

The Magistrates Court is the busiest court in Queensland. It is the first stop for all criminal matters and many civil matters. There are 82 courthouses in Queensland. A stipendiary magistrate presides over the magistrates court, makes all decisions and delivers judgments. The magistrate wears robes but no wig and is referred to as "Your Honour" in court.

The Magistrates Court fulfils two main functions:

1. It deals with less serious criminal offences and civil matters where a jury is not required
2. It acts as a clearing house for more serious criminal matters by setting a date for trial in the District and Supreme Courts

### **WHAT HAPPENS IN THE MAGISTRATES COURT?**

#### Criminal Cases

Once a person has been charged with an offence, they will either be released on bail and required to attend the magistrates court on a certain day, or will be brought to the court by the police.

At the court, a police prosecutor is present to give details of the charge to the court and defendant may be represented by a solicitor or barrister, or may represent himself or herself.

Depending on the seriousness of the matter and whether the Criminal Code says the offence is a summary offence (like a traffic offence or disorderly behaviour) or an indictable offence (such as break and enter), the magistrate will decide whether the matter should be sent to the District Court or the Supreme Court for trial by jury.

If it is a summary matter, and the defendant pleads guilty, the magistrate will usually make a decision on penalty straight away. If the defendant pleads not guilty, the magistrate will set a date for a hearing. At the hearing, both the prosecutor and defendant will present evidence to support their arguments and may call witnesses.

The magistrate will listen to both sides, and then come to a conclusion whether the defendant is guilty of the offence. If found innocent, the defendant is free to go, if guilty, the magistrate will decide on a sentence which may include a fine, community service or a jail term.

#### Civil Cases

Civil cases do not have to be brought before a magistrates court in the first instance like criminal matters. If the amount being claimed is less than \$50,000, then it can be brought before the magistrates court.

Often, civil matters settle by both parties coming to an agreement before the matter is heard in court. If this happens, a magistrate can record the terms of the agreement. If the parties are unable to come to

an agreement, the magistrate will hear the argument on both sides and then come to a decision. The decision will usually result in the payment of money by one party to the other.

The Magistrates Court also incorporates:

- the Children's Court – which deals with offences committed by minors;
- the Coroners Court – which deals with inquiries into deaths, explosions and fires;
- the Minor Debt Court – which deals with disputes relating to debts under \$7,500; and
- the Small Claims Tribunal – which deals with disputes relating to traders and consumers, dividing fences, and tenancy issues.