

# Definitions:

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Adjudicators: adjudicates business disputes e.g. specialised tribunal and courts

Appellate jurisdiction: An appellate court's power to hear a case on appeal. Appellate jurisdiction exists at varying levels between courts, defined by the severity of the crimes they are designed to process. Appellate Jurisdiction is not available in /magistrates Court, as it cannot hear appeals.

Arbitration: An alternative dispute resolution process whereby parties to a dispute present their arguments and evidence to an arbitrator. After hearing both sides of the arguments, the arbitrator makes determination on the dispute.

Bill: A proposed law that is debated and passed through the legislative processes of parliament and becomes an AOP after receiving Royal Assent

Binding Precedent: Principle in court which *must* be applied by another court. (opposite of distinguishing method).

Common Law: The law that was developed by judges, and continues to be developed (Australia uses the common law/Westminster system of law.)

Conciliation: Considered more formal than mediation, and less formal than arbitration. A conciliator identifies issues in dispute, develops options, considers alternatives and make an agreement to resolve the dispute, which can only be advisory, and not determinative.

Concurrent Powers: When two parliaments have the power to enact legislation concerning the same matter. In Australia, this almost exclusively (or exclusively) refers to conflicting laws between commonwealth and state legislation. In the event of such conflicting laws, the Commonwealth law will be valid for the length of the inconsistency of the two bodies laws.

Conditional term: Fundamental term in a contract which, if breached, permits a party to rescind.

Condition Precedent: Term in a contract which *must* be met before the contract becomes enforceable (must fix the roof before we buy the house)

Condition: term vital to the contract.

Condition subsequent: A term in a contract that can terminate the whole contract or just part of the contract.

Conditions and Representations: A term of a contract often calls a condition will create contractual obligations between the parties, breach of which will result in the injured party being able to sue for damages.

Contract: an agreement between two or more people which is legally enforceable

Contributory negligence: Conduct by an injured person which partly caused his injury.

Courts of Summary Jurisdiction: Courts that handle small civil and criminal matters. These include the children's court, the coroners court and magistrates/local courts.

Delegated legislation: Happens in cases where legislation being made is suspected to change in value and meaning. When applied to legislation, it is often referred to as rules, regulations, orders, ordinances, by-laws, statutory instruments, notices, and proclamations

Distinguishing: Method used by court to avoid following a principle established by another court (opposite of binding precedent).

Economic loss: financial loss suffered without physical damage to person or property.

Equity/Equitable: Something that is fair.

Exemplary damages: Financial penalty imposed *In addition* to compensation for actual loss.

Explanatory Memorandum: An executive report issued by a minister to explain the aims and operation of a proposed statute

Facilitators: facilitates business transactions, contract law, laws relating to various business structures