to request a grant of probate. The Originating Motion contains details of the deceased and is initiated by the executor of the Will.

Affidavit of Executor (Probate)
The Affidavit of Executor is a document, sworn by the executor, detailing that the executor undertakes to administer the deceased’s estate according to legal requirements.

Order for Grant of Probate (Probate)
The Order for Grant of Probate is the document, which requests that the executor be given the authority by the Registrar of Probates, to administer the deceased’s estate.
Abbreviations

Ats            At the suit of
Comm. Lit      Commercial Litigation
DPP            Department of Public Prosecution
DX             Australian Document Exchange
Inc.           incorporated under law
IR Team        Industrial Relations Team
JP             Justice of the Peace
LTO            Land Titles Office
PI Area        personal injury area
PoA            Power of Attorney
ppty           property
QC             Queen’s Counsel
RMD            Registered Mortgage Debenture
TBC            to be confirmed
T&C            terms and conditions
v              versus
**General Issues**

**Administrative Appeals Tribunal**
The Administrative Appeals Tribunal reviews the decisions made by a number of statutory bodies including departments of the Federal Government.

**Appellate Jurisdiction**
Appellate Jurisdiction refers to the right of a court to hear an appeal.

**Articled Clerk**
An Articled Clerk is a person who has obtained their law degree and is working for a partner until they have gained enough experience to be admitted as a lawyer. In some States an Articled Clerk is required to complete a training course before becoming a lawyer.

**Associate**
Associate is the term used for experienced lawyers who have not yet become senior associates.

**Bailiff**
A bailiff is a judicial officer employed by a sheriff to carry out specific duties. These duties involve the serving of writs and summonses.

**Barrister**
Barristers are lawyers who present cases in court. It is common for Barristers to specialise in certain areas of law such as family law or commercial law.

**Children’s Court**
The Children’s Court is a State court that has jurisdiction over all cases relating to children except murder. A child is someone who was 17 at the time of the offence or is under 18 when appearing before the court.

**Clerk of Courts (Registrar)**
A Registrar (or Clerk of Courts) is the person responsible for the administration of the lower courts. A Registrar is responsible for listing cases for hearing and also for recording the results of cases.

**Commercial arbitration**
Commercial arbitration is a process used to resolve a dispute. An independent third party listens to the opposing parties and then determines a resolution.

**Common Law**
Common Law relates to the laws that have been developed by the decisions of judges.

**Commonwealth Jurisdiction**
The Commonwealth Jurisdiction (or Federal Jurisdiction) indicates the types of legal cases that can be heard at courts within the Federal court system.
**County Court**  
In Victoria intermediate courts are known as County Courts. In New South Wales they are known as District Courts.

**Court**  
A court is a place where the law is administered. Each State and Territory has its own court structure and each court has its own area of jurisdiction (the types of cases that can be heard). Courts can deal with both civil and criminal cases.

**Court Filing Clerk**  
The Court Filing Clerk is the person responsible with formally filing documents at the various courts and tribunals.

**Courts of Petty Session**  
In New South Wales, Tasmania, Western Australia and the Northern Territory criminal jurisdiction courts are known as Courts of Petty Session.

**Court of Record**  
A Court of Record is a court that has its decisions recorded. Decisions that are recorded can be used as precedents.

**Courts of Request**  
In Tasmania, Courts of Request are courts that only have a civil jurisdiction.

**Coroner**  
A coroner hears matters relating to unexplained deaths including death from an injury or accident and death while held in an institution.

**Coroner’s Court**  
The Coroner’s Court is a State court that has jurisdiction over unexplained deaths. The Coroner’s Court can commit a person for trial at a higher court.

**Civil Jurisdiction**  
Civil Jurisdiction covers situations where a wrong has been committed. Examples of civil cases include claims for damages, broken contracts and debt recovery. In civil cases one party (the plaintiff) will bring an action against another party (the defendant).

**Crimes Compensation Tribunal**  
The Crimes Compensation Tribunal hears matters relating to the level of compensation paid to victims of crime.
Criminal Jurisdiction
Criminal Jurisdiction covers a wide range of offences from traffic offences to murder. The seriousness of the offence dictates which court will hear the case. A serious offence such as murder will be heard in a higher court than a traffic offence, which is considered a less serious crime.

A major offence is often known as an indictable offence. Indictable offences include murder, manslaughter, and armed robbery.

A minor offence is often known as a misdemeanour. Misdemeanours include traffic offences, shoplifting, offensive behaviour, and consuming alcohol in a public place.

In criminal cases the Department of Public Prosecution (DPP) or the police will bring an action against an individual. The action can be brought at either State or federal level.

Director of Public Prosecutions
The Director of Public Prosecutions, at both State and federal level, is responsible for initiating and conducting prosecutions against individuals accused of offences or crimes.

District Court
In New South Wales, South Australia, Queensland and Western Australia State intermediate courts are known as District Courts.

Employee Lawyer
An employee lawyer is a lawyer in a legal firm who is less experienced than either an associate or a senior associate.

Family Court
The Family Court is part of the Federal Court System and has jurisdiction over family law. It has both original jurisdiction (hears cases for the first time) and appellate jurisdiction (hears appeals). The Family Court deals with such issues as the custody of children and divorces. The Full Court of the Family Court has jurisdiction over appeals from the Family Court.

Federal Court
The Federal Court is made up of the Full Court, the General Division and the Industrial Division. The Federal Court has jurisdiction over federal law and can hear cases for the first time as well as appeals.

Federal Court System
The Federal Court System includes the Federal Court, The Family Court and the High Court. The Federal Court system has jurisdiction over cases relating to federal law. It can hear cases for the first time (original jurisdiction) and appeals from the Federal Court and the State courts (appellate jurisdiction).

Federal Jurisdiction
The Federal Jurisdiction (or Commonwealth Jurisdiction) indicates the types of legal cases that can be heard at courts within the Federal Court System.
**Full Court (of the Federal Court)**
The role of the Full Court of the Federal Court is to hear appeals from earlier decisions of the Federal Court. The Full Court has appellate jurisdiction for earlier Federal Court rulings.

**General Division (of the Federal Court)**
The General Division of the Federal Court deals with issues relating to Federal laws including the Trade Practices Act. The General Division also deals with federal tax issues and bankruptcy.

**High Court**
The High Court is the highest court in Australia and is the final court of appeal (appellate jurisdiction) for both federal and state cases. The High Court can also hear cases for the first time (original jurisdiction). The High Court deals with both criminal and civil matters.

**Industrial Division (of the Federal Court)**
The Industrial Division of the Federal Court deals with issues relating to industrial relations.

**Judge**
A judge is the judicial officer who presides over cases in the intermediate courts and the Supreme Court.

**Judge’s Associate**
A judge’s associate conducts research and organises documents and exhibits for a judge.

**Jurisdiction**
Jurisdiction is the area of law that a court can administer. The area of law that a jurisdiction covers is set by legislation.

**Jury**
A jury is a group of people who are chosen at random for a trial. The jury is responsible with delivering the verdict in a case. All members of the jury are sworn under oath and are expected to act fairly and honestly.

**Law clerk (paralegal)**
A law clerk is someone who has considerable legal knowledge, but is not a qualified lawyer. They will carry out a wide range of legal tasks working closely with a lawyer.

**Lawyer**
A lawyer is a legal practitioner who can operate as either a solicitor or as a barrister. Lawyers deal with a range of legal issues from writing Wills to taking cases to court. At all times lawyers act on behalf of their client(s) taking instructions from them and providing them with legal advice. In all States, lawyers must have studied law and met certain requirements before they are allowed to practice.

**Legal Practice Manager**
A Legal Practice Manager is a person who runs the business side of a legal firm. They are usually responsible for such areas as accounting and marketing. The actual responsibilities of this role will vary from firm to firm as will the actual title. Other common titles for this role include Office Manager and General Manager.
Legal Secretary
A legal secretary is someone who assists a lawyer. A legal secretary’s duties will vary, but usually include the following: arranging meetings, booking travel and accommodation, preparing legal documents, filing and answering the phone.

Local Courts
Local Courts in Victoria, the ACT and Queensland are known as Magistrates’ Courts and they have both a criminal and a civil jurisdiction. In New South Wales, South Australia, Western Australia and the Northern Territory Local Courts only have civil jurisdiction. Local Courts in South Australia are also State intermediate courts.

Magistrate
A magistrate is the judicial officer who presides over cases in the lower courts.

Magistrates’ Court
In Victoria, ACT and Queensland, Magistrates’ Courts have jurisdiction over both criminal and civil cases. In South Australia a Magistrates’ Court only has jurisdiction for criminal cases.

Managing Partner
A Managing Partner in a legal firm is someone who not only has a part ownership or a legal interest in the firm, but also is usually responsible for the day to day running of the firm. They are regarded as the head of the firm.

Mediation
Mediation is a process whereby a mediator will attempt to bring opposing parties to a voluntary agreement. A mediator has no authority to impose a decision.

National Native Title Tribunal
The National Native Title Tribunal deals with issues relating to the native title of land. This tribunal deals with compensation over native land and is also responsible for accepting applications claiming native title.

Original Jurisdiction
Original Jurisdiction refers to the right of a court to hear a case first. When this happens the court is often referred to as the court of first instance.

Partner
A Partner in a legal firm is someone who has a part ownership or a legal interest in the firm.

Prothonotary
In the Common Law Division of the Supreme Court the Registrar is known as a prothonotary. A Registrar (or Clerk of Courts) is the person responsible for the administration of the court. They are responsible for listing cases for hearing and also for recording the results of cases.
Registrar (Clerk of Courts)
A Registrar (or Clerk of Courts) is the person responsible for the administration of the lower courts. They are responsible for listing cases for hearing and also for recording the results of cases.

Senior Associate
In a law firm a senior associate is usually a very experienced lawyer. A senior associate will often have greater responsibilities than other lawyers, such as managing staff and dealing with complex legal issues.

Sheriff
A sheriff is a judicial officer of the Supreme Court. A sheriff’s duties include summoning juries and executing processes related to the Supreme Court.

Small Claims Tribunal
The Small Claims Tribunal hears matters relating to faulty goods and services. The benefit of the Small Claims Tribunal is that matters can be dealt with quickly and cheaply without resorting to more formal legal proceedings.

Solicitor
Solicitors are lawyers who provide legal advice to clients, prepare legal documents and prepare cases for courts. Solicitors usually do not present cases in court (except in the Magistrates’ Court) as this is done by a Barrister.

Solicitors work in private practice, government departments and companies and they can work alone or in partnership. Solicitors often specialise in one area of law, such as conveyancing or family law.

State Court System
The State Court System describes the hierarchies of courts at State level. In New South Wales, Victoria, Queensland, South Australia and Western Australia three levels of courts exist. The three levels are the lower courts, the intermediate courts and the superior courts. The lower courts are often known as local courts. The intermediate courts are known as County Courts in Victoria and District Courts in New South Wales, Western Australia, Queensland and South Australia. The superior courts are known as the Supreme Courts. In the Australian Capital Territory, the Northern Territory and Tasmania there are only two levels of courts; the lower courts and the Supreme Court.

State Jurisdiction
The State Jurisdiction indicates the types of legal cases that can be heard in court within the State court system. Each State and Territory has its own court system.

State Lower Courts
State Lower Courts are often known as inferior or local courts.

State Ombudsman
The State Ombudsman reviews complaints made against the actions of government departments and statutory authorities. In some States an Ombudsman is appointed to deal with a specific area such as Telecommunications or Banking. These are known respectively as the Telecommunications Ombudsman and the Banking Ombudsman.
**Statutory Law**
Statutory Laws or statutes are laws that have been created by Parliament. Statutory laws are set out in Acts of Parliament. Statutory laws can be passed by the Federal Parliament or by the State Parliament. The Federal Parliament will pass laws on areas such as taxation, defence, customs and excise and trade. State Parliaments will pass laws on areas such as policing, road traffic and health.

**Supreme Court**
The Supreme Court, in all States, is the state superior court. They have unlimited jurisdiction over criminal and civil cases. The Supreme Court is a Court of Record. A Court of Record is a court that has its decisions recorded. Decisions that are recorded can be used as precedents.

**Titles Office Clerk**
A Titles Office Clerk is the person responsible for conducting property searches.

**Types of Law**
There are two major areas of law in Australia. The first is the law made by parliament, known as Statutory Law. The second is the law made by judges in court, known as Common Law.