

Glossary of common court, tribunal and legal terms for interpreters

Introduction

The Special Taskforce Report into domestic and family violence in Queensland, “*Not Now, Not Ever – Putting an End to Domestic and Family Violence in Queensland*” (The Bryce Report) tabled 140 recommendations for change to the way Queensland responds to and reduces incidents of domestic and family violence. The Queensland Government has endorsed all recommendations with the Department of Justice and Attorney General (DJAG) being assigned responsibility for implementing 40 recommendations, including recommendation 116, which specifically states:

The Department of Justice and Attorney-General identifies opportunities to streamline systems for engagement of interpreters for civil domestic and family violence court proceedings to ensure best practice.

In April 2015, following the Queensland Government’s acceptance of all 140 recommendations of the Bryce Report, senior representatives of DJAG formed a Whole of Government (WOG) Interpreter Working Group (‘the working group’). The working group is jointly chaired by Victim Assist Queensland and the Strategic Policy unit of DJAG.

Membership includes senior representation from Courts, Victim Assist Queensland, Legal Aid Queensland, Office of the Director of Public Prosecutions, Queensland Police Service, Queensland Civil and Administrative Tribunal, Youth Justice, Courts Innovation Program and the Public Safety Business Agency.

Together, this group developed the idea behind the ‘*Glossary of common court, tribunal and legal terms for interpreters*’ to support the work of interpreters and ensure access to justice and procedural fairness for people with limited or no English proficiency in Queensland courts.

Objective

The *Glossary of common court, tribunal and legal terms for interpreters* was developed to provide court interpreters with common legal terms and definitions to assist them in performing the specialist task of court interpreting. Interpreting words without understanding the meaning and intent behind them can lead to misunderstandings and misinterpretations.

The Queensland Government recognises that some terms may not translate easily or may require interpretation beforehand. This glossary was created as a workbook for interpreters for this purpose.

Acknowledgements

The *Glossary of common court, tribunal and legal terms for interpreters* was prepared by a sub-group of the WOG working group comprising of:

Chair, Legal Assistance Strategy and Funding, DJAG
Queensland Civil and Administrative Tribunal, DJAG
Courts Policy Procedure and Legal Unit, DJAG
Domestic and Family Violence Court Reform, DJAG, and
Victim Assist Queensland, DJAG

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The Queensland Government would like to acknowledge that the content of this glossary has been informed by other legal dictionaries, legal glossaries and legal glossaries for interpreters, in particular the New South Wales Legal Glossary for Interpreters.

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While all due diligence has been taken in writing this glossary, the Queensland Government cannot guarantee the glossary definitions capture the complete legal meaning of the term due to the complex nature of legal definitions. People in other states, territories and countries should be aware that the agencies, and some definitions contained in this glossary, may not be correct in their region and should be amended.

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Criminal charges

Charges/offences		
Term/phrase	Definition/explanation	Translation equivalent/notes
Armed robbery	Taking something of value from someone by force or threats of force with a weapon made before, during or after obtaining the thing.	
Assault	A crime of violence against another person that causes them to get hurt. Assault is often defined to include not only violence, but also any intentional physical contact with another person without their consent.	
Assault occasioning bodily harm (AOBH)	An assault resulting in injury that is not usually permanent.	
Grievous bodily harm (GBH)	An assault resulting in a serious permanent injury.	
Attempted murder	The crime of preparing to commit unlawful killing and trying to cause the death of another person.	
Breach of bail	A violation of a bail order.	
Break and enter	Break refers to the opening of a door, window or other means to illegally enter a premises. Illegal entry into a building without breaking is also an offence.	

Charges/offences		
Term/phrase	Definition/explanation	Translation equivalent/notes
Child endangerment	Placing a child in a potentially harmful situation, through either negligence or misconduct.	
Common assault	An act of unlawful violence that does not cause any lasting injury or scarring.	
Contempt of court	A court order that declares a person or organisation to have disobeyed or been disrespectful of the court's authority.	
Forgery	An illegal act of imitating or counterfeiting documents, signatures, works of art, etc. to trick people.	
Fraud	Deceitful or deceptive conduct designed to manipulate another person to obtain something of value.	
Indecent assault	An assault accompanied by an indecent act.	
Indecent exposure	The revealing to view of the genitals, which by law and public agreement should be covered by clothing.	
Malicious damage	An offence of damaging property with malice (hatred).	

Charges/offences		
Term/phrase	Definition/explanation	Translation equivalent/notes
Manslaughter	Unlawful homicide (killing) caused unintentionally.	
Murder	Unlawful homicide (killing) caused intentionally.	
Perjury	An offence of giving false evidence (telling lies) under oath in judicial proceedings.	
Perverting the course of justice	Stopping justice from being served by: <ul style="list-style-type: none"> • fabricating or disposing of evidence; and/or • intimidating and threatening a witness, juror and/or judge. 	
Robbery	Taking something of value from someone by force or threats of force made before, during or after obtaining the thing.	
Sexual assault	An assault that is sexual in nature.	
Soliciting	Seeking to influence or incite (provoke) to unlawful action.	
Steal by finding	Finding and keeping property with no attempt to determine who owns it.	

Charges/offences		
Term/phrase	Definition/explanation	Translation equivalent/notes
Trespass	An offence of entering and remaining in a dwelling, or the yard of a dwelling, without consent of the owner. Includes private dwellings and places used for business.	
Unlawful detention	An unlawful act of detaining another.	

Common terms and phrases

Commonly used legal terms/phrases		
Term/phrase	Definition/explanation	Translation equivalent/notes
Act	A bill that has become law after passing through required legislative steps.	
Admissible evidence	Legal testimonial, documentary or tangible evidence that may be presented in court.	
Affidavit	A written statement sworn or affirmed before a notary public or a Justice of the Peace.	
Affidavit of service	An affidavit setting out how a legal document has been served on a party.	
Affirmation	A declaration made instead of an oath.	
Agreed facts	A set of specific information agreed by the defence and the prosecution, regarding the charges that are brought before the court. Usually presented after a plea of guilty.	
Alibi	An accused person's defence or explanation that they did not commit the alleged offence, because they were elsewhere or with somebody else.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Alleged (unproven)	As put forward by the prosecution in relation to an offence. The court will determine if it is true or not.	
Alleged facts	The circumstances of the offence proposed by the prosecution.	
Alleged offender	A person suspected of committing a criminal act.	
Alleged victim	A person claiming to be a victim of a crime.	
Alternative charge	A back-up charge in addition to the main charge against the accused. For example, a murder charge accompanied by an alternative charge of manslaughter. Then, even if the evidence is not sufficient to prove the murder charge, it may be used to prove the manslaughter charge.	
Amicus curiae	A solicitor, not a party to a case, who volunteers to offer information to assist a court in deciding a matter before it.	
Antecedents/Criminal history	Records of previous criminal offences, usually with details of conviction, penalties and appeals.	
Appear	To be present in court.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Appear as agent	To be present in court, but in the place of the law firm representing one of the parties.	
Appear for...	To be present in court representing one of the parties in the proceeding.	
Bail conditions	A set of restrictions imposed by the court upon an accused person in order to grant him/her temporary release while awaiting the court outcome. These may involve regular reporting to the police, surrendering of passports, not contacting witnesses etc.	
Bar table	The table where the lawyers sit during court proceedings.	
Barrister	A lawyer who specialises in courtroom litigation, which is different to a solicitor who has direct contact with clients for instructions. Barristers are usually instructed by solicitors for cases in the District and Supreme Courts. They usually wear a robe and wig in court as a distinction from solicitors.	
Bench	The raised area in a courtroom where the presiding judge or magistrate sits.	
Beyond reasonable doubt	There is no other reasonable explanation or inference. This is the level to which the prosecution must prove that the accused person committed the offence in a criminal proceeding.	
Brief of evidence/Police brief	A complete set of statements, reports and forensic results that form all the evidence intended to be used against the accused person.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Burden of proof	The responsibility to prove all elements of the alleged offence. In criminal cases, this responsibility falls upon the prosecution.	
Call-over list	A list of cases that are to be called for mention.	
Case conference	A meeting between the parties to discuss the issues in dispute in order to resolve the matter more quickly.	
Caution	A verbal precautionary warning given by the police or court to a suspect or accused person stating their rights.	
Chambers	The term used for judges and barrister's offices.	
Circuit Judge	A judge who does not sit in just one court. He/she usually travels between different regional or country courts.	
Common Law (Australia)	Australia's legal system has two sources of law: 1. legislation which are Acts passed by Parliaments 2. the law that develops from decisions made by judges, referred to as common law.	
Common purpose		

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Compensation	Payments awarded for damages and costs.	
Conditional discharge	The release of an offender on the condition that he/she will be of good behaviour and not commit another offence for a specified period.	
Corroboration	Evidence that supports and validates other evidence presented in a matter.	
Count	A distinct charge on an indictment.	
Court transcript	A written record of all that was said and done during the course of a hearing or trial.	
Court's discretion	The court's own prudent (wise) decision/judgement.	
Criminal intent	A planned intention to commit a criminal offence.	
Cross examination	Questions posed to a witness by the opposing side. (Related terms: Evidence in chief and re-examination)	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Curfew	A condition imposed by the court placing time restrictions on the movements of a defendant or accused person.	
De facto	Latin: "as a matter of fact" It is a fact that is not necessarily sanctioned by law. E.g. De facto husband and wife, who although are not legally married, live in a domestic situation as husband and wife.	
Disregard a comment	To ignore a comment and not regard it as evidence.	
Dock	An enclosed area in the courtroom where a defendant or accused person who is in custody sits during a hearing/trial.	
Elements of the offence	Integral parts that make up the definition of an offence.	
Evidence in chief	The questioning of your own witness in court to produce evidence.	
Execute a search warrant	Perform legal searches upon a premises or person in accordance with conditions specified in a warrant signed by a magistrate or judge.	
Exhibit	An object or document that is tendered as evidence in court. It is always given an identification number after being tendered and will be referred to by this number from then on.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Expert evidence	Scientific, forensic, medical and professional evidence provided by authorised and qualified experts.	
Expert witness	Qualified and authorised specialised, scientific, forensic or medical professional who is requested to give expert evidence in court.	
Forensics	A broad spectrum of sciences that is used in seeking explanations and answers relating to evidence before a court.	
Fresh charges	Newly laid charges against an accused.	
Habeas corpus	Latin: 'You have the body' A writ that orders the detained person to be brought to court in order to justify his/her detention.	
Hearsay evidence	Evidence based on what has been reported to a witness by others rather than what the accused has observed or experienced directly.	
Hostile witness	A witness who is reluctant to give evidence or participate in a hearing (sometimes for fear of retribution or self-incrimination, or in order to protect an accused person). In these circumstances, the party calling the witness can seek leave to declare the person hostile and cross-examine them.	
"I put it to you that..."	A phrase commonly used during the cross-examination of a witness, suggesting a proposition about what has happened as opposed to what the witness has stated. Mainly to pre-empt a line of defence or argument. For example:	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
	"I put it to you that on the night of 19 October, you did not see the defendant entering the building across the road."	
Inadmissible evidence	Any form of tainted, illegally obtained, hear-say or irrelevant evidence that has been refused to be admitted as evidence in court.	
In-Camera	Latin: 'in private' A hearing or trial where the public and press are not permitted to observe. This is usually reserved for sensitive cases or cases where the witness or defendant is a child.	
Indemnity	An assurance of protection from being prosecuted.	
Indictable offence	An offence making one liable to be indicted in the District Court or Supreme Court as opposed to a summary offence, which is dealt with in the Magistrates Court.	
Interim order	A temporary order.	
Joint custody	An arrangement between estranged parents to share the upbringing of their child/children. Joint custody can be joint legal and/or joint physical custody.	
Judge's ruling	A judge's authoritative decision on a debated point of law.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Judgement	A final court ruling that resolves disputes in a lawsuit that determines the rights and responsibilities of the involved party.	
Jurisdiction	The limitation of the power of a particular court to hear certain cases in certain areas.	
King's Counsel (KC) – formerly Queen's Counsel (QC)	A senior barrister who has practiced for at least 10 years and is appointed to be His Majesty's Counsel. This membership only exists in various Commonwealth countries. KCs wear silk robes in distinction to the woollen robes worn by normal barristers, hence the nickname 'silk'.	
Leading question	A question which is phrased in a way that can suggest a sought after answer. Leading questions are usually not allowed, however in some circumstances both parties can agree to allow leading questions for undisputed facts.	
Magistrate	A judicial officer in the Magistrates Court.	
Mens rea	Latin: 'guilty mind' The mental state of the offender while committing the crime. This criminal intent is one of the necessary elements of a crime.	
Marked for identification (MFI)	When a piece of evidence is presented to the court but, due to the lack of further corroborating evidence or other factors, cannot yet be tendered as an exhibit. It would therefore be marked for identification.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Mitigating circumstances	Facts or circumstances which, although they cannot be used as a defence, can be submitted in an attempt to reduce the seriousness of the situation.	
Motive	A reason of desire or need that causes a person to do something. For example, obtaining money may be a motive for murder.	
No Bill Application	An application to discontinue a prosecution either by the defence or by the prosecution after reconsidering the facts.	
Non-indictable offence	A minor offence that must be heard in the Magistrates Court.	
Notice to appear (NTA)	A notice issued by police advising a person that his/her offence will be dealt with in court.	
Oath	This is when people swear on the Bible that they will tell the truth. If people have a valid reason not to swear on the Bible, they may affirm their evidence.	
Objection	A motion in court, which can be made by either side, to disallow a question or evidence.	
Over-rule	A decision by a court to disallow an objection or argument.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Perpetrator	As opposed to a suspect, a perpetrator is one who actually committed an offence.	
Plea bargain (also called charge bargaining)	A negotiation process between the defence and prosecution, before or during a criminal trial, to give opportunity: <ul style="list-style-type: none"> • for the accused to plead guilty to a lesser charge; and for the prosecution to secure a conviction and avoid the cost of a full trial. 	
Post mortem examination	Latin: 'after death' An autopsy. An examination of a corpse to determine the cause of death.	
Precedent	Also commonly referred to as 'authority', a precedent is a legal case establishing a law, principle or rule that a court or other judicial body may apply when determining similar cases.	
Prejudice	A preconceived adverse judgment or opinion.	
Premeditated crime	A crime committed with deliberate consideration and planning.	
Prima facie	Latin: 'on the face of it' or 'at first sight' A legal presumption that means that upon the initial observation, there is sufficient evidence that can be used to prosecute.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Privileged information	Information that is legally protected against disclosure.	
Pro bono	Latin: 'on the face of it' or 'at first sight'. A legal presumption that means that upon the initial observation, there is sufficient evidence that can be used to prosecute.	
Public gallery	A seating area at the back of the court for the public.	
Quash a conviction	To set aside or annul a conviction.	
Re-examination	A second chance for the defence or prosecution to ask questions of their own witness relating to evidence given during cross-examination.	
Remand/Remand in custody	A court order to temporarily keep a person in custody pending further court appearances.	
Re-offend	To commit the same offence again.	
Repeat offender	A person who repeatedly commits and is convicted of the same offence.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Seek leave to appear	Asking a court's permission to represent a party.	
Seek leave to withdraw	Asking a court's permission to remove oneself from a case.	
Self-incriminating evidence	Evidence given by a witness in a trial or other legal proceedings that could subject him/her to criminal prosecution.	
Show cause situation	A presumption that bail should not be granted unless the accused can satisfy the court otherwise.	
Solicitor	A member of the legal profession who may give legal advice to, prepare cases for, and represents clients in court. As distinct from a barrister, solicitors do not wear robes and wigs.	
Statement	A witness' written account of what they heard and saw. The witness usually gives a statement to a police officer who assists by asking relevant questions (criminal matters). In civil matters a statement may be taken by a party's own solicitor.	
Statutory declaration	A written statement declared to be true in the presence of an authorised witness, usually a Justice of the Peace Commissioner of Declarations, or solicitor.	
Subpoena	A court order that requires a person to give evidence in court or to produce certain documents to the court.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Summary offence	A minor offence that is dealt with in the Magistrates Court.	
Summons	A document issued by a court that initiates legal proceedings or requires a person to attend court.	
Surety	A person who takes responsibility for a bail applicant to assure the court that the bail applicant will fulfil their bail conditions by agreeing to forfeit an amount of money in the event of a breach of bail.	
Suspect	A known person who is suspected by the police of committing a crime.	
Sustain	To uphold or allow an objection in court made by the lawyer representing one of the parties in the matter.	
Tender evidence	To formally offer a statement, legal documents or physical evidence to the court, during a hearing or trial, in support of one's case. The tendered evidence, if accepted by the court, will be issued with an exhibit number.	
Under duress	When a person is compelled by threats or coercion to commit criminal acts or to give a confession or consent to something, he/she is said to be 'under duress'.	
Vacate a court date	The cancellation of a pre-set date for a court hearing.	

Commonly used legal terms/phrases

Term/phrase	Definition/explanation	Translation equivalent/notes
Withdraw a question/comment	Retract a question that has been objected to by the opposition party.	
Without prejudice	Without detriment to, or loss of, any pre-existing right or claim.	
Writ	An order made by a court requiring specific action from a person or prohibiting them from doing certain things.	

Court decisions

Court Decision/judgements/sentencing		
Term/phrase	Definition/explanation	Translation equivalent/notes
Assurance	A guarantee or pledge to the court.	
Community service order (CSO)	A court order requiring a convicted offender to do unpaid community services for a defined number of hours.	
Concurrent sentences	A series of sentences that are to be served simultaneously, as opposed to Cumulative. For example, xxx	
Counselling	Personal and/or psychological help given by a professional.	
Court cost	Cost ordered to be paid by a convicted offender to the court for administrative fees.	
Cumulative sentence	Sentences that are served one after another by an offender, as opposed to concurrent sentences.	
Custodial sentence	A sentence of imprisonment in a correctional centre (prison/jail).	

Court Decision/judgements/sentencing

Term/phrase	Definition/explanation	Translation equivalent/notes
Drug Court	A court that handles cases of non-violent substance abusing offenders who can join voluntary drug rehabilitation and counselling programs in exchange for a more lenient sentence.	
Intensive correction order (Home detention)	Technically a sentence of imprisonment, but which the convicted offender serves in the community under strict conditions.	
Non-parole period	Actual period served in custody by a convicted offender as part of a sentence of imprisonment.	
Objective elements	Elements that are based on facts rather than thoughts or opinions.	
Offender levy	An amount required to be paid by a convicted offender to contribute to the administration expenses of the court.	
Penalty units	Penalty units are used to define the maximum fine payable for certain offences. When the amount of the penalty unit is changed, it affects the amounts of all fines.	
Pre-sentence report	A report about the circumstances of a convicted offender, provided to the court to assist the sentencing process.	
Recognisance	A recognisance is a promise to be of good behaviour for a set period of time.	

Court Decision/judgements/sentencing

Term/phrase	Definition/explanation	Translation equivalent/notes
Sentenced to the rising of the court	A convicted offender is sentenced to stay in the custody of the court until the court is adjourned.	
Sentencing options	A number of alternative sentences that the court can use.	
Subjective elements	Elements that are based on feelings, beliefs and personal experience.	
Supervision	Help and guidance for criminal offenders provided by the Probation and Parole office.	
Suspended sentence	A sentence of imprisonment that is only required to be served if the accused commits another offence within a set period of time.	

Court procedures

Court procedures		
Term/phrase	Definition/explanation	Translation equivalent/notes
Abort a trial	Terminate a trial before it is completed.	
Adjournment	When the hearing of a matter is delayed or held over until a later date.	
Arraignment	To call an accused person before a court to answer the charge made against him/her by indictment.	
Acquittal	A finding that a defendant is not guilty of a crime as charged.	
Bail application	An application for an accused person to be allowed to remain in the community until trial or not to be detained during the court proceeding.	
Bench warrant	A warrant issued by the presiding magistrate or judge for the arrest of a person.	
Change of plea	A defendant changing their answers to the charge from “not guilty” to “guilty” or vice versa.	

Court procedures

Term/phrase	Definition/explanation	Translation equivalent/notes
Closed Court	The court proceeding is not open to the public – usually reserved for sensitive cases or cases involving children.	
Committal hearing	A preliminary hearing of an indictable offence held before a magistrate to determine whether there is enough evidence for the charges to be heard by the District or Supreme court.	
Conviction	A court verdict that a defendant is guilty of a crime.	
Dismissal	The ruling by a court that the proceeding is finalised because it is not successful.	
Ex parte hearing	Latin: 'on one side only' A hearing done in the absence of a party.	
Extradition	The transfer of an accused from one state or country to another state or country that seeks to place the accused on trial.	
Hand-up committal	A committal hearing in which, with the agreement of the defence, prosecution and the magistrate, the written statements of the prosecution witnesses are simply presented to the magistrate and no witnesses appear in court.	
Hearing	A legal proceeding where an issue of law or fact is tried and evidence is presented to help determine the issue.	

Court procedures

Term/phrase	Definition/explanation	Translation equivalent/notes
Indictment	A written accusation charging that a defendant / accused person has committed an act or omitted to do something that is punishable by law. Indictments are only presented to the District or Supreme court.	
Instructions (by Judge)	An explanation of the law governing a case, which the judge gives orally to the jury after the lawyers have presented all the evidence and made final arguments, but before the jury begins deliberations.	
Inquest	An inquiry by a Coroner or medical examiner into the cause of certain deaths.	
Judge's summing up	A Judge's address to the jury at the end of the trial, summarising all of the evidence produced in court and arguments from both sides, and instructing the jury on points of law.	
Mediation	A meeting between the parties in a matter, with an independent person, in order to aid them in the settlement of their disagreement.	
Mention	The initial listings of a matter in court before it goes to hearing or sentencing for the purpose of entering a plea, applying for bail, etc.	
Objection	The formal registration of protest against the admission of a piece of evidence at trial or a line of questioning on the grounds of some legal defect.	

Court procedures

Term/phrase	Definition/explanation	Translation equivalent/notes
Opening address	An opening speech made by the lawyers representing the parties in a hearing, in order to give the court a brief outline of the case.	
Pre-trial hearing	A proceeding held before a trial, to clarify issues, argue the admissibility of certain evidence etc.	
Registry committal	A committal that is dealt with in the registry of the court, without a hearing, using only documents filed by the parties.	
Submissions	The opinion, argument, etc. put forward by a party in a court case.	
Trial	Examination of evidence and applicable law by a court to determine the issues relating to specified charges or claims.	
Voir dire	Old French: 'to speak the truth' A preliminary examination of prospective jurors or witnesses under oath to determine their competence or suitability.	

Levels of court

Courts/tribunals		
Term/phrase	Definition/explanation	Translation equivalent/notes
Children's Court	A court that deals with matters related to the care and protection of children and young people, and also criminal cases concerning children and young people.	
Coroners Court	A court that conducts inquests into deaths.	
District Court	The middle court in the State's legal system. It is a trial court and can hear certain appeals. It has both a criminal and a civil jurisdiction.	
Family Court	A specialist Federal court dealing only with family law matters.	
High Court	The High Court is the highest court in the Australian judicial system. The functions of the High Court are to interpret and apply the law of Australia, decide cases of special federal significance including challenges to the constitutional validity of laws and to hear appeals from Federal, State and Territory courts.	
Magistrates Court	The lower court in the State's legal system. It hears less serious matters, both criminal and civil. A Magistrate hears matters alone, without a jury.	
Queensland Civil and Administrative Tribunal (QCAT)	A tribunal which determines minor civil disputes (such as consumer disputes, residential tenancies, and dividing fence matters), appeals against administrative decisions and hearings in relation to professional boards.	

Courts/tribunals

Term/phrase	Definition/explanation	Translation equivalent/notes
Supreme Court	The Supreme Court is the highest state court. It is made up of the trial division and the Court of Appeal. It has unlimited jurisdiction and hears the most serious criminal and civil matters.	

Addressing people in court

Ways of formally addressing and referring to people in court		
Term/phrase	Definition/explanation	Translation equivalent/notes
“my learned friend”	A respectful way of referring to the opposing counsel in court.	
“the accused”	The person charged with a criminal offence and tried in District Court/Supreme Court.	
“the aggrieved”	The person in need of protection and for whose benefit a domestic violence order is made.	
“the defendant”	In criminal matters, interchangeable with ‘accused’. In civil matters, the party against whom an action is brought.	
“the respondent”	The party who responds to a claim filed in court against them by a plaintiff or applicant.	
“the plaintiff”	The person who initiates or files a case with a court.	
“the applicant”	The person who makes an application.	

Ways of formally addressing and referring to people in court

Term/phrase	Definition/explanation	Translation equivalent/notes
"the appellant"	The person who brings an appeal.	
"the Crown prosecutor"	The person who prosecutes a criminal proceeding on behalf of the community.	
"the learned Crown prosecutor"	A respectful way of addressing or referring to the Crown prosecutor by the defence counsel or the judge.	
"the learned counsel"	A respectful way of referring to the defence counsel by the prosecutor or the judge.	
"Your Honour"	A respectful way of directly addressing the presiding magistrate or judge.	
"Your learned brother/sister, Judge..."	A respectful way of referring to another judge in front of the presiding judge.	
"Mr/Madam Crown"	A respectful way of addressing or referring to the Crown prosecutor by the presiding judge.	

Jury terms

Jury		
Term/phrase	Definition/explanation	Translation equivalent/notes
Challenge (a potential juror)	A formal objection to a potential juror called from the jury panel prior to this person being sworn in as a juror.	
Deliberation	Discussion and consideration of evidence by the jury prior to reaching and delivering a verdict.	
Empanelling the jury	A process of selecting a jury by a balloting system, from a panel of potential jurors.	
Foreperson	The spokesperson of a jury.	
Hung jury	A jury that after an extended period of deliberation, cannot reach a unanimous or majority verdict.	
Jury panel	A group of potential jurors, consisting of citizens called by the Office of the Sheriff to serve jury duty.	
Majority verdict	A verdict that most of the jurors agreed to (e.g. 11 out of 12 jurors agree on the verdict).	

Jury		
Term/phrase	Definition/explanation	Translation equivalent/notes
Unanimous verdict	A verdict that all of the jurors agreed to.	
Verdict	A finding or decision of a jury on the guilt or innocence of the accused in a criminal trial.	

Domestic and family violence

DFV specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Aggrieved	The person in need of protection and for whose benefit a domestic violence order is made.	
Associate	A person who the aggrieved regards as a friend, or a person who regards himself or herself as a friend of the aggrieved.	
Associated domestic violence	Acts of domestic violence by a respondent towards: <ul style="list-style-type: none"> • a child of the aggrieved; • a child who usually resides with the aggrieved; • a relative of the aggrieved; or • an associate of the aggrieved. 	
Authorised person	An adult authorised by the aggrieved to appear on behalf of the aggrieved. The authorisation should be in writing. The authorisation may not be in writing where the aggrieved cannot provide authorisation and the court believes the person is authorised (for example, if the aggrieved has a physical disability that prevents this).	
Balance of probabilities	The standard of proof required by the judicial officer, who must be satisfied that it is 'more probable than not' that the acts of domestic violence occurred.	
Breach	This is where the respondent knowingly breaks any of the conditions of the protection order that the Magistrate has granted. The aggrieved should report any breaches to the Police.	
Child of an aggrieved/respondent	A child, whether biological, adopted or a stepchild, of the aggrieved or respondent, or in the care or custody of the aggrieved or respondent.	

DFV specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Child who usually lives with the aggrieved	A child who spends time at the residence of the aggrieved on a regular or on-going basis.	
Closed court	Members of the public will not be allowed at the hearing for a domestic violence protection order application. The aggrieved is allowed to have someone present throughout the proceedings to provide support and other assistance.	
Coerce	Compel or force a person to do, or refrain from doing something.	
Conditions of an order	Conditions imposed by the court when making an order that restrict or prohibit conduct of the person against whom the order is made.	
Consent	Means permission freely and voluntarily given by a person with capacity to give the permission.	
Consent order	A protection order that is made by the judicial officer when the aggrieved and the respondent agree to its conditions. There is no obligation on either party to consent. Consent must be freely and voluntarily given by a person with capacity to give the consent.	
Contested application	This is where the respondent disputes an application for a protection order.	
Contravention of an order	This means the same as breach of an order (see above).	

DFV specific terms

Term/phrase	Definition/explanation	Translation equivalent/notes
Couple relationship	Exists between two persons if the persons have or had a relationship as a couple.	
Cross-application	This is where both parties make applications for protection orders against each other.	
Cross-examination	This can be when a person who gives evidence in court is questioned by the other party.	
Domestic violence (DV)	<ul style="list-style-type: none"> • Behaviour by a person (the <i>first person</i>) towards another person (the <i>second person</i>) with whom the first person is in a relevant relationship that is: • physically or sexually abusive; • emotionally or psychologically abusive; • economically abusive; or is threatening; • coercive; or • in any other way controls or dominates the second person to fear for the second person's safety or wellbeing or that of someone else. 	
Domestic Violence Order (DVO)	A temporary protection order or protection order. These orders may include a number of conditions (see above).	
Economic abuse	Behaviour by a person that is coercive, deceptive or unreasonably controls another person without the second person's consent: <ul style="list-style-type: none"> • in way that denies the second person the economic or financial autonomy the second person would have had but for that behaviour; 	

DFV specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
	<ul style="list-style-type: none"> • by withholding or threatening to withhold the financial support necessary for meeting the reasonable living expenses of the second person or a child, if the second person or the child is entirely or predominately dependent on the first person for financial support to meet those living expenses. 	
Emotional or psychological abuse	Behaviour by a person towards another person that torments, intimidates, harasses or is offensive to the other person.	
Enforceable	<p>A domestic violence order is 'active', or able to be enforced by the police, if:</p> <ul style="list-style-type: none"> • the respondent was present in court when it was made; • a police officer has personally served the protection order upon them; or • the respondent has been told by a police officer about the existence of the order, including the condition alleged to have been contravened. 	
Engagement relationship	Exists between two persons if the persons are or were engaged to be married to each other, including a betrothal under cultural or religious tradition.	
Evidence	The aggrieved must prove that acts of domestic violence have occurred on the 'balance of probabilities'. Testimony from family, neighbours or a doctor, photographs of injuries and torn clothing, copies of text messages, phone records, phone recordings and comments posted on social media are examples of evidence.	
Exposed	A child is exposed to domestic violence if the child sees or hears domestic violence or otherwise experiences the effects of domestic violence.	

DFV specific terms

Term/phrase	Definition/explanation	Translation equivalent/notes
Family Court of Australia	A federal court that resolves disputes about family law matters in Australia, including parenting issues and financial issues following separation.	
Family relationship	Exists between two persons if one of them is or was the relative of the other. Refer to the definition of a relative.	
Hearing	The Magistrate will hear evidence from both sides and either makes a protection order or dismisses the application. One side may elect not to give evidence.	
Informal care relationship	Exists between two persons if one of them is or was dependent on the other person (a carer) for help in an activity of daily living. The relationship does not exist between a child and parent of a child. It also does not exist if the person helps the other person in an activity of daily living under a commercial agreement.	
Interstate order	An order made by a court of another State, Territory or New Zealand.	
Intimate personal relationship	An intimate personal relationship is a spousal relationship, an engagement relationship or a couple relationship.	
Intimidation or harassment	An aggrieved is intimidated or harassed if followed by the respondent in public, or if the respondent loiters outside the home or workplace, injures or threatens to injure a pet, or repeatedly telephones without consent.	

DFV specific terms

Term/phrase	Definition/explanation	Translation equivalent/notes
Judicial Officer	The person who hears the application and decides whether a protection order should be made. This will most likely be a Magistrate, as an application for a protection order is filed in the Magistrates Court.	
Mention date	This is the return date on the application. The Magistrate may adjourn the application to future mention dates or adjourn the application for a hearing.	
Named person	A relative, associate, or child who is protected by being specifically named in the domestic violence protection order.	
No-contact condition	A respondent who is under this condition cannot telephone, speak to, or follow the aggrieved or go to a place where the aggrieved is likely to be. They also cannot email or contact the aggrieved by any other electronic means.	
Ouster condition	The respondent is prohibited from remaining at the stated premises, entering or attempting to enter the premises and/or approach within a stated distance of the premises.	
Parent	The child's mother or father and anyone else having or exercising parental responsibility for the child. A parent does not include a person standing in the place of a parent of the child on a temporary basis; an approved foster carer of the child, or an approved kinship carer for the child. A parent of an Aboriginal or a Torres Strait Islander child includes a person who under Aboriginal tradition or Island custom is regarded as a parent of the child.	
Police prosecutor – see prosecutor	This person can appear in court on behalf of the aggrieved. If an aggrieved would like the police prosecutor to represent them in court, then suitable arrangements should be made prior to the court appearance. The police prosecutor is able to	

DFV specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
	represent the original aggrieved in an application for a protection order if a cross application is filed.	
Police protection notice (PPN)	If a police officer reasonably believes domestic violence has been committed, the police office may (among other actions) issue a police protection notice, which prohibits a person (respondent) from committing an act of domestic violence towards another (aggrieved) and must be of good behaviour. A PPN may include a cool-down condition. A PPN is a short-term notice that becomes an application for a protection order heard by the court.	
Premises in the ouster condition	Premises where the respondent has a legal or equitable interest, or where the aggrieved and respondent live together or previously lived together or where the aggrieved or a named person lives, works or frequents.	
Prosecutor	A prosecutor is a person who conducts proceedings on behalf of the prosecution. For matters in a Magistrates or Children's Court, the prosecution may be conducted by a police prosecutor who could be a police officer or a lawyer employed as a police prosecutor. For Domestic and Family Violence matters, a Queensland police prosecutor may conduct proceedings on behalf of an applicant.	
Protection order	A court order that prohibits one person (respondent) from committing an act of domestic violence towards another (aggrieved).	
Re-examination	This is when people are questioned again by their own representatives in court to clarify the evidence heard by the court.	

DFV specific terms

Term/phrase	Definition/explanation	Translation equivalent/notes
Registered interstate order	An interstate order that is registered in Queensland.	
Respondent	The person against whom the domestic violence protection order or a police protection notice is sought or made.	
Return condition	Allows the respondent to return to the premises to recover stated personal property or to remove property.	
Serve	Delivery of the application or domestic violence order to the respondent. The police do this. If the respondent is present in court, they do not have to be served with the order; however, they still need to be given a copy. If a respondent is a child under 18 years (or 18 and over only if ordered by the court), then a copy of all documents must be given to a parent of the child.	
Spousal relationship	A spousal relationship exists between spouses.	
Spouse	A spouse includes a de facto partner and civil partner. It also includes a former spouse of the person and a parent or former parent of a child of the person.	
Subpoena	A document issued by a court requiring the attendance of a person before the court to give evidence in person or to produce evidence to the court.	

DFV specific terms

Term/phrase	Definition/explanation	Translation equivalent/notes
Temporary order	A temporary protection order is one that is made for a short period of time until a final decision on an application for a protection order is made by the court.	
Unauthorised surveillance	Unreasonable monitoring or tracking of the person's movements, activities or interpersonal associations without the person's consent, including, for example, by using technology.	
Variation of domestic violence order	Includes a variation of a condition, duration or the persons named in the order.	
Voluntary intervention order	An order that requires the respondent to attend: <ul style="list-style-type: none"> • an approved intervention program; and/or • counselling provided by an approved provider. 	
Weapon	This includes anything that has been used to threaten or injure the aggrieved, for example a martial arts weapon, a bat or even a dog. Information about such weapons, and any weapons licences, may be included in the domestic violence order.	
Without admissions	Where a person agrees to the making of a protection order, and being named as the respondent (a consent order), even though they do not admit to the allegations of domestic violence and the court has not made a finding that domestic violence has occurred.	

Queensland civil and administrative tribunal

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Adjourn	To suspend or put off a meeting or hearing to a future date.	
Adjudicators	Legally qualified QCAT decision-makers for minor civil disputes and other matters.	
Administrator	A person appointed by QCAT to help adults with impaired decision-making capacity by making certain financial and legal decisions on their behalf.	
Alternative dispute resolution (ADR)	Different ways to work out differences of opinion and reach an agreement outside of court; including mediation, conciliation and compulsory conferences.	
Adversarial	A legal system or proceeding where each party with competing claims puts their best case to an impartial person who then decides the outcome.	
Advocate	The person presenting a case to a court or tribunal on behalf of one of the parties involved.	
Affidavit	A written statement made by a person to be used in a court proceeding as evidence. A person who makes an affidavit must swear an oath or make an affirmation that the contents of the affidavit are true. A person who makes an affidavit may be cross-examined about its contents at a hearing.	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Alias	Another name used by a person. Often, it is a false or assumed name.	
Allegation	A statement, still to be proved, made by a party in a legal proceeding.	
Appeal	A procedure, through which, in certain circumstances, a party may request a higher decision-maker to reconsider a decision made. Often leave (or permission) to appeal is required before a decision is reconsidered.	
Appeal tribunal	This is the internal appeal tribunal in QCAT, where most appeals against decisions of QCAT are heard.	
Appellant	The person or organisation appealing a decision.	
Applicant	The person who has submitted an application to QCAT requesting assistance in resolving a dispute, grievance or other issue.	
Breach of duty of care	Negligent or careless conduct, or failure to act, by a person who owes a duty of care to another and who fails to maintain the standard of care necessary to fulfil that duty.	
Compulsory conference	A dispute resolution method used by the tribunal to identify and narrow issues in dispute and to make orders and directions.	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Consent order	An order of the tribunal that is agreed to by both parties, and which the tribunal also agrees to make.	
Consumer	In a minor civil dispute, an individual who buys or hires goods or services other than for resale or in trade or business i.e. for personal use.	
Contract	A contract may be a written or a verbal agreement between parties. It is: <ul style="list-style-type: none"> • a legally binding promise or agreement; and • the form or document that records the terms of an agreement between parties. 	
Correction	In some circumstances, QCAT can correct a decision if it contains a clerical mistake e.g.: <ul style="list-style-type: none"> • an error arising from an accidental slip or omission; • a material miscalculation of figures or a material mistake in the description of a matter, person or thing mentioned in the decision; or • a defect of form. 	
Counter-claim or counter-application	A counter-application is an application by the respondent against the applicant or another party regarding the same dispute or issue.	
Cross-examination	The process of asking a witness questions to test or check the evidence that the witness has given to the tribunal.	
Decision	The orders given by the tribunal when a matter has been determined by a QCAT decision-maker.	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Default decision	A decision made by the tribunal in the absence of the parties, to a dispute or a response from the respondent to an application.	
Directions	Orders made by the tribunal for parties to do certain things to progress a matter e.g. to file and exchange material.	
Directions hearing	A short hearing in which the member will make directions about how the dispute will be managed. Generally, the directions hearing will not deal with the substance of the dispute and will aim to streamline the matters progress.	
Dismissal	An application is dismissed where the decision-maker decides that the application is without merit, has not been proved by the applicant or for another reason provided by the decision-maker. This does not necessarily mean the decision-maker has decided in favour of the respondent.	
Enabling Act	An Act that gives QCAT the power to hear a dispute.	
Evidence	The facts, circumstances or documents that parties present to the tribunal to prove their case. Evidence must be given orally or in writing and if required, under oath or by affidavit.	
Exhibits	Documents or things produced by a party which the tribunal agrees to accept as evidence. If the documents are referred to in a statement or affidavit, they should be clearly identified and attached to that statement.	
Expert conclave	An expert conclave is a private meeting between experts in the same field of expertise, chaired by a member of the tribunal. The purpose is to reach an agreement on expert	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
	evidence given to the tribunal, generally used where there is conflicting evidence by different experts.	
Final hearing	The hearing at which a final decision is made. After some final hearings, the tribunal will give its decision; in some, the tribunal may 'reserve' its decision to consider the matter, and deliver that decision at a later time.	
Guardian	A guardian is a person appointed to help adults with impaired decision-making capacity by making certain personal and health care decisions on their behalf.	
Impaired capacity	The inability of a person to go through the process of reaching a decision and putting it into effect based on three elements: <ul style="list-style-type: none"> • understanding the nature and effect of the decision; • freely and voluntarily making a decision; and • communicating the decision in some way. 	
Mediation	A dispute resolution method used to assist agreement or reconciliation between parties. This involves exploring possible agreements without an adversarial hearing. Mediations are conducted by impartial dispute resolution professionals.	
Part heard	The hearing of the dispute before the tribunal has not finished and more time has to be set aside to complete the hearing.	
Parties	The people or companies who are named in the dispute.	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Penalty	A punishment, fine or disadvantage imposed for wrong conduct.	
Preliminary hearing	A hearing of a particular issue that does not finalise the dispute.	
Procedural fairness	Part of natural justice. The obligation to ensure that parties are given the opportunity to put their case to the tribunal, including being able to respond to another party's case.	
Re-hearing	The way in which QCAT hears appeals (and some matters in QCAT's review jurisdiction when enabling Acts say QCAT has to hear the matter this way).	
Re-opening	Re-openings are different to appeals. QCAT can decide to hear the matter again (re-open it) if: <ul style="list-style-type: none"> • a party did not appear (and has a good reason for this); or • significant new evidence has come to light that was not available at the first QCAT hearing and there would be 'substantial injustice' to the party if it wasn't re-opened to hear this evidence; or • it is more effective or convenient for QCAT to deal with the matter this way instead of by way of an appeal. 	
Representative	This is a person who represents a party during the tribunal process, often used interchangeably with advocate.	
Reserved decision	A decision that will be announced at a later date is a reserved decision.	

QCAT specific terms		
Term/phrase	Definition/explanation	Translation equivalent/notes
Respondent	The party against whom a QCAT application has been made.	
Self-representation	Where parties conduct their own case, without a third party representing them in the tribunal. Also referred to as litigant in person.	
Standard of proof	The test that the tribunal must apply to the evidence and documents that parties provide to the tribunal to decide factual issues, or to decide whether a party has satisfied the test imposed by law. The standard of proof will depend on the type of matter being heard, and the factual issues disputed by the parties.	
Stay	A 'stay' of a decision postpones a decision taking effect until a certain date.	
Submissions	The things that a party says to persuade the tribunal to make a decision in that party's favour. Submissions can be written, or spoken at a hearing. Submissions are different from giving evidence.	
Witness	A person who gives evidence to the tribunal.	

Related legal organisations

Related government services/organisations		
Term/phrase	Definition/explanation	Translation equivalent/notes
Attorney-General (AG)	The chief law officer of the State and the Minister for Justice. The Attorney-General is the head of the Department of Justice and Attorney-General.	
Commissioner for Declarations	A person authorised to witness and sign statutory declarations and affidavits, and to certify copies of original documents.	
Community Legal Centre (CLC)	A centre that provides free legal advice mainly to disadvantaged or at risk people.	
Queensland Corrective Services	The agency that provides custodial and community-based correctional services aimed to reduce re-offending and enhance community safety.	
Crime and Corruption Commission (CCC)	An agency that investigates serious and organised crime and corruption.	
Department of Children, Youth Justice and Multicultural Affairs (CYJMA)	A department who works to keep children, young people, and their families safe and connected in their culture and communities. It provides child protection services, parenting support, foster care, adoption, services to the youth justice system and early intervention and prevention services.	
Director of Public Prosecutions (DPP)	The agency that conducts prosecutions on behalf of the State, for indictable offences and certain other matters.	

Related government services/organisations

Term/phrase	Definition/explanation	Translation equivalent/notes
Justice of the Peace (JP)	A person authorised to witness and sign statutory declarations and affidavits, to certify copies of original documents, and to issue summonses and warrants.	
Legal Aid Queensland (LAQ)	An agency that provides legal advice, assistance and representation to disadvantaged people.	
Brisbane Domestic Violence Service	A specialised legal service for women experiencing domestic violence that informs them of their legal rights and their right to access available services.	
Probation and Parole	A branch of Queensland Corrective Services which works with offenders who are supervised in the community as well as offenders who are serving a custodial sentence	
Mental Health Services	Services and supports provided by the Department of Health for people with mental illnesses. Courts often require assessments from these services regarding mentally ill defendants/accused persons.	
Victim Assist Queensland (VAQ)	Victim Assist Queensland is part of the Department of Justice and Attorney-General. It provides support and information to victims of crimes.	
Women's Support Group	Community organisations providing information and support for women, specialising in court support for victims of crimes and Domestic Violence.	