

Understanding Queensland's court system

Queensland has five levels of court jurisdiction and tribunals set up by state legislation to deal with a variety of matters.

The type of offence or dispute determines which court or tribunal looks after it.

Queensland Civil and Administrative Tribunal

- Minor civil disputes and many administrative appeals

Magistrates Court

- The first stop in all criminal offences and many civil disputes

District Court

- Handles more serious criminal and civil cases

Supreme Court

- Hears the most serious criminal and civil cases

Court of Appeal

- Hears appeals against decisions made at trials in the District and Supreme Courts, whether criminal or civil

Queensland Civil and Administrative Tribunal

QCAT deals with a variety of matters including guardianship, building disputes, consumer/trader disputes, dividing fences, tree disputes, residential tenancy disputes and other civil matters. They also handle debt disputes up to \$25,000.

Magistrates Court

The Magistrates Court is the first level of court jurisdiction in the Queensland justice system. Magistrates Courts can be found in most towns in Queensland. There are about 97 Magistrates and 112 places where Magistrates Court hearings are held.

Criminal

If someone commits a criminal offence, under Queensland law they must be brought before the Magistrates Court as soon as possible.

The Magistrate, who is referred to as 'Your Honour' in court, hears the evidence and makes judgments and decisions. There is no jury present.

The first decision a Magistrate will consider is whether there is a case to answer and sufficient evidence to conduct a trial against the person charged with the offence. The second decision is whether the case should be heard in the Magistrates Court or be sent to a higher court for trial before a judge and jury.

Less serious offences such as burglary, assault and some drug and traffic offences are usually dealt with summarily. 'Summarily' means the case can be decided by the Magistrate based on evidence before the court. If the defendant, that is the person charged with the minor offence, pleads guilty, the Magistrate usually deals with the case immediately. If the defendant pleads

not guilty, the Magistrate will set a hearing date which gives the prosecution and defence sufficient time to prepare the case and notify witnesses.

Civil

Any person or company who intends to sue another for compensation or money owed (with a value of up to \$150,000) will need to file a claim in the Magistrates Court. Some matters where the claim is for \$25,000 or less may be commenced in QCAT.

The Magistrates Court also comprises:

- the Childrens Court for most offences committed by children and young people. There is a Childrens Court jurisdiction in the District Court as well.
- the Coroners Court for hearing inquiries into deaths that occur in unusual circumstances.

District Court

The District Court is the next level up from the Magistrates Court and the first court in the hierarchy that involves a jury.

There are eight District Courts throughout Queensland with about 40 District Court judges who are called 'Your Honour' in court. The District Court hears more than 7000 criminal and 1000 civil matters each year. District Court judges also visit regional centres periodically.

Criminal

Criminal cases involving serious assault, rape, armed robbery and fraud are sent to the District Court after being committed to trial in a Magistrates Court. Here, a jury of 12 people will decide whether the person accused of the crime is guilty or not guilty. If the accused is found guilty, a District Court judge determines the sentence according to Queensland law.

Civil

Civil disputes involving amounts between \$150,000 and \$750,000 are heard by the District Court.

Supreme Court

The Supreme Court is the highest court in Queensland. There is a Criminal Court in Brisbane, Cairns, Rockhampton and Townsville. Supreme Court judges also visit other towns throughout the state. There are 28 Supreme Court judges who are referred to in court as 'Your Honour'.

With a trial division to hear the most serious criminal and civil cases, the Supreme Court deals with around 1200 criminal and 350 civil cases every year. The Court of Appeal also hears appeals from both the District Courts and the trial division.

Criminal

Examples of criminal cases heard at the Supreme Court include murder, manslaughter and significant drug offences.

Like the District Court, the Supreme Court uses a jury of 12 people to decide if the accused is guilty or not guilty. A single Supreme Court judge determines the sentence according to state law.

Civil

The Supreme Court determines civil disputes worth more than \$750,000 with no upper monetary limit. A single judge presides over civil disputes and at times the court will use a jury of four to decide.

Court of Appeal

The Court of Appeal hears all appeals from the District and Supreme Courts and some tribunals. The Court of Appeal does not rehear matters but rather grants an appeal if the appellant argues that a mistake in law was made at the original trial. It does not reconsider matters of fact or evidence unless the court has given leave.

There is usually a panel of three to five Supreme Court judges for each appeal. There is no jury.

Further information

- Queensland Courts
courts.qld.gov.au
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