# Court Hierarchy

Each of the states and territories have their own courts. They are organised into what is called a hierarchy of courts, that is, a ranking of courts from lowest to highest. In Australia, the court structure consists of lower, intermediate and higher courts. Each level deals with different cases and possess a different level of authority. A court’s level of authority is described as its jurisdiction.

The higher up in the hierarchy and the wider a court’s jurisdiction, the greater its powers to deal with more complex and severe violations of the law. For instance, the Magistrate’s Court is at the bottom of the hierarchy. This court deals with a range if offences such as drinking and driving. The High Court of Australia, however, is at the top of the hierarchy and deals with extremely serious issues including state and Constitutional matters and appeals. The jurisdiction of the High Court is greater than that of local courts.

A court hierarchy allows for specialisation. Courts are able to deal with cases in areas in which they specialise. The more serious the case, the higher and more specialised the court. Having higher courts available provides a system of appeal. Appeal courts provide the opportunity for a decision to be reviewed. An appeal can only take place in a higher court.

**High Court of Australia**

* Highest Court in Australia and the last court of appeal
* Hears both civil and criminal appeals from the Federal, Supreme and Family Court
* Has authority to decide what the states can do and what the Commonwealth can do
* Addresses questions regarding the Constitution and its interpretation

**Federal Court of Australia**

* Is presided over (controlled by a judge)
* No jury is involved
* Hears and makes decisions on issues involving federal laws such as Aboriginal land rights, immigration matters, income tax issues
* Hears matters relating to trade practices, mergers and misuse of market power

**Supreme Court of Western Australia**

* Is presided over by a judge (Chief Justice) or a group of judges (Justices)
* Hears and makes decisions on the most serious criminal matters such as murder and armed robbery. May involve the use of a jury. Has jurisdiction over criminal matters which carry life in prison as a maximum possible penalty
* Hears and makes decision on the most serious civil cases, such as compensation or damages of $750,000 or more. These occasionally involve the use of a jury
* Is the highest state court of appeal
* One to three judges preside over appeals

**Family Court of Western Australia**

* Is presided over by a single judge and sometimes magistrates
* Hears and makes decision on issues such as divorce, residence, property disputes, custody and contact of children after separation, guardianship and spousal maintenance

**District Court**

* Is the intermediate court in Western Australia, presided over by a District Court Judge
* Hears and makes decisions on criminal matters that receive a maximum of 20 years imprisonment, for example, sexual assault, aggravated assaults, breaking and entering stealing and receiving
* May involve the use of a jury
* Hears and makes decisions on civil cases where compensation or damages between $75,000 and $750,000
* Has unlimited jurisdiction in claims for damages for personal injury sustained in motor vehicle accidents
* Hears appeals from the Magistrates Court

**Children’s Court**

* Is presided over by a judge
* Deals with all complaints of offences alleged to have been committed by young people between the ages of 10 and 17. If the young person charged has turned 18 after the date of the alleged offence, then the person still appears before the Children’s Court
* Does not hear criminal matters
* In some instances, if a child has been seriously abused or neglected, an application can be made by a police officer or an officer from the Department for Community Development, for the court to make a declaration that the child is in need of care and protection, The court may order that the child is to be committed to the Department for Community Development for a period. If such an order is made, the child is described as a ward of the state.

**Magistrates Court of Western Australia**

* Established in May 2005 and is an amalgamation of the former Court of Petty Session, Local Court and Small Claims Tribunal
* Is presided over by a magistrate
* Deals with civil and criminal matters
* Deals with people over the age of 18 who are required to appear in court after being charged with criminal offences
* Hears and makes decisions on less serious criminal matters, for example traffic offences, minor assaults, drinking and disorderly conduct and theft
* Serious criminal offence that commence in this court must be sent on to be heard in the District or Supreme Court
* Hears and makes decisions on civil cases where compensation or damages involve claims up to $75,000
* Deals with summary offences which carry a maximum term of imprisonment of three years of less