

2.5 Queensland courts

The *Queensland Criminal Code* divides offences committed in Queensland into two categories: criminal offences and regulatory offences.

Criminal offences are further separated into crimes, misdemeanours and simple offences.

Of these three sub-categories, crimes and misdemeanours are indictable offences. This means 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 JP (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 <i>Criminal Code Act 1899</i> : <ul style="list-style-type: none"> • simple offences • regulatory offences • domestic violence applications • bail applications. 	Magistrates Court constituted by a Magistrate
Offences by children	Children's Court constituted by a Magistrate
On a plea of guilty, certain serious offences under section 552 of <i>Criminal Code</i>	Magistrates Court constituted by two JPs (Mag Ct) appointed pursuant to section 552C <i>Criminal Code</i>
On a plea of guilty: <ul style="list-style-type: none"> • simple offences • regulatory offences • consent to domestic violence protection orders • temporary domestic violence protection orders • bail applications. 	Magistrates Court constituted by two JPs (Mag Ct)
Consent to domestic violence protection orders	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).
Temporary domestic violence protection orders	
Bail applications for children	
Bail application by adult	

Supreme Court

The Supreme Court is the highest level in the Queensland court system and includes the trial division and the Court of Appeal. Supreme Court judges are addressed as 'Your Honour'.

The trial division hears the most serious criminal matters including murder, manslaughter and serious drug offences. Decisions, such as a penalty to be imposed, are made by a Supreme Court judge who presides over all cases. In the case of criminal matters, a trial and a jury of 12 people decide if an accused is guilty or not guilty based on the facts of the case. Sentencing may include but is not limited to a prison term, a fine or community-based orders.

In a civil trial, the judge sits alone and determines if the party bringing the action has proved the case on the balance of probabilities. These civil disputes may be between people and organisations over money or property involving amounts greater than \$750,000.

District Court

The District Court is the second tier in the court system and is presided over by a judge. Most jury trials take place in the District Court. District Court judges are addressed as ‘Your Honour’.

The District Court hears matters of a serious nature, including armed robbery, rape and dangerous driving. Decisions, such as a penalty to be imposed, are made by a District Court judge who presides over all cases. In the case of criminal matters, a trial and a jury of 12 people decide if an accused is guilty or not guilty based on the facts of the case. Sentencing may include but is not limited to a prison term, a fine or community-based orders.

In a civil trial, the judge sits alone and determines if the party bringing the action has proved the case on the balance of probabilities. These civil disputes may be between people and organisations over money or property involving amounts between \$150,000 and \$750,000.

Magistrates Court

The Magistrates Court is the first level of court jurisdiction in Queensland. Most criminal cases are first heard in the Magistrates Court, as are most civil cases. Decisions are made by one magistrate who sits alone and makes all decisions and judgements. Magistrates are addressed as ‘Your Honour’.

The Magistrates Court deals with less serious offences called summary offences. These include assault, theft and minor traffic matters, committal hearings for more serious matters, and civil disputes between people or organisations about property and money involving amounts less than \$150,000. Sentencing may include but is not limited to a prison term, a fine or community-based orders.

As well as dealing with these offences, the Magistrates Court may occasionally hear cases involving indictable offences. Such indictable offences are referred to as being dealt with ‘summarily’ or ‘in the summary jurisdiction’. The offences that may be dealt with summarily are defined in the *Criminal Code* under section 652. However, the details of which offences are, and are not, indictable are beyond the scope of this publication. You should simply be aware of the terminology used.

There are other offences under other state legislation and under Commonwealth legislation that may be dealt with either summarily or upon indictment. In each case, the Act specifies the required action.

Queensland Civil and Administrative Tribunal (QCAT)

The Queensland Civil and Administrative Tribunal (QCAT) is an independent tribunal that actively resolves disputes in a way that is fair, just, accessible, quick and inexpensive. The tribunal seeks to provide justice for all through expert decision-makers who work across a wide range of jurisdictions including:

- minor civil disputes
- protection of the elderly
- anti-discrimination
- building cases
- guardianship for adults
- residential tenancy disputes
- consumer and trader disputes.

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 any of several reasons, such as doubt about if the:

- correct person signed the document
- document was sworn or affirmed correctly
- deponent was capable of making the declaration 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.
- Before the court hearing, advise the prosecutor or defence solicitor (depending on whether you are a witness for the prosecution or defence, plaintiff or defendant) that you would like to refer to your records in court. They will explain that you may be allowed to refer to your records if you made them at the time of the document being witnessed but you must seek permission from the court.
- 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.australia.gov.au/information-and-services/public-safety-and-law/courts-and-tribunals