

2.5 Queensland courts

The *Queensland Criminal Code* divides offences committed in Queensland into two categories:

- criminal offences
- regulatory offences.

Criminal offences are further separated into:

- crimes
- misdemeanours
- simple offences.

Crimes and misdemeanours are indictable offences, meaning the offender may be sent to trial before a judge and jury.

Pleas for simple offences and regulatory offences are usually dealt with by a Magistrates Court, which may be constituted by a Magistrate or two JPs (Mag Ct).

A simple offence is any offence not designated as any other type of offence. In other words, unless the Act (which creates the offence) states the offence is a crime, misdemeanour or regulatory offence, then it is a simple offence.

The following are examples of simple offences that may be dealt with by a Magistrates Court:

- speeding
- driving a motor vehicle while under the influence of liquor or a drug
- unlicensed driving
- Liquor Act offences
- resisting arrest
- using obscene language.

Some examples of regulatory offences are:

- unauthorised dealing with shop goods where the value is less than \$150 (such as shoplifting)
- failing to pay a restaurant or hotel bill where the value is less than \$150
- unauthorised damage to property where the value is less than \$250.

More serious offences are committed to a District Court or Supreme Court.

The following table lists various types of offences and shows which court usually deals with each type. It is a guide only, as some exceptions apply in different legislation.

Queensland Courts jurisdictions

Type of offence	Court of jurisdiction
Serious offence with penalty >20 years	Supreme Court
Serious offence with penalty <20 years	District Court
Certain serious offences under section 552 of the <i>Criminal Code Act 1899</i> (Criminal Code) <ul style="list-style-type: none"> • simple offences • regulatory offences • domestic violence applications • bail applications. 	Magistrates Court constituted by a Magistrate
On a plea of guilty: <ul style="list-style-type: none"> • simple offences only by children. 	Where neither a Childrens Court Magistrate nor other Magistrate is available, the Children’s Court can be constituted by two justices: <ul style="list-style-type: none"> • Two JP (Qual) or • One JP (Qual) and one JP (Mag Ct) or • Two JP (Mag Ct)
On a plea of guilty, certain serious offences under section 552 of the Criminal Code.	Magistrates Court constituted by two JPs (Mag Ct) appointed pursuant to section 552C Criminal Code
On a plea of guilty: <ul style="list-style-type: none"> • simple offences • regulatory offences • domestic violence protection orders (where an offender pleads guilty to a domestic violence offence before two justices of the peace exercising jurisdiction pursuant to section 552C of the Criminal Code • temporary domestic violence protection orders (whether by consent or otherwise). Two or more justices may deal with: <ul style="list-style-type: none"> • an application to make or vary a temporary protection order if a Magistrate is not readily available to constitute a Magistrates Court; or • an application to adjourn a proceeding taken with a view to the making of a domestic violence protection order against a respondent (s 137(2) of the <i>Domestic and Family Violence Prevention Act 2012</i>) (DFVP Act). • bail applications of the (s 27 <i>Justices Act 1886</i>) (Justices Act). 	Magistrates Court constituted by two JPs (Mag Ct)
Domestic violence protection orders (where an offender pleads guilty to a domestic violence offence before two Justices of the Peace exercising jurisdiction pursuant to section 552C of the Criminal Code) <p>Temporary domestic violence protection orders (whether by consent or otherwise). Two or more justices may deal with:</p> <ul style="list-style-type: none"> • an application to make or vary a temporary protection order if a Magistrate is not readily available to constitute a Magistrates Court; or • an application to adjourn a proceeding taken with a view to the making of a domestic violence order against a respondent (s 137(2) of the DFVP Act). <p>Bail applications for children (s 27 Justices Act) Bail application by adult (s 27 Justices Act)</p>	Magistrates Court constituted by: <ul style="list-style-type: none"> • Two JP (Qual) or • One JP (Qual) and one JP (Mag Ct) or • Two JP (Mag Ct)

Supreme Court

The Supreme Court is the highest level of court in Queensland. It comprises the trial division and the Court of Appeal.

The trial division deals with:

- the most serious criminal offences, including major drug offences, attempted murder, manslaughter and murder
- civil disputes between people and organisations over money or property involving amounts greater than \$750,000.

The Court of Appeal hears appeals from the trial division and the District Court.

District Court

The District Court is the second tier in the court system and is presided over by a Judge.

The District Court is responsible for:

- matters of a serious nature, including armed robbery, rape and dangerous driving
- civil disputes between people and organisations involving amounts between \$150,000 and \$750,000
- serious cases involving defendants under 17 years of age (Children's Court)
- disputes about town planning, land subdivision and rezoning (Planning and Environment Court).

Magistrates Court

The Magistrates Court is the first tier in the court system. Most criminal cases are first heard in this court in some form, and many civil actions are also heard here.

The Magistrates Court deals with a range of matters, including:

- more serious offences, such as burglary, assault, fraud and drugs – the Magistrate may commit the case to the District Court or Supreme Court for sentence or trial
- less serious offences (summary offences), such as traffic infringements
- minor offences, such as shoplifting or disorderly behaviour
- civil disputes between people and organisations involving amounts \$150,000 or less
- domestic violence matters
- applications for child protection orders
- some minor family law matters (though most go to the Family Court)-
- some other Commonwealth matters, such as those covered by the *Customs Act 1901*, *Social Security Act 1991* and *Taxation Act 1953*.

Other court and tribunals

There are many courts and tribunals across the state, including but not limited to:

- Coroners Court
- Domestic and Family Violence Court
- Drug and Alcohol Court
- Land Court
- Mental Health Court
- Murri Court
- Queensland Civil and Administrative Tribunal.

More information can be found on the Queensland Courts website.

What do I do if I receive a summons to appear in court?

You may be called to give evidence in relation to a document you have witnessed. This could occur for several reasons, such as doubt about whether the:

- correct person signed the document
- document was sworn or affirmed correctly
- signatory was capable of making the document at the time.

Whatever the reason, you should not feel intimidated by the court process, provided you have exercised your powers with due care and professionalism.

What action should I take if I am summonsed to appear in court?

If you are required to appear in court to give evidence, you will receive what is legally called a court summons. When you receive the summons, you should:

- find out what the matter is about
- collect any records you have that relate to the matter
- contact the JP Branch if you need further support
- take the records with you to court.

At the hearing

You will be asked to take an oath or affirmation before giving evidence.

When questioned by the solicitor or barrister, you should ask the court for permission to refer to your records and then answer all questions fully and honestly.

You may then be cross-examined by the solicitor or barrister for the other party. These questions are usually intended to clarify a point or to double-check something you have already said in evidence.

Giving evidence in court can be a daunting experience for a novice, so it is important you have standardised procedures when witnessing documents and that you keep and retain consistent and accurate records. If you always follow these procedures, you can confidently go into court and relate what would have occurred at the time of witnessing the document.

Where can I get more information?

Queensland courts and tribunals

www.courts.qld.gov.au

Australian courts and tribunals

www.fedcourt.gov.au