

## Fact sheet

# Reform of Queensland's civil and criminal justice system

Some of the most extensive reforms of the Queensland justice system took effect on 1 November 2010 with the commencement of the majority of provisions in the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010*. The key amendments in the Act focus on streamlining the committal process in the Magistrates Court and expanding the criminal and civil jurisdictions of the Magistrates and District Courts.

## Background

In July 2008, the Honourable Martin Moynihan AO QC was appointed to examine and report on Queensland Courts in the civil and criminal jurisdictions. Mr Moynihan's report, [Review of the civil and criminal justice system in Queensland](#) (the report), is primarily focused on the criminal justice system.

The report also makes recommendations to increase the current civil jurisdictional limits of Queensland's courts. These limits had not been reviewed since 1997 and did not reflect the effects of inflation or changes to the value of money.

The *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010* contains the first stage of the government's response to the report.

On 13 April 2010 a public discussion paper was released on the second stage of reforms based on the report was released. This stage involves an overhaul of criminal justice procedure legislation in Queensland. Consultation closed on 18 June 2010.

## Overview of stage one changes

Key reforms in the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010* include:

- expansion of the jurisdiction of the Magistrates Courts to deal summarily with indictable offences under the Criminal Code and *Drugs Misuse Act 1986*
- an increase to general criminal jurisdiction of the District Court to enable it to deal with all indictable offences with a maximum penalty of 20 years imprisonment or less (previously the limit was 14 years or less except for offences, particularly a number against the Criminal Code, specifically listed in section 61 of the *District Court of Queensland Act 1967* which have a maximum penalty above 14 years)
- giving increased powers to courts to deal with non-compliance with disclosure obligations, and
- a more streamlined committal process.

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The Act also increases the monetary limit for civil claims in the District Court from \$250,000 to \$750,000 and Magistrates Courts from \$50,000 to \$150,000. The increased limit for the Small Claims Tribunal of \$25,000 recommended in the report was implemented as part of the minor civil disputes jurisdiction of the [Queensland Civil and Administrative Tribunal](#) which commenced on 1 December 2009.

### Frequently asked questions

*When did the reforms commence?*

Reforms that commenced on 1 November 2010 included amendments to:

- expand the jurisdiction of the Magistrates Courts to determine indictable offences and related amendments to the *Youth Justice Act 1992*
- give increased powers to courts to deal with non-compliance with disclosure obligations in criminal proceedings
- streamline the committal process and the management of matters in the Magistrates Courts which proceed by way of ex-officio indictment
- allow the Magistrates Courts to use verdict and judgment records for the issuing of orders consistent with the District Court and Supreme Court
- increase the monetary limit for civil claims in the District Court and Magistrates Courts
- allow civil claims to be filed in the central registries of the District Court and Magistrates Courts consistent with the Supreme Court, and
- transfer jurisdiction for appeals under the *Workers' Compensation and Rehabilitation Act 2003* from Industrial Magistrates to the Queensland Industrial Relations Commission (QIRC) where dual appeal rights currently exist.

The following reforms commenced on 1 September 2010:

- amendments to the criminal jurisdiction of the District Court
- amendments to the *Public Trustee Act 1977* and the *Financial Accountability Act 2009* to facilitate the payment of unclaimed money held by the state into the Public Trustee Office's Unclaimed Moneys Fund
- amendments to clarify the operation of aspects of the *State Penalties Enforcement Act 1999*, the *Body Corporate and Community Management Act 1997* and the *Queensland Civil and Administrative Tribunal Act 2009*
- amendments to the *Justices Act 1886* to replace outdated references to a stipendiary magistrate with a reference to a magistrate
- amendments to the *Justices Act 1886* and *Magistrates Courts Act 1921* to recognise the position of "principal registrar/clerk of the court"
- amendment of section 41 of the *Magistrates Act 1991* to make a grammatical change, and
- amendments to the *Uniform Civil Procedure Rules 1999* and related amendments to the *Supreme Court of Queensland Act 1991* to clarify the operation of rules 283 and 286.

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*Where can I get more information about the first stage of reforms?*

Further information about the reforms, including links to copies of the legislation, is available on the Department of Justice and Attorney-General's website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au).

Forms and other relevant information, including for example Practice Directions, will be available on the Queensland Courts website at [www.courts.qld.gov.au](http://www.courts.qld.gov.au).

*What does the second stage of reform involve?*

The second stage of reform in response to the report involves consolidation, modernisation and streamlining criminal justice procedure legislation in Queensland. On 13 April 2010, public consultation began on this second stage through release of the [Criminal Justice Procedure in Queensland discussion paper](#). Consultation on this discussion paper closed on 18 June 2010. Submissions received are currently being reviewed.

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