

THE SUPREME COURT *of* VICTORIA

**SUPREME
COURT**
OF VICTORIA



The Supreme Court acknowledges the Traditional Owners and Custodians of the land upon which the Court sits across Victoria and we pay our respects to ancestors, Elders, knowledge holders and leaders. We extend that respect to all First Peoples and acknowledge the ongoing leadership in striving to improve justice outcomes and thank them for sharing their knowledge and experiences with the Court.

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 the 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).

The Trial Division is made up of the Criminal Division, the Common Law Division and the Commercial Court. It hears serious criminal and civil cases, including:

- treason, murder, attempted murder, manslaughter and other major criminal matters
- commercial disputes and civil cases involving significant injuries, complex legal issues, and very large sums of money
- appeals from the Magistrates' Court of Victoria, the Children's Court of Victoria, the Coroner's Court of Victoria and the Victorian Civil and Administrative Tribunal (VCAT)
- procedural matters such as applications for bail, probate (dealing with the wills of deceased persons) and injunctions, for example, seeking a court order to stop a party from doing something
- the judicial review of administrative decisions.

The majority of matters the Supreme Court hears are civil. The Court encourages parties to settle issues outside of the courtroom, in private or judicial-led mediation, with many matters resolved before ever seeing the inside of a courtroom, saving significant time and money for all parties involved.



COURT OF APPEAL

A person who receives judgment in a criminal or civil case can apply to the Court of Appeal to have the decision or sentence reviewed if they believe an error has occurred.

The Court of Appeal hears appeals from decisions in the Trial Division, and from other Victorian jurisdictions including the County Court and also some VCAT appeals.

There are limits on how long after a matter is decided that an appeal can be made. In most instances 'leave to appeal' must first be granted by the Court of Appeal, to ensure there are legal grounds for consideration, before a matter is heard by a judge.

The Court of Appeal determines whether a trial was conducted properly, and whether the law was correctly applied. Upon deciding a case, it may:

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

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

observing PROCEEDINGS

Members of the public are welcome to visit the Supreme Court and observe proceedings.



Most Supreme Court matters are heard in Melbourne. The Court also hears matters in regional districts where matters have originated, including Ballarat, Bendigo, Geelong, Hamilton, Horsham, Morwell, Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga.

Hearings in the Supreme Court of Victoria may take place in a courtroom or virtually via video conferencing.

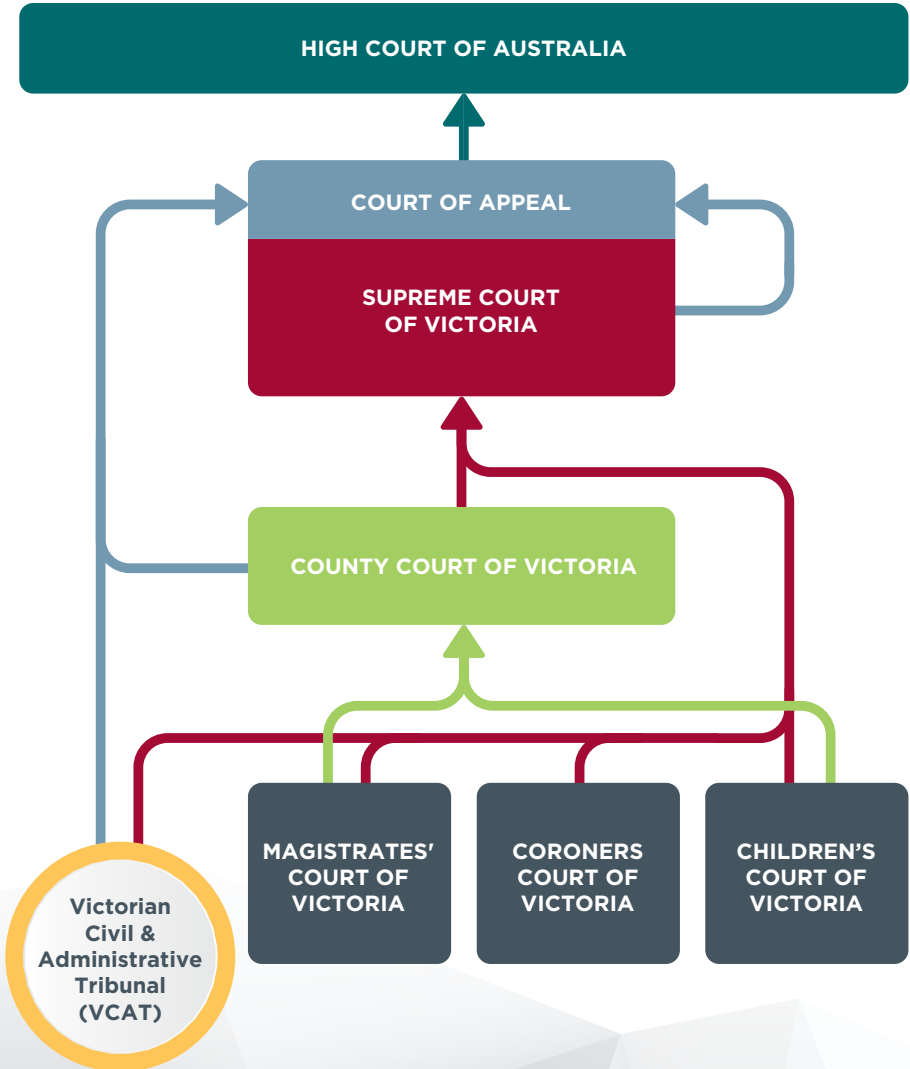
Court hearings are open to the public, except in special circumstances. Seating is provided in the public gallery, usually at the back of the courtroom.

Some Supreme Court matters are streamed live, or made available to watch or listen to, on the Court's website. Written judgments and sentences can also be accessed via the Supreme Court's website at www.supremecourt.vic.gov.au

WHEN VISITING A COURTROOM:

- enter and leave quietly (do not disrupt proceedings)
- bow your head to the judge when you enter and before you leave
- stand and bow your head when a judge enters or leaves the courtroom
- dress appropriately (no hats or sunglasses)
- avoid talking and eating
- turn off mobile phones and other electronic equipment.

Court HIERARCHY IN VICTORIA



who's who IN THE COURTROOM

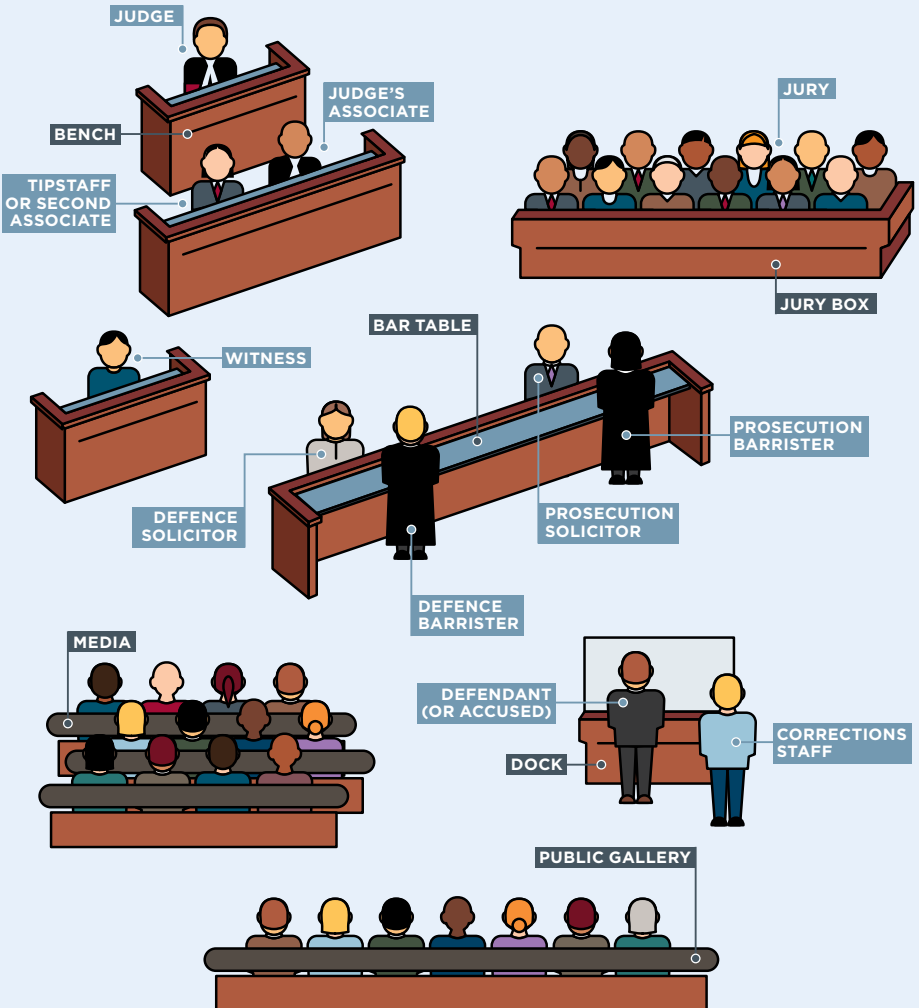
JUDGE

Judges, associate judges and judicial registrars hear matters in the Supreme Court.

During a trial, the judge acts as an impartial referee, ensuring that the rules of evidence and proper procedures are followed.



Criminal COURTROOM



CRIMINAL MATTERS

Criminal trials are heard by a judge and jury. The parties are known as the prosecution and the defence.

The judge directs the jury on legal matters. The jury decides the facts and returns a verdict. If the defendant is found guilty, the judge imposes a sentence.

Sentencing is complex. When deciding upon a sentence, judges are guided by the *Sentencing Act 1991* and must consider all the facts in the trial, as well as relevant decisions made by higher courts.

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 and empanelling and looking after juries.

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.

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, people choose to represent themselves.

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.

DEFENDANT

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

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 12 people 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.

JURY (continued)

In civil jury trials, a jury of six people decides whether the plaintiff has established the claim being made, based on the evidence presented throughout the trial.

WITNESSES

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

SUPPORT SERVICES

Sometimes, a member of a support service organisation may be present in the courtroom to support a witness, a victim of crime, or a family member, during what may be a daunting experience. For more information about support service organisations, please refer to the back cover of this brochure.

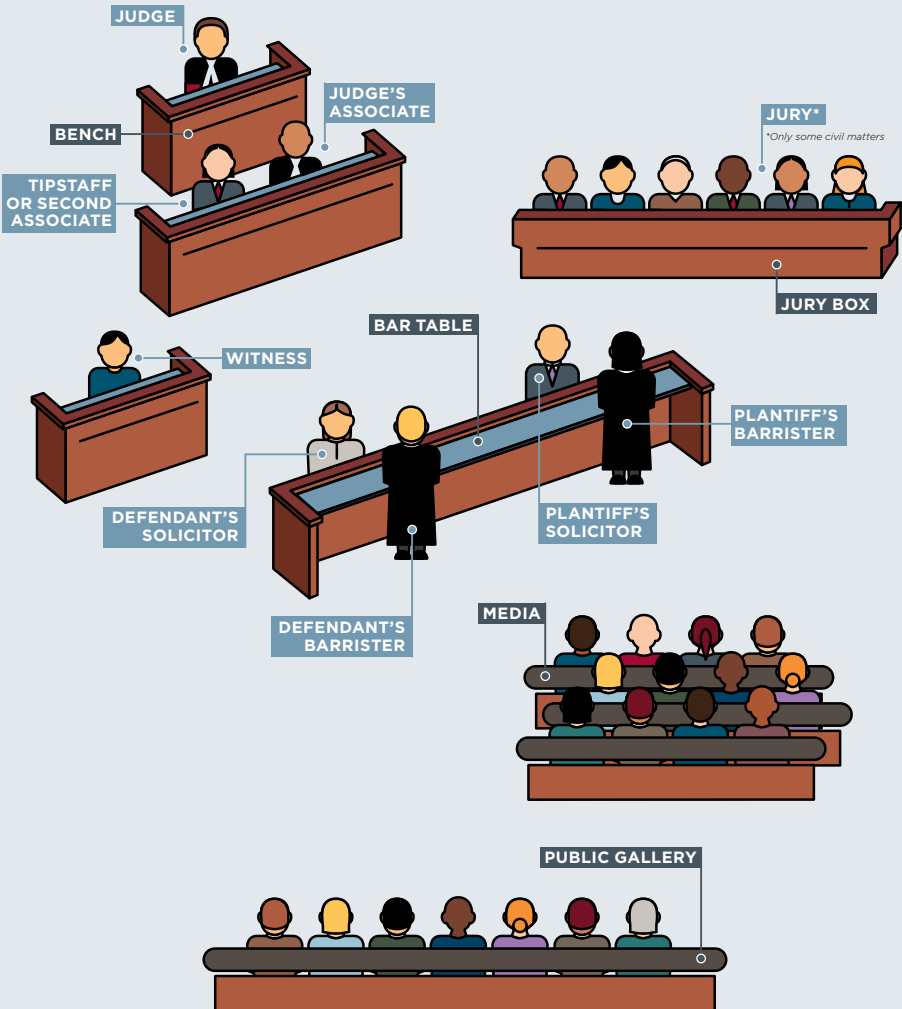
CIVIL MATTERS

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. 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 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.

Civil COURTROOM



SUPREME COURT OF VICTORIA

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SUPPORT SERVICES

Attending court can be a daunting experience for anyone unfamiliar with how the legal system functions.

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

Court Network

- ☎ 1800 571 239
- 🌐 courtnetwork.com.au

Victims of Crime Support Agency

- ☎ 1800 819 817
- 🌐 victimsofcrime.vic.gov.au

OPP Witness Assistance Service

- ☎ 1800 641 927
- 🌐 opp.vic.gov.au/victims-witnesses

Child Witness Service

- ☎ 1300 790 540