

GLOSSARY

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| Administrative Notices | See Practice Notes |
| Appeal | An application to a higher court to review a decision of a lower court or tribunal. For example, an appeal from a decision of a Federal Magistrate may be made to the Federal Court, and a decision of a single judge of the Federal Court may be the subject of an appeal to the Full Court of the Federal Court. |
| Appellate jurisdiction | The power given to a court to hear appeals in certain matters. |
| Applicant | The individual, organisation or corporation who/which applies to the Court to start legal proceedings against another person or persons. Also known as 'plaintiff' in admiralty and corporations matters and in some other courts. |
| Application | The document that starts most proceedings in the Federal Court. |
| Cause of action | A term used in the Federal Court's case management system to classify proceedings commenced with the Court. There are sixteen main causes of action and five supplementary causes of action. |
| Cross appeal | An application by a respondent in an appeal also seeking a review of the lower court or tribunal decision and made in response to the appeal. A cross appeal is not required if the respondent is simply seeking that the decision of the lower court or tribunal be upheld. |
| Cross claim | A claim made in a proceeding by one party against a co-party, such as the first respondent (or defendant) against the second respondent (or defendant). However, if the claim in the proceeding is by one party against an opposing party, such as the respondent (or defendant) against the applicant (plaintiff), it is called a counter claim. A cross claim has to be closely connected to what is in dispute in the original claim or a counter claim. |
| Directions | Orders made by the Court or a judge in relation to the conduct of a proceeding. Before the trial or hearing of a matter a judge may give directions so that the parties involved will be properly ready. The directions usually set down a list of steps to be taken by the parties and the deadline for those steps. The steps usually involve filing of material and defining the issues that require a decision by the Court. |
| Discovery | A process by which the parties involved in a legal proceeding must inform each other of documents they have in their possession and which relate to the matters in dispute between the parties. |
| Docket system | A system by which each case is allocated to a particular judge who will then see the case through to completion. In the Federal Court the system is called the Individual Docket System (IDS). |
| Exhibit | A document or item produced in court for the purpose of becoming part of the evidence in a proceeding. |
| Filing of documents | The process of the Court accepting a document or documents lodged by a party to a proceeding. |
| First Instance | A proceeding heard in the Court's original jurisdiction. |
| Full Court | Three or more judges sitting together to hear a proceeding. |
| Hearing | That part of a proceeding where the parties present evidence and submissions to the Court. |

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| Interlocutory Application | Interlocutory proceedings are for dealing with a specific issue in a matter - usually between the filing of the application and the giving of the final hearing and decision. An interlocutory application may be for interim relief (such as an injunction) or in relation to a procedural step (such as discovery). |
| Judgment | The final order or set of orders made by the Court after a hearing, often accompanied by reasons which set out the facts and law applied in the case. A judgment is said to be 'reserved' when the Court postpones the delivery of the judgment to a later date to allow time to consider the evidence and submissions. A judgment is said to be 'ex tempore' when the Court gives the judgment orally at the hearing or soon after. |
| Jurisdiction | The extent of legal authority or power of the Court to apply the law. The Federal Court has jurisdiction under more than 150 Acts of the Commonwealth Parliament and has original and appellate jurisdiction. |
| Litigants | Individuals, organisations or companies who/which are the parties to a proceeding before the Court. |
| Mediation or (Assisted Dispute Resolution) | A process in which an impartial third party (the mediator) assists the parties in an attempt to bring about an agreed settlement or compromise, without requiring a decision of the Court. |
| Original Jurisdiction | The authority or legal power of the Court to hear a case in the first instance. |
| Parties | People involved in a court case. Applicants, appellants, respondents, defendants, are generally called 'parties'. |
| Practice Notes and Administrative Notices | The Court publishes Practice Notes and Administrative Notices. Practice Notes are issued by the Chief Justice on advice of the judges of the Court. Administrative Notices are issued by each District Registrar at the request, or with the agreement, of the judges in the District Registry to which the notice relates. |
| Practice Notes | provide guidance on practice and procedure required or followed by the Court nationally to supplement what might be contained in statutes or the Court's Rules. |
| Administrative Notices | provide guidance on practice and procedure required or followed by the Court in the District Registry to which the notice relates to supplement what might be contained in statutes or the Court's Rules. |
| Proceeding | The regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the judgment. |
| Regulations | The Federal Court of Australia Regulations 2004 which prescribe the filing and other fees that must be paid in relation to proceedings in the Federal Court. |
| Respondent | The individual, organisation or corporation against whom/which legal proceedings are commenced. Also known as a 'defendant' in admiralty and corporations matters and in some courts. In an appeal it is the party who/which did not commence the appeal. |
| Rules | Rules made by the judges which set out the procedures for conducting a proceeding. The current rules of the Federal Court are the Federal Court Rules, Federal Court (Corporations) Rules 2000 (for proceedings under the Corporations Act 2001) and Federal Court (Bankruptcy) Rules 2005 (for proceedings under the Bankruptcy Act 1966). |
| Self Represented Litigant | A party to a proceeding who does not have legal representation and who is conducting the proceeding on his or her own behalf. |