

adversarial system	a system of resolving legal conflicts that relies on the skill of representatives for each side who present their cases to an impartial decision-maker
appeal	an application to have a higher court reconsider a lower court's decision, on the basis of an error in law
appellate jurisdiction	the ability or power of a court to hear appeals of the decisions of lower courts and to reject, affirm or modify those decisions
bicameral	containing two chambers or houses of parliament
bill	a drafted law that has not yet been passed by parliament

committal hearings

inquiries held in the Local or Magistrates' Court to determine whether there is enough evidence against the defendant to warrant a trial in a higher court

common law

law made by courts

concurrent powers

powers held by both state and federal parliaments at the same time

defamation

the act of making statements or suggestions that harm someone's reputation in the community

delegated legislation

laws made by authorities other than parliament, who are delegated the power to do this by an Act of Parliament

domestic law

the law of a nation

equity

the body of law that supplements the common law and corrects injustices by judging each case on its merits and applying principles of fairness

exclusive powers

powers that can be exercised only by the federal parliament

ex parte

a case in which the other side is absent or unrepresented

external affairs power

the power of the Commonwealth to legislate on international matters involving Australia

federation

the process of uniting several states to form a single national government

indictable offences

serious criminal offences that require an indictment (a formal, written charge) and a preliminary hearing

inquisitorial system

a legal system where the court or a part of the court (e.g. the judge) is actively involved in conducting the trial and determining what questions to ask

jurisdiction

the powers of a court, depending on its geographical area, the type of matters that can be decided, and the type of remedies that can be sought

legislative powers

the legal power or capacity to make laws

mediation

a process in which two parties are brought together for the purpose of discussing and resolving a conflict

obiter dicta

comments from a judge in a case that are not directly relevant to the case, and therefore not legally binding

opinio juris sive necessitatis

the principle that for the practice of a state to be customary international law, the state must believe that international law requires it

original jurisdiction

the ability or power of a court to hear a case in the first instance

precedent

a judgment that is authority for a legal principle, and that serves to provide guidance for deciding cases that have similar facts

ratify

to formally confirm that the country intends to be bound by the treaty

ratio decidendi

the legal reason for a judge's decision

referendum

the referral of a particular issue to the electorate for a vote

residual powers

those remaining matters on which the states can legislate, which are not referred to in the Constitution

sanction

a penalty imposed on those who break the law, usually in the form of a fine or punishment

stare decisis

a term meaning 'the decision stands'; the doctrine that a decision must be followed by all lower courts

statute law

law made by parliament

summary offences

criminal offences that can be dealt with by a single judge without a jury and do not require a preliminary hearing

terra nullius

the concept that Australia was owned by no one and was thus open to settlement when the first Europeans came; it has been judged invalid

treaty

an international agreement between two states in written form and governed by the guidelines of international law

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ultra vires

beyond the power or authority legally held by a person, institution or statute to perform an act

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