



# Supreme Court *of* Victoria



The highest court in Victoria

# About the Supreme Court

The Supreme Court is the highest court in the state, hearing serious criminal and civil cases, as well as appeals from Victorian courts and tribunals.

The Supreme Court has two divisions; the Trial Division and Court of Appeal. The Trial Division hears civil and criminal cases. The Court of Appeal hears appeals from Supreme and County Court decisions, and some appeals from decisions made by the Victorian Civil and Administrative Tribunal (VCAT).

## Hearing cases

Most Supreme Court matters are heard in Melbourne. The Court also visits many regional locations to hear matters originating from the district, including Ballarat, Bendigo, Geelong, Hamilton, Horsham, Morwell, Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

A fundamental principle of Australia's legal system is open justice. Members of the public are welcome to visit the Supreme Court during business hours to observe proceedings.

Access Supreme Court judgments and sentences, or listen to matters being streamed live, or on-demand, via the Court's website. The Daily List also provides information about matters being heard each day:

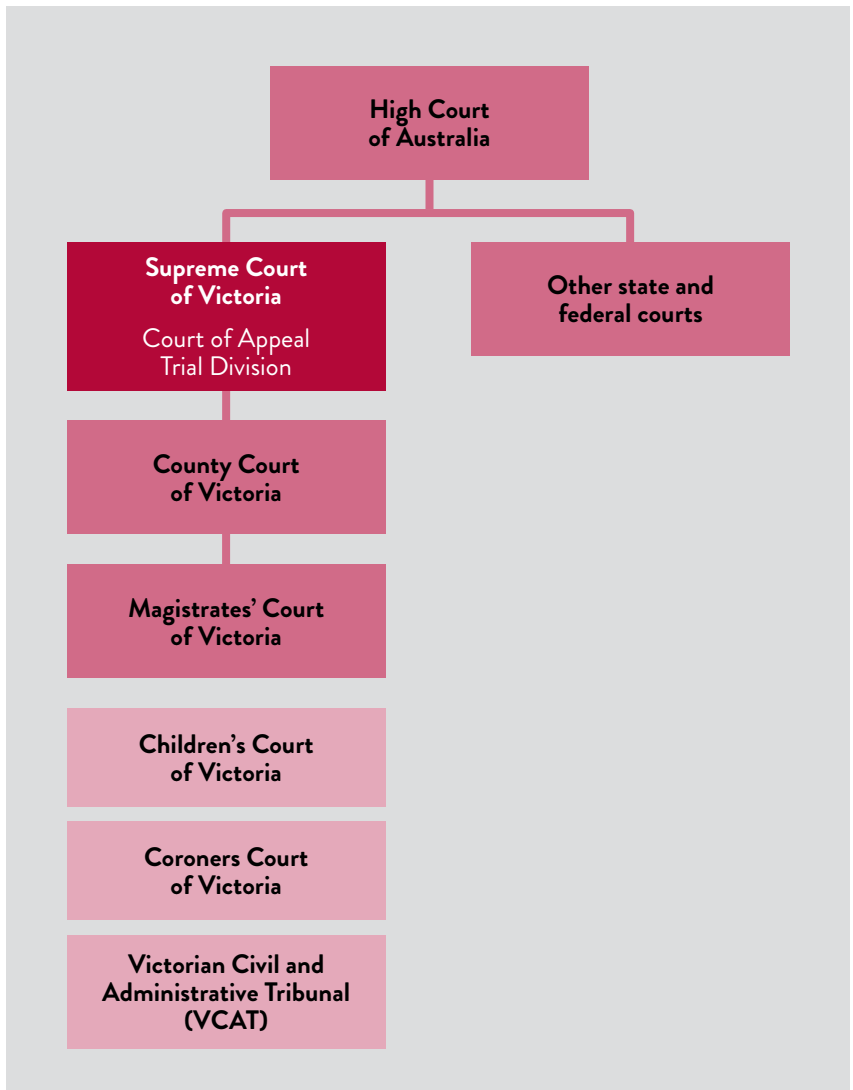
**[supremecourt.vic.gov.au](http://supremecourt.vic.gov.au)**.



# Court hierarchy

Determining which court or tribunal hears a case depends on the court's or tribunal's jurisdiction. Jurisdiction refers to the areas of law or monetary limits that may be heard by a court or tribunal.

The Court of Appeal hears appeals from other Victorian courts and tribunals. Only the High Court of Australia can review its decisions.







## Architecture of the Supreme Court

The Supreme Court has occupied 210 William Street since 1884. The heritage-listed building is a fine example of the classical Renaissance Revival style on a grand and imposing scale, and is significant as the largest single-design network of court buildings in Australia.

Constructed of brick on Malmsbury bluestone footings and faced with Tasmanian freestone, the William Street exterior of the building features an elaborate double arcade of Ionic and composite columns.

Most of the Supreme Court's buildings, including the Supreme Court Library, are on the Victorian Heritage Register. This recognises that the buildings are of special cultural heritage significance to the state of Victoria and are legally protected to help ensure they survive for future generations.

# Divisions of the Supreme Court

Nearly all of the Supreme Court's work involves civil cases, with many matters settling before reaching trial. The Court encourages parties to resolve issues outside of the courtroom in private, or through mediation. Mediation is a confidential process for settling disputes that avoids the need for a lengthy or expensive civil trial.

Mediation in the Supreme Court is conducted by judicial officers.

## Trial Division

The Trial Division, comprising the Commercial Court, Common Law and Criminal Divisions, hears serious criminal and civil cases, including:

- cases of treason, murder, attempted murder, manslaughter and other major criminal matters
- civil cases unlimited in the amount of money that may be claimed
- civil cases involving complex legal issues
- procedural matters, including applications for bail; probate business (dealing with the wills of deceased persons) and urgent applications for injunctions (for example, for a court order to stop a party from doing something)
- judicial review of administrative decisions
- matters concerning corporations law.

## Court of Appeal

A person who receives judgment in a criminal or civil case in the Supreme Court Trial Division can appeal to the Court of Appeal if they think an error has occurred. The Court of Appeal also hears appeals from other Victorian jurisdictions, including the County Court and the Victorian Civil and Administrative Tribunal. Most appeals require permission from the Court of Appeal before they can be heard.

The Court of Appeal determines whether a trial was conducted properly, and whether the law was correctly applied.

An appeal may be heard by a judge sitting alone. At times, three or five judges may hear a matter.

Upon deciding a case, the Court of Appeal may:

- order a retrial of the case
- change the decision in a case; for example, reduce or increase a sentence of imprisonment
- conclude that there was no error and that the lower court's decision stands.



# Who's who in the courtroom

## **Judge**

Judges, associate judges and judicial registrars hear matters in the Supreme Court. The judge acts as an impartial referee, ensuring that the rules of evidence and proper procedures are followed.

## ***Criminal matters***

In criminal trials, the parties are known as the prosecution and the defence. Criminal trials are heard by a judge and a jury of twelve. The judge directs the jury on legal matters. The jury decides the facts and returns its verdict. If the defendant is found guilty, the judge imposes a sentence.

Sentencing is a complex process. The judge is guided by the *Sentencing Act 1991* and must consider all the facts as well as relevant decisions made by higher courts when sentencing an offender.

## ***Civil matters***

In civil cases, a party (an individual or organisation) takes action against another party who they believe has infringed their legal rights. The party bringing the action or 'suing' the other party is known as the plaintiff, while the party defending the case or being 'sued' is known as the defendant.

Most civil cases are heard and decided by a judge alone. The judge decides if the plaintiff has established its claim, and if so, what the remedy will be, such as monetary compensation (damages).

In some cases, for example personal injury matters, a judge and jury of six will hear a matter. The judge directs the jury on legal matters; the jury decides if the plaintiff has established its claim and the amount of money (damages) to be awarded.

## **Judge's associate**

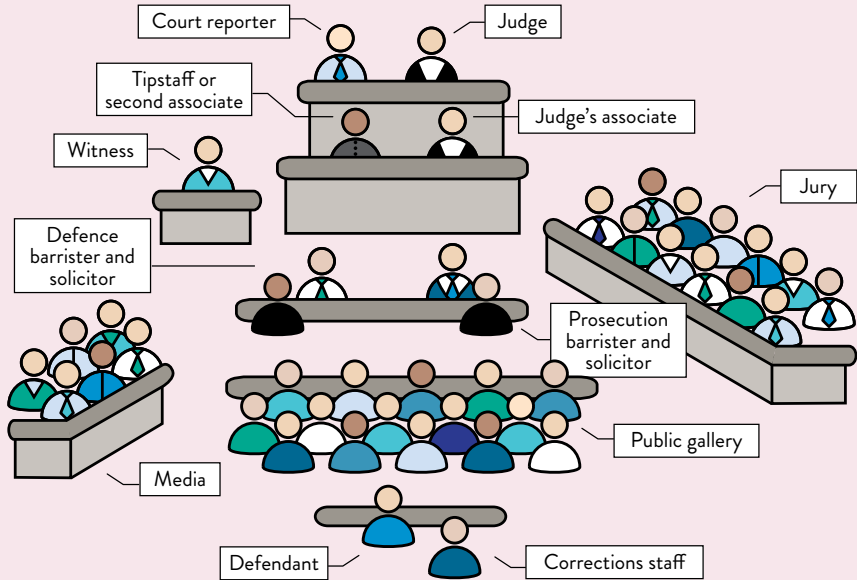
Associates perform various administrative and court duties to assist the judge. This may include conducting research, coordinating the judge's hearing and trial schedule, empanelling and looking after juries, and liaising with staff, the legal profession and the public.

## **Tipstaff**

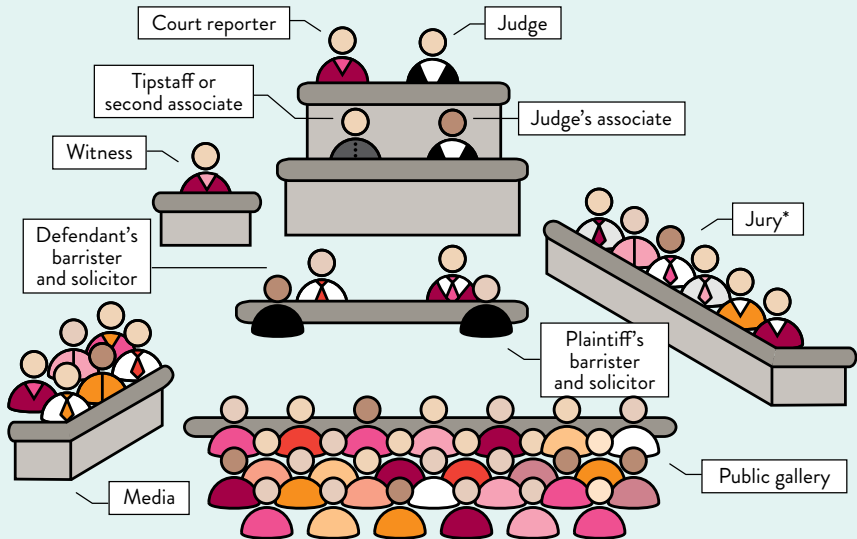
The tipstaff announces when the judge is entering or exiting the courtroom, maintains order in the court, swears in witnesses and looks after the jury. Sometimes this role is undertaken by a second associate.



## Criminal courtroom



## Civil courtroom



*\*Only some civil matters have juries*

## **Court reporter**

The court reporter's role is to record everything that is said during the trial to produce a transcript of the proceeding. The role of the court reporter is quite different to journalists who are often present in court reporting for the media. Transcripts are used by judges, juries, legal practitioners and members of the public involved in court matters.

## **Barristers and solicitors**

Barristers and solicitors are the legal representatives of the parties. In the Supreme Court, parties are usually represented by barristers (also known as counsel), who are assisted by instructing solicitors. Occasionally parties choose to represent themselves.

In all trials and some hearings, barristers wear legal robes and sit at the Bar table facing the judge. In Victorian courts, instructing solicitors sit opposite barristers at the Bar table; in appeals they sit behind them.

## **Jury**

A jury is a group of people randomly selected from the electoral roll to sit on a case before the court.

In the Supreme Court, criminal trials are heard before a judge and jury. The jury of twelve decides the facts in the case and applies the law (as explained by the judge) to those facts to decide on a verdict of guilty or not guilty.

In civil jury trials, a jury of six decides whether the plaintiff has established the claim being made. After closing addresses, the jury reaches a conclusion which is decided on the evidence presented throughout the trial. This usually takes the form of short answers to questions formulated by the judge and, unlike a judgment, no reasons are given.

## **Witnesses**

A witness is a person who has information or evidence relevant to a case. Witnesses are called one at a time to the witness box. They are asked to take an oath or make an affirmation to be truthful, and are then asked questions by counsel representing both parties.

## **Defendant**

In criminal proceedings, the defendant (or accused) sits in the dock, located at the back of the court.

# Visiting the court



Court hearings are open to the public, except in special circumstances. Seating is provided in the public gallery, usually at the back of the courtroom.

When visiting a courtroom, you should:

- enter and leave quietly so as not to disrupt proceedings
- bow to the judge when you enter and before you leave
- stand and bow when a judge enters or leaves the courtroom
- avoid moving or speaking when a witness is being sworn in
- dress appropriately
- avoid talking and eating
- turn off mobile phones and other electronic devices.

It's best not to discuss or make comments about proceedings until well away from the courtroom as witnesses, parties or relatives of those involved in cases might be nearby.



## Support services

Attending court can be a daunting experience for anyone unfamiliar with how the legal system functions, such as victims of crime, people accused of crime, witnesses and families.

There is a range of organisations that provide support and assistance to people attending court, including:

- **Court Network**  
1800 571 239  
[courtnetwork.com.au](http://courtnetwork.com.au)
- **Victims of Crime Support Agency**  
1800 819 817  
[victimsofcrime.vic.gov.au](http://victimsofcrime.vic.gov.au)
- **OPP Witness Assistance Service**  
1800 641 927  
[victimsandwitnesses.opp.vic.gov.au](http://victimsandwitnesses.opp.vic.gov.au)
- **Child Witness Service**  
1300 790 540

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See [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au) for more information about the Supreme Court of Victoria.



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