

LEGAL GLOSSARY

Abandon	In a civil case in the Court of Appeal, if an applicant is supposed to do something by a certain time but does not, the Court can say the applicant has abandoned their case and may dismiss it.
Abridge	Where the time to do something is shortened by the Court.
Adjournment	When a court hearing is rescheduled to another time or day.
Administrative law	The body of law that regulates the legality of decisions and other actions of government bodies and officials.
Affidavit	A document that presents written evidence in a court case. It must be sworn to be true and correct in front of an authorised person, on oath or by affirmation. It is a serious crime to knowingly make a false statement. See <i>Perjury</i> .
Appeal	The review of a decision of a lower court or tribunal by a higher court.
Appellant	A person or company who appeals against a court or tribunal decision.
Applicant	A person or company who makes an application to the Court, including an application for leave to appeal.
Australian lawyer	A person admitted to the legal profession in an Australian jurisdiction. See <i>Solicitor and Barrister</i> .
Authenticated order	An order that has been verified by the Court as being genuine and undisputed.
Authority	A judgment in another case or legislation that is relied upon to support a legal argument.
Barrister	A lawyer who specialises in representing clients in a court or tribunal. See <i>Australian lawyer</i> .
Bench	The judge or judges who hear a case.
Certiorari	A type of judicial review where the Court cancels the legal effect of a decision or action. See also <i>Judicial review</i> .
Civil action	A court case where a person or organisation sues another for compensation or for some other court order. This is different from a criminal case, where the police bring criminal charges and the court may give the defendant a penalty, such as time in prison, if they are found guilty.

Consent	To agree to or approve something.
Contempt	Disobeying a court order or doing something that shows disrespect for the authority of the court or a judge. Depending on the seriousness and type of contempt committed by a person, penalties may consist of fines, imprisonment or both.
Costs	Fees for lawyers' professional services and disbursements (out-of-pocket expenses), such as court fees, fees for expert reports, medical reports and photocopying. The party who loses a case is usually ordered to pay the costs of the other side. If you are representing yourself and you win, you can claim disbursements but you cannot claim the time you spent working on your case as a cost.
Court book	A clearly-labelled folder with copies of the documents that the parties will rely on during the hearing.
Daily Hearing List	A summary of the times, party names, courtrooms and other details for proceedings that are listed on a particular day. The Daily Hearing List is published on the Supreme Court website from about 4.30pm the day before the proceedings listed to be heard.
Defence	A response to the allegations made by the plaintiff in the Statement of Claim.
Defendant	A person or company against whom a civil lawsuit has been brought or someone who has been charged with a criminal offence.
Deputy Prothonotary	The title of a deputy chief clerk of the Supreme Court of Victoria. The Prothonotary and deputies are registry officials responsible for functions including authorising (certifying) court documents and considering fee waiver applications.
Directions hearing	A short hearing to decide matters related to the timing of when things happen during the proceeding, including what has to happen, who does it and when it needs to be done by.
Discontinuance	Where the party who brought the case or application stops it. If they do this the Court may order them to pay the other party's costs. Sometimes, the parties may agree and submit to the Court that the matter should be discontinued with no order as to costs. In certain cases, the permission of the Court is needed before a case or application can be discontinued. See <i>Costs</i> .
Discovery	The process where parties to a legal proceeding identify and disclose to each other documents that are relevant to the issues in the proceeding.
Dismiss	When the Court closes a case. This could be after hearing all the evidence and finding against the plaintiff or applicant. It could also

occur before hearing all the evidence, for example where Court orders have been breached or not complied with. See *Dismissal* and *Strike out*.

Dismissal	An order made by the Court to dismiss a case or application. Sometimes this will occur without a full hearing of all the evidence. If the case is dismissed the Court may order the applicant to pay the other party's costs. See <i>Costs</i> and <i>Dismiss</i> .
Evidence	Material presented to a court to prove or disprove a fact. It can include what witnesses say as well as documents and other objects.
Exhibit	A document or object that is provided as evidence in a court case or referred to in a sworn statement. For example, a bank statement might be produced in a civil case.
File	When you give a document to the registry and it becomes part of the Court file.
Ground(s) of appeal	The legal reason(s) why you say the decision being appealed is wrong.
Hearing	The time and place at which a Court hears the parties argue their case and makes a decision.
Interlocutory	An application by a party or an order by the Court, which is made after the case is started and before the case is finally decided. Examples include an application for parts of a statement of claim to be struck out and an application for security for costs.
Judgment	The written reasons a court gives when it decides your case.
Judicial	Relating to the legal system and to judgments made in a court of law.
Judicial registrar	A type of judicial officer with powers to make directions and resolve interlocutory disputes in order to prepare a case for hearing.
Judicial review	The process by which, in response to an application from a person affected by a decision, the Court ensures that a decision or action of a government body, government official, lower court or tribunal is made according to law.
Jurisdiction	The authority of a court or tribunal to hear matters brought before it.
Leave to appeal	Permission of the Court to appeal your case.
Legal practitioner	A barrister or solicitor. See <i>Australian lawyer</i> .
Legislation	A law made by Parliament or other body under the Parliament's authority. Acts, Regulations and Rules are examples of types of legislation.

List / listed	<ul style="list-style-type: none"> • To schedule a date for a proceeding to be heard. Once a date is set the proceeding is referred to as 'listed'. See <i>Daily Hearing List</i>. • An area of the Supreme Court that deals with cases that rely on similar laws and raise similar facts, managed by judges with particular knowledge in these areas, for example the Judicial Review and Appeals List. See the Supreme Court website for descriptions of the different lists.
List of authorities	A list of the cases, legislation and secondary sources such as textbooks and journal articles which you say support your case.
Litigant	A party in a civil case.
Mandamus	A type of judicial review where the Court orders a lower court, government body or official to do something that it has a legal duty to do. See also <i>Judicial review</i> .
Mediation	A confidential discussion held between parties with the help of a skilled independent person (a mediator). The mediator cannot force anyone to resolve a dispute, but can help parties explore options, negotiate and reach a settlement agreement, without the need for a hearing. The Court may order parties to go to mediation at any stage of the process.
Notice of appeal	A type of document that commences an appeal against the decision of a lower court or tribunal. See also <i>Writ</i> and <i>Originating motion</i> .
Notice of appearance	A document filed with the Court (or in some cases, a verbal representation made in court) to notify it and the other parties that a party wishes to participate in the proceedings.
Originating motion	A type of document that starts a civil proceeding. This is often required when: <ul style="list-style-type: none"> • there is no defendant • you are making an application to the Court under a particular Act, or • the Supreme Court (General Civil Procedure) Rules 2015 or the Supreme Court (Miscellaneous Civil Proceedings) Rules 2018 tell you to use an originating motion. See also <i>Writ</i>.
Overarching obligations	A set of rules contained in the <i>Civil Procedure Act 2010</i> (Vic) by which participants in civil proceedings must conduct themselves.
Party	A person or organisation directly involved in a court case, including a person or organisation that has brought the case before a court or who is defending claims made against them.
Perjury	When an individual knowingly makes a false statement during a proceeding after taking an oath or affirmation to tell the truth. It is an offence to make a false statement under oath or affirmation and significant penalties apply.

Plaintiff	A person or company who brings a civil case against another in a court.
Prohibition	A type of judicial review where the Court prohibits a lower court, government body or official from making a decision or acting outside its authority. See also <i>Judicial review</i> .
Proper basis certification/certificate	A document by which a party certifies that each of their allegations or denials in a substantive court document (such as an originating motion, writ, defence or counterclaim) has a proper basis.
Prothonotary	The title of the chief clerk of the Supreme Court of Victoria. The Prothonotary and deputies are registry officials responsible for functions including authorising (certifying) court documents and considering fee waiver applications.
Question of law	The law or legal principle the court or tribunal decision-maker had to apply. In an application to appeal a decision, the applicant writes each question of law as a single question. For example: Was VCAT correct to decide that a retirement village tenancy agreement can only be terminated under section 16 of the <i>Retirement Villages Act 1986</i> .
Quo warranto	A type of judicial review where the Court requires a person to demonstrate the legal basis for their exercise of an office or official function. See also <i>Judicial review</i> .
Refer for dismissal	In the Court of Appeal, when the applicant is supposed to do something by a certain time but does not and the registrar asks a judge or judges to consider dismissing the case.
Registrar	The officer in charge of the administrative section of the Court, known as the registry. See <i>Registry</i> .
Registry	The administrative section of the Court that accepts documents filed with the Court and handles some public enquiries.
Respondent	An individual or company that an application or appeal is made against.
Seal	The Court's formal stamp applied to official documents such as orders and documents filed with the Court.
Self-Represented Litigant (SRL)	Someone who represents themselves in court proceedings (without a lawyer to represent them).
Service	Formal delivery of court documents to a person or company. Some types of documents must be served in person, while others can also be served by email, post or fax.
Solicitor	A commonly used name for a lawyer. See also <i>Australian lawyer</i> .

Statement of Claim	A document prepared by the plaintiff which states the nature of and cause of the claim, and the relief or remedy sought in the proceeding.
Strike out / struck out	When the Court closes a case, usually with the right for the case to be brought again at a later date. This is referred to as the case being 'struck out'. This term also refers to when the Court rules that parts of a claim or defence cannot be relied on and 'strikes out' these parts. See <i>Dismiss</i> .
Subpoenas	Legal documents that compel an individual to attend the trial of the proceeding to give evidence or to produce documents for evidence in the case.
Summons	A type of document filed in a proceeding and served on another party which requires the party to attend court, particularly for the hearing of an interlocutory application, for a public examination in connection with a company's affairs (for example, where the company is in liquidation) or for taxation matters.
Transcript	A written record of what was said in a courtroom during a proceeding.
Writ	The most common type of document that starts a civil proceeding. A writ is used unless an originating motion is required. See also <i>Originating motion</i> .

The Supreme Court acknowledges the Victoria Law Foundation's permission to use its glossary as the basis for some definitions.