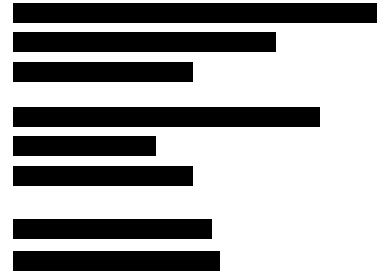




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and Investments Commission



29 June 2022

Mr. Michael Shanahan AM
Criminal Procedure Review – Magistrates Courts
By email: criminal-procedure-r@justice.qld.gov.au

Dear Sir,

Re: Consultation Paper – Criminal Procedure Review – Magistrates Courts

Thank you for the opportunity to provide a submission to the Criminal Procedure Review Team in relation to the Consultation Paper concerning the review of criminal procedure in Queensland Magistrates Courts.

The Commission makes the following comments for your consideration:

1. In relation to Questions 8 and 9 of the Consultation Paper, the Commission would welcome the introduction of an online portal to issue and file documents electronically without the need for physical attendance. The ability to file documents electronically will eliminate the need for parties to attend the Court registry simply to file documents and will thereby reduce the administrative burden on Court staff and prosecuting agencies.

The portal should enable prosecuting agencies to:

- a. file and manage case documents;
- b. receive updates when documents are progressed;
- c. view, track and download filed documents; and
- d. make payments online (where relevant).

Safeguards could include limiting access to registered users and only accepting files in formats which cannot be altered but the Court is able to “seal/stamp” electronically.

2. In relation to Question 10 of the Consultation Paper, we note that the Commission has been assisted by the ability of Prosecutors to appear remotely via Pexip at mention and plea hearings, particularly when travel restrictions prevented interstate travel. The Commission is of the view however that it would not be appropriate for contested hearings to be held remotely.
3. Question 14 of the Consultation Paper asks, “*How should criminal proceedings in Queensland be started by persons other than the police under the new legislation?*” Given the current process of initiating criminal proceedings is cumbersome, requiring the Informant to sign the Complaint and Summons

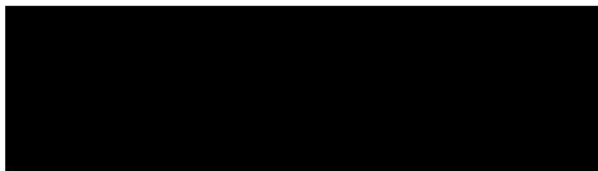
before a Justice of the Peace, the Commission agrees with the suggestion that the Complaint and Summons be replaced by a notice to appear in Court.

In our experience, the process of initiating proceedings in the New South Wales Local Courts is practical and efficient. It involves a Court Attendance Notice being issued to the defendant. The notice, statement of alleged facts and Affidavit of Service can be filed via the NSW Online Registry. This means that staff based in different States can assist the relevant Prosecutor with issuing and filing Court documents.

4. In relation to Question 18 of the Consultation Paper, if the new legislation provides for a Court Attendance Notice to replace a Complaint and Summons, the Commission is of the view that the Court Attendance Notice, as is the case in New South Wales, describe the offence, briefly state the particulars of the offence, including the time, date, and place of the alleged offence.
5. In relation to Questions 44 and 45 of the Consultation Paper, the Commission considers that matters should be able to be dealt with in the defendant's absence where there is proof that the Court Attendance Notice has been served correctly. The Commission does not support the restriction of sentencing options available to the Magistrate in matters that are dealt with in the defendant's absence, especially in circumstances where the maximum penalty for an offence does not include a term of imprisonment.

If you have any queries in relation to the above or require any further information, please do not hesitate to contact [REDACTED] on [REDACTED]
[REDACTED]

Yours sincerely,



Joe Zubcic
Senior Executive Leader
Small Business Engagement and Compliance