Year 11 Legal Studies – Unit 1

Week 2

The Victorian Court Hierarchy: Reasons For

Presented by VSV (Source: PEO Website 2023)



The Victorian Court Hierarchy

A number of courts and tribunals operate in Victoria.

- Victorian courts and tribunals resolve legal disputes, interpret legislation and other law, and determine appropriate outcomes, including penalties where authorised.
- The phrase **'court hierarchy'** means courts are graded in order of importance and severity of cases heard.
- In Victoria the lowest court is the Magistrates' Court, we then move to the County Court and at the top of the hierarchy is the Supreme Court.
- Remember that this is the court hierarchy for Victoria only, so the Supreme Court is the highest court in Victoria, but it is not the highest court in Australia.
- A courts **jurisdiction** outlines the extent to which a court has the authority to hear and make decisions.

The Court System

Each court has its own jurisdiction, that is, each court can hear certain types of cases.

- **Original jurisdiction** means the court hears the case for the first time. The courts that hear cases for the first time (or on the first occasion) are called courts of first instance.
- **Appellate jurisdiction** means that a court has the authority to hear cases on appeal from courts lower in its hierarchy. A case can only be heard on appeal if a previous trial has already taken place. Some courts have both original and appellate jurisdiction.

Reasons for the Court Hierarchy

The main reasons for having a court hierarchy are:

- **Precedent** (a hierarchy provides for higher courts to make judgments on points of law that must be followed by lower courts).
- To provide a **right of appeal** (this allows higher courts to review the decisions of lower courts)
- **Administrative convenience** (court processes and workloads become more efficient)
- To allow for **specialisation** (magistrates and judges develop expertise in particular cases)

The Doctrine of Precedent

- In common law legal systems, a precedent is a legal case that establishes a principle or rule.
- Judges rely on past cases for guidance by looking at previous decisions when deciding the matter before them.
- Other judges in lower courts in the same hierarchy who have to decide on similar cases in the future will then apply the legal precedents.
- This process of judges following previous decisions of higher courts is referred to as the **doctrine of precedent.**
- The court hierarchy is crucial to fully understanding of the doctrine of precedent.

Appeals

- Appeals are a key element in providing justice, fairness and equality. Someone who is dissatisfied with a decision can, if there are grounds for appeal, take the matter to a higher court.
- This provides fairness and should allow any mistakes to be corrected. If there were no higher courts in the court hierarchy, a system of appeals could not operate and this may create unfairness if cases were incorrectly determined by a court.
- As we discovered earlier in the lesson, each court has its own jurisdiction.
- Appellate jurisdiction means that a court has the authority to hear cases on appeal from courts lower in its hierarchy. A case can only be heard on appeal, if a previous trial has already taken place.

Administrative Convenience

- The system of a court hierarchy allows for cases to be distributed to a court according to its seriousness.
- The more serious and complex cases are heard in the higher courts. These cases take longer to hear and require judges who are expert in complicated points of law. These case may also involve a jury.
- Minor cases can be heard quickly and less expensively in the lower courts. In this way delays are reduced in the lower courts, and the higher courts can more easily manage the allocation of time for the longer, more complicated cases.
- Like with the cases, legal personnel are also allocated to courts according to their level of expertise so that more experienced personnel can deal with complex issues.

Specialisation

- Within the system of a hierarchy of courts, the courts have been able to develop their own areas of expertise.
- The lower courts are familiar with the smaller cases that need to be dealt with quickly and efficiently.
- The higher courts develop expertise in hearing complex cases involving major crimes or large sums of money.
- Other specialist courts such as the Children's Court have been developed to deal with specialised areas of law.