**SOURCE ONE – TEXT EXTRACT**

**Australia’s Court System**

The Court System in Australia can be divided into the State Courts and Federal Courts. The two systems are not completely separate as appeals from decisions of State Supreme courts may be made to either the Federal Court of Australia or the High court.

**The State/Territory Courts**

Each state has three main levels or grades of courts. At the lowest level is the Magistrates Court. At the middle or intermediate level is the County or District Court. At the top is the supreme court of each State/Territory. The Supreme Court is known as a superior court while the courts on other levels are called inferior courts. The level of the court in the state system reflects the type and seriousness of the matters which are heard in particular courts.

**The Magistrates’ Court**

The Magistrates’ Courts are presided over by magistrates who are not necessarily lawyers. Magistrates are often public servants especially trained for the job. The types of matters heard in Magistrates’ Courts are set out in parliament-made law. They include:

* Civil disputes: disputes between citizens over small debts. The value of property or debt varies from State to State but it is generally no more than $10,000.
* Summary Offences: less serious crimes that can be dealt with quickly and without the formalities required in the higher courts. For example, drunken driving, assault charges. Summary offences are tried without a jury.
* Committal proceedings: preliminary hearings which determine whether there is enough evidence to put a person on trial for a serious crime.

**District or County Court**

The State parliament appoints a judge from among the practising lawyers in the State to preside over the District Court hearings. Cases in the District Court include:

* Appeals: cases requesting appeals against decisions made in the Magistrates’ Courts.
* Civil Cases: involving actions for the recovery of debt or personal property or a claim for damages. The monetary limit for actions in the District Court varies from State to State. Generally, the maximum amount is $100,000. Any type of dispute may be heard as long as the amount being claimed does not exceed the court’s monetary limit. The judge may sit with or without a four-member jury.
* Majority of crimes: all crimes except the most serious such as murder, rape and armed robbery. Crimes in this court are heard by a judge and 12 jury members.

**Supreme Court**

The Supreme Court is the highest State Court. The judges are appointed by parliament from among the legal profession and are usually barristers. Cases in the Supreme Court include:

* Civil cases: there is no monetary limit set in the Supreme Court. However, it is not usual for it to hear matters which could be dealt with by either a magistrate, or a District Court judge. A Supreme Court judge may sit with or without a four-member jury.
* Serious Crimes: these include murder, rape, manslaughter and treason. They are heard by a judge sitting with a twelve-member jury.
* Appeals: these include cases requesting appeals against decisions in the District Court.
* Appeals from single judge decisions: three, or more sometimes five judges of the Supreme Court hear appeals from decisions of judges acting individually.

**The Federal/Commonwealth Courts**

The Federal Court System also has its own hierarchy of courts. At the top is the High Court of Australia, below which are the Federal Court of Australia, the Family Law Court and the Federal Circuit Court, all on about the same level of importance.

The Federal and State systems overlap at the highest level because of the right to appeal from State Supreme Courts to either the Federal or High Court, depending on the type of dispute.

**Federal Court of Australia**

The Federal Court of Australia was set up in 1976 by the Commonwealth parliament and is divided into two divisions. The main function is to hear criminal and civil cases related to Commonwealth Law. Example cases relating to immigration or taxation.

**The Family Law Court**

The Family Law Court is a specialist court which deals only in disputes relating to families such as child custody arrangements or divorce proceedings. The Family Law Court tends to deal with more difficult cases relating to family disputes; simpler cases go to the Federal Circuit Court.

**Federal Circuit Court of Australia**

This court is relatively new in the court system, having only been formed in 1999. It deals with some of the simpler family law cases as well as other civil cases such as copyright disputes and bankruptcy cases.

**The High Court**

This court is the highest court in Australia and is presided over by seven judges. These judges either hear matters individually, or as a five or a seven-member court in the case of important appeals from the States. The High Court hears matters relating to:

* The interpretation of the constitution
* Laws made by Federal parliament
* Disputes between the States
* Disputes between the States and the Federal Government
* Charges brought against the Federal Government or an officer of the Federal government in relation to their duties.
* Appeals from the State courts and Federal courts of Australia. These appeals are restricted to cases which the High Court judges believe are of broad public interest.

**Sources:**

Rath, P. (1981). *Our Laws: How there are made and maintained. 2nd Edition.* CCH Australia Limited. North Ryde, NSW.

Addison, P. Et al. (2017). *The Court System [Chapter Extract - pages 22 – 25].* Pearson Humanities and Social Sciences Western Australia 9. Pearson Australia. Melbourne, VIC.