



NOT GOVERNMENT POLICY

Queensland Corrective Services (QCS) comments:

Thank you for inviting Queensland Corrective Services (QCS) to provide input to the Criminal Procedure Review Magistrates Courts. The review is of relevance to QCS, particularly in relation to the prosecution of contraventions of community-based sentences in the Magistrates Court.

In relation to the Consultation Paper, QCS supports the introduction of guiding principles in the new legislation (Question 4). QCS supports including principles like those suggested in the Consultation paper that procedures are fair, efficient and the system focuses on the users.

QCS supports a shift to consistent procedures and processes in all Magistrates Courts across the State (linked to Question 5). QCS officers have experienced that Magistrates Courts across Queensland have different procedures and practices. Establishing a single process for the commencement of criminal proceedings, replacing the existing complaint and summons process is supported by QCS. Consistent submission requirements across the state will allow QCS staff to easily transfer between locations without further individualised training on local area court documentation.

QCS supports a shift to more modern practices (Questions 8, 9 and 10). The use of technology has the capacity to improve efficiencies. Measures that enable QCS to access court orders electronically would be extremely beneficial.

In relation to Questions 14-18, QCS supports the simplification of procedures for starting proceedings in Magistrates Courts. QCS officers prosecute contraventions of community-based orders in Magistrates' Courts under section 123 of the *Penalties and Sentences Act 1992* (PSA). Sections 128 and 129 of the PSA provide for a complaint and summons process that guides how QCS can commence contravention proceedings in the Magistrates Court.

QCS suggests that during the Review, consideration is also given to Recommendation 64 of the Queensland Sentencing Advisory Council *Report on Intermediate Sentencing Options and Parole*. Recommendation 64 notes that section 124 of the PSA should be amended to allow a Magistrates Court to deal with a breach, by reoffending, of a community-based order imposed by a Magistrates Court, without proceedings first having to be instituted under section 123. To give certainty to individuals, to ensure totality issues are considered, and to ensure that those who contravene are dealt with in a timely way, this power should be confined to the court sentencing for the breaching offence during that hearing (including adjournment of that hearing).

As the majority of QCS input to the Review falls outside of the scope of the Consultation Paper, QCS will make a general submission by the 31 August 2022 deadline.
