

Facing the courts system in Queensland can be a daunting process without the assistance of a lawyer experienced in dealing with the courts at all levels.

It is the nature of the dispute or the type of offence that determines which court a matter will be heard in. All of the courts can determine both criminal and civil matters, but there are restrictions. For example, the Magistrates Court can only hear civil matters involving a claim of less than \$50,000. It is important to choose the appropriate court because the court fees vary greatly and claiming in the wrong court can limit the amount of money you can recover.

There are four levels of courts set up by legislation in Queensland:

### 1. The Magistrates Court

The Magistrates Court includes the Small Claims Tribunal, the Minor Debt Court, the Children's Court and the Coroners Court and is usually the first stop for criminal matters. The magistrate decides whether there is enough evidence to conduct a trial against a person charged, and which court it should be heard in. The magistrate will set a date for trial, or, if it is a minor offence, the magistrate can decide the matter without a trial ("summarily"). Civil matters claiming less than \$50,000 can be heard in the Magistrates Court.

### 2. The District Court

More serious criminal matters are brought before the District Court and may involve a jury of 12 people that decide matters of fact before the court. It is the judge's role to determine matters of law including sentencing a person who has been found guilty. Civil matters that involve claims between \$50,000 and \$250,000 are heard in the District Court. Disputes about zoning and subdivisions are brought before the Planning and Environment Court which is part of the District Court.

### 3. The Supreme Court

The Supreme Court is Queensland's highest court and deals with the most serious criminal matters and are usually heard before a judge and jury. There is no maximum limit for civil claims in the Supreme Court.

### 4. The Court of Appeal

The Court of Appeal is a division of the Supreme Court and hears appeals from the Supreme Court as well as the District Court. An appeal can only be successful if a mistake in law has been made. Mistakes of fact cannot be appealed.

At Ferguson Cannon Lawyers, we have extensive experience dealing with both civil and criminal matters at all levels of the Queensland Court system.