

### Court Hierachy

#### Magistrates

-Hears all criminal cases after somebody is charged  
 -Determines which court will hear the case  
 -If the case cannot be dealt with by Magistrates, the offender will be moved to District court.

**A magistrate is an officer in court who can make legal decisions for minor offences.**

Lawyers will often aim for a settlement before going to court for a trial.

### The Basics

#### How Does a Law Get Made?

Starts as a bill>gets voted on by house of reps>goes to senate>is voted on again by senate>governor general>act of parliament>law

#### What is the definition of the word Law?

A law is defined as a formal rule to determine how people and organisations are expected to behave.

Laws can also receive **amendments** to improve an existing piece of legislation.

**amendment**-a formal or official change made to a law, constitution or other legal document

### Court Hierachy

#### District Court

-Deals with more serious criminal/civil offences the magistrates court can't rule on  
 -Is the first level of court to involve a jury on the decision making process

Anybody after an **appeal** from a magistrates court decision can move up to this court.

**Appeal**-a request to rehear or retry a case

### Criminal & Civil Law

#### Criminal Law

a direct result of a law being broken, usually punishable by jail time. Much more difficult to prove by just evidence.(must have proof of proof)

#### Civil Law

deals with disputes between people and organisations often involving money. The plaintiff can win simply by having more evidence than the defendant.

A civil case can be overruled by 'balance of probabilities'.

A criminal case must be 'beyond all reasonable doubt'.

### Key Terms

**Bail**- a paid agreement that you will come to court to face charges  
**BAC**- Blood Alcohol Concentration

**Negligence**-a failure to take care in a circumstance or event

**Defamation**-where a person's reputation has been damaged by what has been said or written about them

**Civil Law**- deals with disputes between people/organisations involving money

**Criminal Law**-a direct result of a laws being broken, punishable by jail time

**Magistrate**-an officer in court who can make legal decisions for minor offences

### Key Players In Court

**Bailiff**-a court official, usually a peace officer or security, who keeps order in the courtroom and handles errands for the judge and clerk.

**Legal Clerk**-Prepare and summons jury and witness list and swear them in before court proceedings

**Solicitor**-lawyer who speaks in court

### Key Players In Court

**Defendant**-an individual, company, or institution sued or accused in a court of law.  
**Accused**-a person or group of people who are charged with or on trial for a crime.

**Plaintiff**-person who initiates the lawsuit, who then becomes the prosecutor

**Barrister**-Lawyer who speaks in court

**Witnesses**-Provides evidence by answering questions

**Jury**-a randomly selected group of citizens from an electoral roll who decided whether or not someone is guilty based on the facts of the case.

### Driving Laws

The max demerit points you can lose on your L's,P1's,-P2's,open-s:4,4,4,12

If you are caught drink driving you **must** go to court, and your license will be immediately disqualified for 24 hours.

The following drivers **must have a BAC of 0.00**: Professional Drivers, anyone not on an open license

If you are caught drink driving on your **learners**,license is disqualified for 3-9 months, and can be fined up to \$2012

If BAC is over **0.05** but under 0.10;license is disqualified for 1-9 months, and can be fined up to \$2012

If BAC is over **0.10** but under 0.15;license disqualified for 3-12 months,can be fined \$2875

If BAC is **0.15** and over;license disqualified minimum 6 months, can be fined up to \$4025

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By **ashw444**  
[cheatography.com/ashw444/](https://cheatography.com/ashw444/)

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