

CRIMINAL JURISDICTION OVERVIEW

In Queensland, judges or magistrates are responsible for determining the sentence to be imposed on people who have pleaded guilty or been found guilty of a criminal offence. Queensland has three tiers of courts that sentence adults.

Learning outcomes

Students will:

- describe the court hierarchy in Queensland and its criminal jurisdiction

Focus question

What is the criminal jurisdiction of the Magistrates, District and Supreme Courts of Queensland?

Key concepts

criminal offence

District Court of Queensland

hierarchy

Queensland Magistrates Courts

jurisdiction

Supreme Court of Queensland

Further resources

The following websites may further enhance the learning outcomes associated with this resource:

Caxton Legal Centre Inc.,

[The Queensland Law Handbook](#)

Legal Aid Queensland, [The criminal court system](#)

Queensland Law Society,

[Understanding Queensland's court system](#)

Supreme Court Library Queensland, [CaseLaw](#)

Getting started

Ask students to identify where their closest Magistrates, District and Supreme Courts are located.

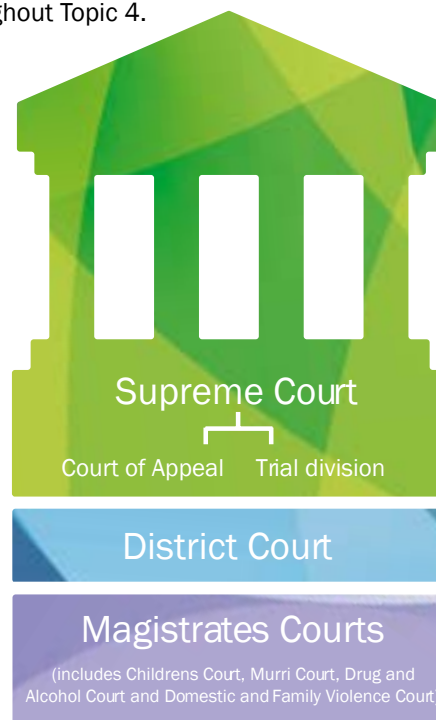
Are these permanent courts (that is, a judicial officer sits there all the time) or are they visited by a judicial officer on circuit?

Curriculum links

This learning resource has been developed for students studying Legal Studies 2019 (General Senior Syllabus) in Year 11.

It ties in with Unit 1: Beyond reasonable doubt, Topic 1: Criminal law foundations.

Open and save a copy of the [Queensland Sentencing Guide](#). This will be a useful resource you can refer to throughout Topic 4.



The court hierarchy of Queensland

Source: Queensland Sentencing Advisory Council (QSAC), 2019, *Queensland Sentencing Guide*.

In some instances, the language used in these resources reflects that of the relevant educational syllabus as opposed to terms commonly used in Queensland legislation. For instance, the word 'retribution' is used in the syllabus, although 'punishment' is the closest equivalent used in legislation.

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Your turn

The [Queensland Sentencing Guide](#) explains the criminal jurisdiction of the Magistrates, District and Supreme Courts. Open the Guide and read pages 12-17, then answer the questions below.

1. Identify the three tiers of courts that sentence adult and juvenile offenders.
2. Identify what factors can help determine what court a person is sentenced in.
3. Explain the difference between a regulatory and criminal offence.
4. Explain the types of decisions a magistrate makes regarding a criminal matter.
5. Identify the types of criminal behaviour dealt with by the:
 - Queensland Magistrates Courts
 - District Court of Queensland
 - Supreme Court of Queensland
6. Explain why you think Magistrates Courts operate in more locations in Queensland than the District and Supreme Courts. Do you think it is important for a criminal matter to be finalised in the community in which a defendant and/or victim live? Why or why not?
7. Queensland has a number of courts that have been established to deal with specific types of cases. These include the Childrens Court, Murri Court, Domestic and Family Violence Court, Drug and Alcohol Court and Mental Health Court. Choosing one of these courts, create an image that graphically communicates the answers to these questions:
 - What types of criminal matters are heard by this court?
 - Where is this court located geographically?
 - What is a key benefit of this court?

(Effective communication involves using simple, clear words. For inspiration, research the concept of 'graphic justice'.)
8. Develop a storyboard for a short animation or a script for a podcast that explains the criminal jurisdiction of the Queensland courts to a member of the public. In addition to identifying the types of criminal matters a court hears, you may wish to include information on:
 - Where a court is located
 - Who decides questions of law and fact
 - Whether the court has an appellate jurisdiction for criminal matters
 - Any relevant specialised courts that also deal with criminal matters

You are welcome to complete additional research, but all the information you require can be found in the *Queensland Sentencing Guide*.