

Section	Offence	Court with Jurisdiction	Penalty on Indictment	SDO? <sup>1</sup>
5(1)(a)	Trafficking in a Schedule 1 Dangerous Drugs	Supreme	25 years	<b>Category A</b>
5(1)(b)	Trafficking in a Schedule 2 Dangerous Drugs	District	20 years	
6(1)(a)	Supply of a Schedule 1 Dangerous Drug to a person under 16 years	Supreme	Life Imprisonment	<b>Category B</b> (only where the quantity supplied exceeds the Schedule 3 amount for that drug)
6(1)(b)	Supply of a Schedule 1 Dangerous Drug with a circumstance of aggravation (see note 2)	Supreme	25 years	
6(1)(c)	Supply of a Schedule 1 Dangerous Drug	District	20 years	
6(1)(d)	Supply of a Schedule 2 Dangerous Drug to a person under 16 years	Supreme	25 years	
6(1)(e)	Supply of a Schedule 2 Dangerous Drug with a circumstance of aggravation (see note 2)	District	20 years	
6(1)(f)	Supply of a Schedule 2 Dangerous Drug	District (see note 3)	15 years	
7(1)	Receiving or Possessing Property Obtained from Trafficking or Supplying Drugs	District (see note 4)	20 years	<b>Category B</b>
7(2)	Knowingly Converting or Dealing with Property Obtained from Trafficking or Supplying Drugs	District (see note 4)	20 years	
8(a)	Producing Schedule 1 Dangerous Drugs exceeding Schedule 4 amount	Supreme	25 years	<b>Category B</b>
8(b)	Producing Schedule 1 Dangerous Drugs in excess of Schedule 3 amount	Supreme	25 years (see note 5)	
8(c)	Producing Schedule 1 Dangerous Drugs	District	20 years	
8(d)	Producing Schedule 2 Dangerous Drugs in excess of Schedule 3 amount	District	20 years	
8(e)	Producing Schedule 2 Dangerous Drugs	District (see note 3)	15 years	<b>Category C</b> (only where judge makes a finding of commercial purpose)

1 Serious Drug Offences apply where the accused was charged on or after 6 September 2013, irrespective of when the offence was actually committed: s226 *Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Act 2013 (Qld)*.

2 Relevant "circumstances of aggravation" include supply where the offender is an adult and the person to whom the drug is supplied is: (a) a person who is aged 16 or 17; (b) intellectually impaired; (c) in an educational institution; (d) in a correctional facility; or (e) is not aware they are of being supplied: s6(2)(aa-e) *Drugs Misuse Act*.

3 This offences may be dealt with summarily, at the prosecutions election: s13(1) *Drugs Misuse Act*.

4 This offences may be dealt with summarily where the allegation is that the property is obtained from an unaggravated supply of a schedule 2 drug: s13(2) *Drugs Misuse Act*.

5 Penalty is reduced to 20 years, if the sentencing judge determines the offender was a drug dependant person at the time: s8(b)(i) *Drugs Misuse Act*.

Section	Offence	Court with Jurisdiction	Penalty on Indictment	SDO? <sup>1</sup>
8A(1)(a)	Publishing or Possessing Instructions for Producing Schedule 1 Dangerous Drugs	Supreme (see note 6)	25 years	N/A
8A(1)(a)	Publishing or Possessing Instructions for Producing Schedule 2 Dangerous Drugs	District (see note 6)	20 years	
9(a)	Possessing Schedule 1 Dangerous Drugs exceeding Schedule 4 amount	Supreme (see note 7)	25 years	<b>Category C</b> (only where judge makes a finding of commercial purpose)
9(b)	Possessing Schedule 1 Dangerous Drugs in excess of Schedule 3 amount	Supreme (see note 7)	25 years (see note 5)	
9(c)	Possessing Schedule 2 Dangerous Drugs in excess of Schedule 3 amount	District (see note 7)	20 years	
9(d)	Possessing Schedule 1 or 2 Dangerous Drugs	District (see note 3 & 7)	15 years	N/A
9A	Possessing Relevant Substances or Thing	District (see note 3)	15 years	N/A
9B	Supplying Relevant Substances or Thing	District (see note 3)	15 years	N/A
9C	Producing Relevant Substances or Thing	District (see note 3)	15 years	N/A
10(1)	Possessing Anything for Use, or Which Has Been Used, for Commission of a Crime	District (see note 3)	15 years	N/A
10(2)	Possessing Anything (except needle or syringe) for Use, or Which Has Been Used, for Administration, Consumption or Smoking of a Drug	Magistrates	2 years	
10(3)	Supplying a Needle or Syringe for Use, or Which Has Been Used, for Administration, Consumption or Smoking of a Drug	Magistrates	2 years	
10(4)	Fail to Take Reasonable Care in respect of Syringe or Needle	Magistrates	2 years	
10(4A)	Fail to Dispose of Syringe or Needle that Has Been Used in to Administer a Drug	Magistrates	2 years	
10A	Possessing Suspected Property	Magistrates	2 years	N/A
10B	Possession of a Prohibited Combination of Items	Supreme	25 years	<b>Category B</b>
11	Permitting Use of Place for Commission of a Crime	District (note 2)	15 years	N/A

**6** This offence may be dealt with summarily, at the prosecutions election: s13(3) *Drugs Misuse Act*.

**7** These offences may be dealt with summarily, at the prosecutions election, provided that the prosecution does not allege the possession was for a commercial purpose: s14(1)&(2) *Drugs Misuse Act*.

**NB: Summary election should only be made where a matter can adequately be punished by the imposition of 3 years imprisonment or less (see ss13(4) & 14(3) *Drugs Misuse Act*).**

## GUIDE TO JURISDICTION & ELECTION – CRIMINAL CODE & OTHER COMMON ACTS

Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
<b>Criminal Code 1899</b>				
<b>PART 2 – OFFENCES AGAINST PUBLIC ORDER</b>				
<b>Chapter 7 – Sedition</b>				
51(1)(a)	Unlawful Drilling (trains)	District	7 years	No
51(1)(b)	Unlawful Drilling (intends to train)	District	7 years	No
51(2)	Unlawful Drilling (trainee)	Magistrates	2 years	Mandatory (see note 2)
52(1)	Sedition	Magistrates	3 years	Mandatory (see note 2)
52(2)	Sedition – repeat offender	District	7 years	No
<b>Chapter 8 - Offences against Executive and Legislative Power</b>				
54(1)	Interference with Governor or Ministers	Magistrates	3 years	Mandatory (see note 2)
54A(1)	Demands with Menaces on the Government	District	14 years	No
54A(4)	Demands with Menaces on the Government (likely to cause loss of life, serious injury or substantial economic loss)	Supreme	Life	No
55 (see note 3)	Interference with the Legislature	Magistrates	3 years	Mandatory (see note 2)
56	Disturbing the Legislature	Magistrates	3 years	Mandatory (see note 2)
57	False Evidence before Parliament	District	7 years	No
58	Refusing to Answer Questions before Parliament	Magistrates	2 years	Mandatory (see note 2)
59	Bribery as a Member of Parliament	District	7 years	No
60	Bribery/Corruption of a Member of Parliament	District	7 years	No
<b>Chapter 9 – Breaches of the Peace</b>				
61(1)(a)	Riot – causing GBH or the destruction of a building or vehicle	District (see note 4)	Life	No
61(1)(b)	Riot – whilst armed or causing property damage	District	7 years	No
61(1)(c)	Riot	Magistrates	3 years	Mandatory (see note 2)
69	Going Armed to Cause Fear	Magistrates	2 years	Mandatory (see note 2)
70	Forcible Entry	Magistrates	2 years	Mandatory (see note 2)
71	Forcible Detainer	Magistrates	2 years	Mandatory (see note 2)
72	Affray	Magistrates	1 year	Mandatory (see note 2)

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
74	Prize Fight	Magistrates	1 year	Mandatory (see note 2)
75(1)	Threatening Violence	Magistrates	2 years	Mandatory (see note 2)
75(2)	Threatening violence at night	District	5 years	No
<b>Chapter 10 – Offences against Political Liberty</b>				
78(1)	Interfering with political liberty	Magistrates	2 years	Mandatory (see note 2)
78(2)	Interfering with political liberty (as a public officer)	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 11 – Piracy</b>				
80	Piracy	Supreme	Life	No
<b>PART 3 – OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE, AGAINST OFFICE AND AGAINST PUBLIC AUTHORITY</b>				
<b>Chapter 12 – Unlawfully Obtaining or Disclosing Information</b>				
85	Disclosing Official Secrets	Magistrates	2 years	Mandatory (see note 2)
86(1)	Obtaining Information About Identity of Informant	District	10 years	No
86(2)	Disclosing Information About Identity of Informant	District	10 years	No
<b>Chapter 13 – Corruption &amp; Abuse of Office</b>				
87(1)	Official Corruption	District	7 years & fine	No
87(1A)	Official Corruption by a Minister of the Crown	District	14 years & fine	No
88	Extortion as a Public Officer	Magistrates	3 years	Mandatory (see note 2)
89	Having an Interest in Contracts as a Public Officer	Magistrates	3 years	Mandatory (see note 2)
90	Discharging Duties while having a Private Interest	Magistrates	1 year	Mandatory (see note 2)
91	False Claims as an Official	Magistrates	3 years	Mandatory (see note 2)
92(1)	Abuse of Office	Magistrates	2 years	Mandatory (see note 2)
92(2)	Abuse of Office for Gain	Magistrates	3 years	Mandatory (see note 2)
92A	Misconduct in relation to Public Office	District	7 years	No
93	Corruption as a Surveyor (or Valuator)	Magistrates	3 years	Mandatory (see note 2)
94	False Certificates as a Public Officer	Magistrates	3 years	Mandatory (see note 2)
95	Administering Extra-Judicial Oaths	Magistrates	1 year	Mandatory (see note 2)

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
96	Falsely Assuming Authority	Magistrates	3 years	Mandatory (see note 2)
97	Personating a public officer	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 14 – Corrupt &amp; Improper Practices at Elections</b>				
98B	Giving False Information at State or Local Election	District	7 years	Defence Election (see note 5)
98C	Bribery at State or Local Election	District	7 years	Defence Election (see note 5)
98D(1)(a)	Forging Electoral Paper at State or Local Election	District	7 years	Defence Election (see note 5)
98D(1)(b)	Uttering Electoral Paper at State or Local Election	District	7 years	Defence Election (see note 5)
98E	Influencing Voting at State or Local Election	Magistrates	2 years	Mandatory (see note 2)
98F	Providing Money for an Illegal Payment at State or Local Election	Magistrates	2 years	Mandatory (see note 2)
98G	Voting when not Entitled at State or Local Election	Magistrates	3 years	Mandatory (see note 2)
99	Voting when not Entitled (other elections)	Magistrates	2 years	Mandatory (see note 2)
100	Hindering (or Interfering) with Voting Conduct	Magistrates	1 year	Mandatory (see note 2)
101	Bribery at an election	Magistrates	1 year	Mandatory (see note 2)
102	Publishing False Information about a Candidate	Magistrates	1 year	Mandatory (see note 2)
108	Interfering at Elections	Magistrates	3 years	Mandatory (see note 2)
109	Attempting to Violate Ballot Secrecy	Magistrates	3 years	Mandatory (see note 2)
110	Stuffing Ballot Boxes	District	7 years	No
111	Election Offence as a Presiding Officer	Magistrates	3 years	Mandatory (see note 2)
112	Giving False or Misleading Information	District	7 years	No
113	Interfering with Secrecy at an Election	Magistrates	2 years	Mandatory (see note 2)
114	Breaking Seal of a Parcel Used at an Election	Magistrates	2 years	Mandatory (see note 2)

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
<b>Chapter 15 – Selling and Trafficking in Offices</b>				
118	Bargaining for an Office in the Public Service	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 16 – Offences Related to the Administration of Justice</b>				
119B	Retaliation against a Judicial Officer, Juror, Witness, or Family Member Thereof	District	7 years	No
120 (see note 6)	Judicial Corruption	District	14 years & a fine	No
121	Official Corruption in the Administration of Justice	District	14 years & a fine	No
122	Corruption of a Juror	District	7 years	No
123, 124(1)	Perjury	District	14 years	No
123, 124(2)	Perjury to Procure Conviction	Supreme	Life	No
126	Fabricating Evidence	District	7 years	No
127	Corrupting a Witness	District	7 years	No
128	Deceiving Witnesses	Magistrates	3 years	Mandatory (see note 2)
129	Damaging Evidence with Intent	District	7 years	No
130	Preventing a Witness from Attending	Magistrates	3 years	Mandatory (see note 2)
131(1)&(2) (see note 3)	Conspiracy to Bring False Accusation re: offence punishable by life imprisonment	Supreme	Life	No
131(1)&(3) (see note 3)	Conspiracy to Bring False Accusation re: offence punishable by imprisonment other than life	District	14 years	No
131(1)&(4) (see note 3)	Conspiracy to Bring False Accusation re: any other offence	District	7 years	No
132 (see note 3)	Conspiracy to Defeat Justice	District	7 years	No
133(1)&(2)	Compounding an Indictable Offence punishable by life imprisonment	District	7 years	No
133(1)&(3)	Compounding an Indictable Offence	Magistrates	3 years	Mandatory (see note 2)
136	Acting as a Justice with a Personal Interest	Magistrates	3 years	Mandatory (see note 2)
137	Delay Bringing Prisoner Before Magistrate	Magistrates	2 years	Mandatory (see note 2)
139	Inserting Advertisement without Authority of Court	Magistrates	2 years	Mandatory (see note 2)
140	Attempting to Pervert Justice	District	7 years	No

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
<b>Chapter 17 – Escapes / Obstructing Officers of the Court</b>				
141	Aiding a Person to Escape from Lawful Custody	District	7 years	Crown Election (see note 7)
142	Escaping from Lawful Custody	District	7 years	Crown Election (see note 7)
143	Permitting Escape	District	7 years	Crown Election (see note 7)
144	Harbouring an Escaped Prisoner	Magistrates	2 years	Mandatory (see note 2)
147	Removing Property under Lawful Seizure	Magistrates	3 years	Mandatory (see note 2)
148	Obstructing a Court Officer	Magistrates	2 years	Mandatory (see note 2)
<b>Chapter 20 – Offences Against Public Authority</b>				
193	Making a False Verified Statement	District	7 years	No
194	Making a False Declaration	Magistrates	3 years	Mandatory (see note 2)
199	Resisting a Public Officer	Magistrates	2 years	Mandatory (see note 2)
200	Refusing to Perform Duty as a Public Officer	Magistrates	2 years & fine	Mandatory (see note 2)
204	Disobedience to Statute Law	Magistrates	1 year	Mandatory (see note 2)
205	Disobeying a Lawful Order of a Statutory Authority	Magistrates	1 year	Mandatory (see note 2)
<b>PART 4 – ACTS INJURIOUS TO THE PUBLIC IN GENERAL</b>				
<b>Chapter 21 – Offences related to Religious Worship</b>				
206	Offering Violence to an Officiating Minister of Religion	Magistrates	2 years	Mandatory (see note 2)
<b>Chapter 22 – Offences Against Morality</b>				
208(1)	Sodomy / Attempted Sodomy	District	14 years imprisonment	Defence Election (see note 8)
208(2)	Sodomy <ul style="list-style-type: none"> <li>- of a child under 12;</li> <li>- of a lineal descendant; or</li> <li>- of a child or an intellectually impaired person under guardianship or care</li> </ul>	District (see note 4)	Life	No
210(1)&(2)	Indecent Treatment of a child under 16	District	14 years	Defence Election (see note 8)
210(1)&(3)	Indecent Treatment of a child under 12	District	20 years	No

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
210(1)&(4)	Indecent Treatment of a child - who is a lineal descendant; or - of a child under guardianship or care	District	20 years	No
211	Bestiality	District	7 years	No
213(1)&(2)	Permitting Abuse of a child under 18 on Premises	District	10 years	Defence Election (see note 8)
213(1) & (3)(a)	Permitting Indecent Treatment of a child under 12 on Premises	District	14 years	No
213(1) & (3)(b)	Permitting Sodomy or UCK of a child under 12 on Premises	District (see note 4)	Life	No
215(1)&(2)	(Attempted) Carnal Knowledge of a child under 16	District	14 years	Defence Election (see note 8)
215(1)&(3)	Carnal Knowledge of a child under 12	District (see note 4)	Life	No
215(1)&(3)	Attempted Carnal Knowledge of a child under 12	District	14 years	No
215(1)&(4)	Carnal Knowledge of a child under 16 under Guardianship or Care	District (see note 4)	Life	No
215(1)&(4)	Attempted Carnal Knowledge of a child under 16 under Guardianship or Care	District	14 years	No
216(1)	(Attempted) Carnal Knowledge of a Person with an Impairment of the Mind	District	14 years	Defence Election (see note 8)
216(1)&(3)	(Attempted) Carnal Knowledge of a Person with an Impairment of the Mind under Guardianship or Care	District (see note 4)	Life	No
216(2)	Indecent Dealing with a Person with an Impairment of the Mind	District	10 years	No
216(2) & (3)(c)	Indecent Dealing with a Person with an Impairment of the Mind under Guardianship or Care	District	14 years	No
216(2)&(3A)	Indecent Dealing with a Person with an Impairment of the Mind who is a Lineal Descendant	District	14 years	No
217	Procuring a Child or a Person with an Impairment of the Mind for Carnal Knowledge	District	14 years	Defence Election (see note 8)
218	Procuring a Sexual Act - by coercion; - by false pretences; or - by administering a drug	District	14 years	Defence Election (see note 8)
218A(1) (see note 9)	Using Electronic Communication to Procure a child under 16	District	10 years	Defence Election (see note 8)
218A(1) & (2)(a) (see note 9)	Using Electronic Communication to Procure a child under 12	District	14 years	No



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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
218A(1) & (2)(b) (see note 9)	Using Electronic Communication to Procure a child under 16, with demonstrated intention to meet the child	District	14 years	No
218B(1) (see note 8)	Grooming a child under 16 with Intent to - Facilitate the Procurement of the Child; or - Expose the Child to an Indecent Matter	District	5 years	Defence Election (see note 8)
218B(1)&(2) (see note 9)	Grooming a child under 12 with Intent to - Facilitate the Procurement of the Child; or - Expose the Child to an Indecent Matter	District	10 years	No
219(1)&(2)	Taking a child under 18 for Immoral Purposes	District	10 years	Defence Election (see note 8)
219(1) & (3)(a)	Taking a child under 12 for Sodomy or UCK	District (see note 4)	Life	No
219(1)&(2) (3)(b)	Taking a child under 18 for Indecent Treatment	District	14 years	No
221	Conspiracy to Defile	District	10 years	Defence Election (see note 8)
222	Incest	District (see note 4)	Life	Defence Election (see note 8)
224	Attempting to Procure an Abortion	District	14 years	No
225	Attempting to Procure Own Abortion	District	7 years	No
226	Supplying drugs or Instruments to Procure an Abortion	Magistrates	3 years	Mandatory (see note 2)
227	Doing an Indecent Act	Magistrates	2 years	Mandatory (see note 2)
227A	Observation or Recordings in Breach of Privacy	Magistrates	2 years	Mandatory (see note 2)
227B	Distributing Prohibited Visual Recordings	Magistrates	2 years	Mandatory (see note 2)
228(1)	Obscene Publications and Exhibitions	Magistrates	2 years	Mandatory (see note 2)
228(1) & (2)(a)	Obscene Publications of a child under 16	District	5 years	No
228(1) & (2)(b)	Obscene Publications of a child under 12	District	10 years	No
228(1) & (3)(a)	Publicly Exhibiting an Obscene Performance Involving a child under 16	District	5 years	No
228(1) & (3)(b)	Publicly Exhibiting an Obscene Performance Involving a child under 12	District	10 years	No
228A	Involving a Child in Making CEM	District	10 years	No
228B	Making CEM	District	10 years	No

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
228C	Distributing CEM	District	10 years	No
228D	Possessing CEM	District	5 years	No
229B (see notes 6 and 9)	Maintaining a Sexual Relationship with a Child	District (see note 4)	Life	Defence Election (see note 8)
<b>Chapter 22A – Prostitution</b>				
229FA(1)	Obtaining Prostitution from a Child Under 18	District	7 years	Defence Election (see note 10)
229FA(1)	Obtaining Prostitution from a Child Under 16	District	14 years	Defence Election (see note 10)
229G(1)	Procuring Prostitution	District	7 years	Defence Election (see note 10)
229G(1)	Procuring Prostitution from a Child or Intellectually Impaired Person	District	14 years	Defence Election (see note 10)
229H(1)(a)	Participating in Provision of Prostitution (first offence)	Magistrates	3 years	Mandatory (see note 2)
229H(1)(b)	Participating in Provision of Prostitution (second offence)	District	5 years	Defence Election (see note 10)
229H(1)(c)	Participating in Provision of Prostitution (third or subsequent offence)	District	7 years	Defence Election (see note 10)
229HB(1)	Carrying on the Business of Providing Unlawful Prostitution	District	7 years	Defence Election (see note 10)
229HB(2)	Carrying on the Business of Providing Unlawful Prostitution Involving a Child or Intellectually Impaired Person	District	14 years	Defence Election (see note 10)
229HC(1)(a)	Obtaining Prostitution from an Unlawful Prostitution Business (first offence)	Magistrates	3 years	Mandatory (see note 2)
229HC(1)(b)	Obtaining Prostitution from an Unlawful Prostitution Business (second offence)	District	5 years	Defence Election (see note 10)
229HC(1)(c)	Obtaining Prostitution from an Unlawful Prostitution Business (third or subsequent offence)	District	7 years	Defence Election (see note 10)
229I(1)(a)	Being Found in a Place Reasonably Suspected of Being Used for Prostitution (first offence)	Magistrates	3 years	Mandatory (see note 2)
229I(1)(b)	Being Found in a Place Reasonably Suspected of Being Used for Prostitution (second offence)	District	5 years	Defence Election (see note 10)

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
229I(1)(c)	Being Found in a Place Reasonably Suspected of Being Used for Prostitution (third or subsequent offence)	District	7 years	Defence Election (see note 10)
229I(2)	Being Found in a Place Reasonably Suspected of Being Used for Prostitution (where a Child or Intellectually Impaired Person is also present)	District	14 years	Defence Election (see note 10)
229K(2)(a)	Having an Interest in Premises Used for Prostitution (first offence)	Magistrates	3 years	Mandatory (see note 2)
229K(2)(b)	Having an Interest in Premises Used for Prostitution (second offence)	District	5 years	Defence Election (see note 10)
229K(2)(c)	Having an Interest in Premises Used for Prostitution (third or subsequent offence)	District	7 years	Defence Election (see note 10)
229K(3)	Having an Interest in Premises Used for Prostitution (where a Child or Intellectually Impaired Person is present)	District	14 years	Defence Election (see note 10)
229K(7)	Failing to Leave Premises after Notice	District	7 years	Defence Election (see note 10)
229L	Permitting Child or Intellectually Impaired Person to be at Premises	District	14 years	Defence Election (see note 10)
<b>Chapter 23 – Nuisances &amp; Misconduct relating to Corpses</b>				
230	Common Nuisance	Magistrates	2 years	Mandatory (see note 2)
232	Operating a Place for Unlawful Games	Magistrates	3 years	Mandatory (see note 2)
236(a)	Breach of Duty with Respect to a Corpse	Magistrates	2 years	Mandatory (see note 2)
236(b)	Interfering with a Corpse	Magistrates	2 years	Mandatory (see note 2)
<b>Chapter 24 – Offences Against Public Health</b>				
238(1)	Contamination of Goods	Magistrates	3 years	Mandatory (see note 2)
238(2)	Contamination of Goods with Intent	District	10 years	No
238(3)	Threatened Contamination of Goods	District	7 years	No
238(4)	Threatened Contamination of Goods with Demand	District	14 years	No
239	Hoax Contamination of Goods	District	7 years	No
240	Dealing in Contaminated Goods	Magistrates	3 years	Mandatory (see note 2)

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
<b>PART 5 – OFFENCES AGAINST THE PERSON &amp; RELATING TO MARRIAGE AND PARENTAL RIGHTS &amp; DUTIES</b>				
<b>Chapter 28 – Homicide, Suicide &amp; Concealment of Birth</b>				
302, 305	Murder	Supreme	Mandatory Life	No
306	Attempted Murder	Supreme	Life	No
307	Accessory after the Fact to Murder	Supreme	Life	No
308	Threat to Murder in a Document	District	7 years	No
309	Conspiring to Murder	District	14 years	No
303, 310	Manslaughter	Supreme	Life	No
311	Aiding Suicide	Supreme	Life	No
313	Killing Unborn Child	Supreme	Life	No
314	Concealing the Birth of a Child	Magistrates	2 years	Mandatory (see note 2)
<b>Chapter 29 – Offences Endangering Life or Health</b>				
315	Disabling to Commit an Indictable Offence	District (see note 4)	Life	No
316	Stupefying to Commit an Indictable Offence	District (see note 4)	Life	No
316A	Unlawful Drink Spiking	District	5 years	Defence Election (see note 11)
317	Malicious Act with Intent (Acts Intended to Cause GBH)	District (see note 4)	Life	No
317A(1)	Carrying Dangerous Goods in a Vehicle	District	14 years	No
317A(2)	Sending Dangerous Goods under False Description	Magistrates	3 years	Mandatory (see note 2)
318	Obstructing Rescue or Escape	District (see note 4)	Life	No
319	Intentionally Endangering the Safety of a Person Travelling in a Vehicle	District (see note 4)	Life	No
320	Grievous Bodily Harm	District	14 years	No
320A	Torture	District	14 years	No
321	Attempting to Injure by Explosive	District	14 years	No
321A(1)	Bomb Hoax	District	7 years	No
321A(2)	Bomb Hoax (threat)	District	5 years	No
322(a)	Administering Poison with Intent to Harm (endangers life or does GBH)	District	14 years	No
322(b)	Administering Poison with Intent to Harm	District	7 years	No
323	Wounding	District	7 years	No
323A	Female Genital Mutilation	District	14 years	No

## **GUIDE TO JURISDICTION & ELECTION – CRIMINAL CODE & OTHER COMMON ACTS**

<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
323B	Removal of Child from State for Female Genital Mutilation	District	14 years	No
324	Failing to Supply Necessaries	Magistrates	3 years	Mandatory (see note 2)
326	Endangering the Life of a Child	District	7 years	No
327	Setting a Mantrap	Magistrates	3 years	Mandatory (see note 2)
328	Negligent Act Causing Harm	Magistrates	2 years	Mandatory (see note 2)
328A(1)	Dangerous Operation of a Vehicle	Magistrates	3 years	Mandatory (see note 2)
328A(1)&(2)	Dangerous Operation of a Vehicle <ul style="list-style-type: none"> <li>- Whilst adversely affected;</li> <li>- Whilst excessively speeding; or</li> <li>- Repeat offender</li> </ul>	District	5 years	Defence Election (see note 12)
328A(4)(a)	Dangerous Operation of a Vehicle causing Death or GBH	District	10 years	No
328A(4)(b)	Dangerous Operation of a Vehicle causing Death or GBH <ul style="list-style-type: none"> <li>- Whilst adversely affected;</li> <li>- Whilst excessively speeding; or</li> <li>- Participating in an unlawful race/speed trial</li> </ul>	District	14 years	No
328A(4)(c)	Dangerous Operation of a Vehicle causing Death or GBH, before leaving the scene	District	14 years	No
329	Endangering Safety of Persons Travelling by Railway	Magistrates	2 years	Mandatory (see note 2)
330	Sending an Unseaworthy ship to Sea	District	14 years	No
333	Evading Laws as to Equipment of Ships	Magistrates	3 years	Mandatory (see note 2)
334	Landing Explosives	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 30 – Assaults</b>				
335	Common Assault	Magistrates	3 years	Mandatory (see note 2)
338A	Assaults on a Crew Member on an Aircraft	District	14 years	No
339(1)	Assault Occasioning Bodily Harm	District	7 years	Defence Election (see note 13)
339(1)&(3)	Assault Occasioning Bodily Harm whilst armed/in company	District	10 years	Defence Election (see note 13)
340(1)	Serious Assault – various (resist arrest, police, elderly, disabled, etc)	District	7 years	Crown Election (see note 7)
340(2)	Serious Assault – by prisoner on CSO	District	7 years	Crown Election (see note 7)
340(2AA)	Serious Assault – upon a public officer (e.g. QAS officer)	District	7 years	Crown Election

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
				(see note 7)
346	Assault in Interference with Freedom of Trade or Work	District	5 years	Crown Election (see note 14)
<b>Chapter 31 – Rape and Sexual Assaults</b>				
349(1)&(2)	Rape	District (see note 4)	Life	Defence Election (see note 8)
350	Attempted Rape	District	14 years	Defence Election (see note 8)
351	Assault with Intent to Commit Rape	District	14 years	Defence Election (see note 8)
352(1)	Sexual Assault	District	10 years	Defence Election (see note 8)
352(1)&(2)	Sexual Assault involving contact between genitals/anus & mouth	District	14 years	No
352(1)&(3)(a)	Sexual Assault whilst armed	District (see note 4)	Life	No
352(1)&(3)(b)or(c)	Sexual Assault involving penetration	District (see note 4)	Life	No
<b>Chapter 33 – Offences Against Liberty</b>				
354	Kidnapping	District	7 years	No
354A(1)&(2)	Kidnapping for Ransom	District	14 years	No
354A(1)&(3)	Kidnapping for Ransom, where victim is unconditionally released without suffering GBH	District	10 years	No
354A(1)&(4)	Attempted Kidnapping for Ransom	District	7 years	No
355	Deprivation of Liberty	Magistrates	3 years	Mandatory (see note 2)
356	Giving a False Certificate Affecting Liberty	Magistrates	3 years	Mandatory (see note 2)
357	Concealing a Matter Affecting Liberty	Magistrates	3 years	Mandatory (see note 2)
358	Unlawful Custody of Patient	Magistrates	2 years	Mandatory (see note 2)
359(1)	Threats	District	5 years	No
359(2)	Threats to a police officer investigating a criminal organisation	District	10 years	No
<b>Chapter 33A – Unlawful Stalking</b>				
359E(1)&(2)	Unlawful Stalking	District	5 years	Defence Election (see note 15)

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
359E(1)&(3)	Unlawful Stalking <ul style="list-style-type: none"> <li>- Involving threats or violence;</li> <li>- Involving a weapon;</li> <li>- In contravention of a court order</li> </ul>	District	7 years	No
359E(1)&(4)	Unlawful Stalking of a police officer investigating a criminal organisation	District	10 years	No
<b>Chapter 34 - Offences Relating to Marriage or Parental Rights &amp; Duties</b>				
360	Bigamy	District	7 years	No
361	Unlawful Celebration of Marriage	Magistrates	3 years	Mandatory (see note 2)
362	Unlawfully Procuring Registration as a Person Qualified to Celebrate Marriage	Magistrates	2 years & fine	Mandatory (see note 2)
363	Child Stealing	District	7 years	No
363A	Abduction of a child under 16	District	7 years	No
364	Cruelty to a child under 16	District	7 years	No
364A	Leaving a child under 12 unattended	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 35 – Criminal Defamation</b>				
365 (see note 16)	Criminal Defamation	Magistrates	3 years	Mandatory (see note 2)
<b>PART 6 – RELATING TO PROPERTY AND CONTRACTS</b>				
<b>Chapter 36 – Stealing</b>				
391, 398	Stealing	District	5 years	Mandatory unless Excluded (see note 17)
391, 398.1	Stealing a Testamentary Instrument	District	14 years	Mandatory unless Excluded (see note 18)
391, 398.2	Stealing Stock	District	5 years	Mandatory unless Excluded (see note 17)
391, 398.4	Stealing from the Person	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.4	Stealing in a Dwelling	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.4	Stealing Goods in Transit	District	10 years	Mandatory unless Excluded

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
				(see note 17)
391, 398.4	Stealing from a Wrecked Vehicle	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.4	Stealing from a Public Office	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.4	Stealing from a Locked Room, Box or Receptacle	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.5	Stealing as a Public Service Employee	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.6	Stealing as Clerk or Servant	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.7	Stealing as an Officer of a Company	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.8	Stealing Property Received with a Direction	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.9	Stealing Property Valued at over \$5000	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.10	Stealing as a Tenant or Lodger	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.11	Stealing after Previous Conviction	District	10 years	Mandatory unless Excluded (see note 17)
391, 398.12	Stealing of a Vehicle	District	14 years	Mandatory unless Excluded (see note 17)
391, 398.13	Stealing by Looting	District	10 years	Mandatory unless Excluded (see note 17)



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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
391, 398.14	Stealing Firearm for use in an Indictable Offence	District	14 years	Mandatory unless Excluded (see note 19)
391, 398.15	Stealing Firearm or Ammunition	District	10 years	Mandatory unless Excluded (see note 17)
<b>Chapter 37 – Offences Analogous to Stealing</b>				
399(1) (a) or (c)	Fraudulent Concealment of Particular Documents (registers, records or testamentary instrument)	District	14 years	Mandatory unless Excluded (see note 20)
399(1)(b)	Fraudulent Concealment of Particular Documents (recording title to property)	Magistrates	3 years	Mandatory (see note 2)
403	Severing with Intent to Steal	District	Refer to s398	Mandatory unless Excluded (see note 17)
406	Bringing Stolen Goods into Queensland	District	Refer to s398	Mandatory unless Excluded (see note 17)
408A(1)	Unlawful Use/Possession of Motor Vehicle	District	7 years	Mandatory unless Excluded (see note 17)
408A(1A)	Unlawful Use/Possession of Motor Vehicle to Facilitate Indictable offence	District	10 years	Mandatory unless Excluded (see note 21)
408A(1B)	Unlawful Use/Possession of Motor Vehicle with damage	District	12 years	Mandatory unless Excluded (see note 17)
408C(1)	Fraud	District	5 years	Mandatory unless Excluded (see note 17)
408C(1) & (2)(a)	Fraud as a Director	District	12 years	Mandatory unless Excluded (see note 17)
408C(1) & (2)(b)	Fraud as an Employee	District	12 years	Mandatory unless Excluded (see note 17)
408C(1) & (2)(c)	Fraud concerning Property Received with a Direction	District	12 years	Mandatory unless

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
				Excluded (see note 17)
408C(1) & (2)(d)	Fraud to the value of \$30,000 or more	District	12 years	Mandatory unless Excluded (see note 17)
408D(1)	Obtaining or Dealing with Identification Information	Magistrates	3 years	Mandatory (see note 2)
408D(2)	Possession of Equipment for the Purpose of Dealing with Identification Information	Magistrates	3 years	Mandatory (see note 2)
408E(1)&(2)	Computer Hacking to cause damage or gain a benefit	District	5 years	Mandatory (see note 22)
408E(1)&(3)	Computer Hacking Computer Hacking to cause damage or gain a benefit exceeding \$5,000	District	10 years	Mandatory unless Excluded (see note 17)
<b>Chapter 38 – Stealing with Violence, Extortion by Threats</b>				
409, 411(1)	Robbery	District	14 years	Excluded Offence (see note 23)
409, 411(2)	Robbery <ul style="list-style-type: none"> <li>- Armed/pretends to be armed;</li> <li>- In company</li> <li>- Wounds/used other personal violence</li> </ul>	District (see note 4)	Life	Excluded Offence (see note 23)
412(1)	Attempted Robbery	District	7 years	Defence Election (see note 24)
412(1)&(2)	Attempted Robbery <ul style="list-style-type: none"> <li>- Armed/pretends to be armed;</li> <li>- In company</li> </ul>	District	14 years	Excluded Offence (see note 23)
412(1)&(3)	Attempted Armed Robbery, wounds/used other personal violence	District (see note 4)	Life	Excluded Offence (see note 23)
413	Assault with Intent to Steal	Magistrates	3 years	Mandatory (see note 2)
414	Demanding Property with Menaces	Magistrates	3 years	Mandatory (see note 2)
415(1)(a) (see note 3)	Extortion, likely to cause serious personal injury	District (see note 4)	Life	Excluded Offence (see note 23)
415(1)(b) (see note 3)	Extortion, likely to cause serious economic loss	District (see note 4)	Life	Excluded Offence (see note 23)
415(1)(c)	Extortion	District	14 years	Excluded Offence (see note 23)

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
417A(1)	Taking Control of Aircraft	District	7 years	Excluded Offence (see note 23)
417A(2)	Taking Control of Aircraft – where other persons are on board	District	14 years	Excluded Offence (see note 23)
417A(3)	Taking Control of Aircraft <ul style="list-style-type: none"> <li>- Uses threats or violence;</li> <li>- Armed/pretends to be armed;</li> <li>- In company; or</li> <li>- By a fraudulent representation</li> </ul>	Supreme	Life	Excluded Offence (see note 23)
<b>Chapter 39 – Housebreaking &amp; Like Offences</b>				
419(1)	Burglary	District	14 years	Mandatory (see note 22)
419(2)	Burglary by break	District (see note 4)	Life	Mandatory (see note 22)
419(3)(a)	Burglary at night	District (see note 4)	Life	Mandatory (see note 22)
419(3)(b)(i)	Burglary with violence	District (see note 4)	Life	Excluded Offence (see note 25)
419(3)(b)(ii)	Burglary while armed	District (see note 4)	Life	Excluded Offence (see note 25)
419(3)(b)(iii)	Burglary in company	District (see note 4)	Life	Mandatory (see note 22)
419(3)(b)(iv)	Burglary with property damage	District (see note 4)	Life	Mandatory unless Excluded (see note 17)
419(4)	Burglary and Commit Indictable offence	District (see note 4)	Life	Mandatory unless Excluded (see note 26)
421(1)	Enter Premises with Intent to Commit an Indictable Offence	District	10 years	Mandatory (see note 22)
421(2)	Enter Premises and Commit Indictable offence	District	14 years	Mandatory unless Excluded (see note 25)
421(3)	Enter Premises and Commit Indictable offence by break	District (see note 4)	Life	Mandatory unless Excluded (see note 27)
425(1)	Possessing Things Used in Connection with Unlawful Entry	Magistrates	3 years	Mandatory (see note 2)

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
425(2)	Possessing Things Used in Connection with Unlawful Entry – repeat offender	District	7 years	Mandatory (see note 22)
427(1)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence	District	10 years	Mandatory (see note 22)
427(2)(a)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence at night	District	14 years	Mandatory (see note 22)
427(2)(b)(i)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence with violence	District	14 years	Excluded Offence (see note 25)
427(2)(b)(ii)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence whilst armed	District	14 years	Excluded Offence (see note 25)
427(2)(b)(iii)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence in company	District	14 years	Mandatory (see note 22)
427(2)(b)(iv)	Unlawfully Entering a Vehicle with Intent to Commit an Indictable Offence with property damage	District	14 years	Mandatory unless Excluded (see note 17)
<b>Chapter 40 – Other Fraudulent Practices</b>				
427A	Passing Valueless Cheques	Magistrates	2 years	Mandatory (see note 2)
430	Fraudulently Falsifying a Record	District	10 years	Mandatory unless Excluded (see note 17)
431	False Accounting by Public Officer	Magistrates	2 years	Mandatory (see note 2)
<b>Chapter 41 – Receiving Property Stolen or Fraudulently Obtained and Like Offences</b>				
433(1)(a) or (b) or(c)	Receiving Tainted Property <ul style="list-style-type: none"> <li>- Obtained by A Crime;</li> <li>- Firearms;</li> <li>- While acting as a pawnbroker</li> </ul>	District	14 years	Mandatory unless Excluded (see note 17)
433(1)(d)	Receiving Tainted Property	District	7 years	Mandatory unless Excluded (see note 17)
435	Dishonestly Taking a Reward	District	7 years	Mandatory unless Excluded (see note 17)
<b>Chapter 42A – Secret Commissions (see note 6)</b>				
442B	Receipt or Solicitation of Secret Commission by an Agent	District	7 years	Defence Election (see note 28)
442BA	Gift or Offer of Secret Commission to an Agent	District	7 years	Defence Election

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
				(see note 26)
442D	False or Misleading Receipt or Account	District	7 years	Defence Election (see note 26)
442E	Secret Commission for Advice Given	District	7 years	Defence Election (see note 26)
442EA	Offer or Solicitation of Secret Commission in Return for Advice Given or to be Given	District	7 years	Defence Election (see note 26)
442F	Secret Commission to Trustee in Return for Substituted Appointment	District	7 years	Defence Election (see note 26)
442G	Director etc. Acting without Authority	District	7 years	Defence Election (see note 26)
<b>Chapter 44 - Offences Analogous to Stealing Relating to Animals</b>				
444A	Killing an Animal with Intent to Steal	District	5 years	Mandatory unless Excluded (see note 17)
444B	Using Registered Brand with Criminal Intention	District	5 years or a fine	Mandatory unless Excluded (see note 17)
445	Unlawfully Using Stock	District	5 years or a fine	Mandatory unless Excluded (see note 17)
446	Suspicion of Stealing Stock	District	5 years or a fine	Mandatory unless Excluded (see note 17)
447	Illegal Branding	District	5 years or a fine	Mandatory unless Excluded (see note 17)
448	Defacing Brands	District	5 years or a fine	Mandatory unless Excluded (see note 17)
448A	Having in Possession Stock with Defaced Brand	District	5 years or a fine	Mandatory unless Excluded (see note 17)
<b>Chapter 46 – Injuries to Property</b>				
461	Arson	District (see note 4)	Life	Excluded Offence

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
				(see note 23)
462	Endangering Property by Fire	District	14 years	Excluded Offence (see note 23)
463	Setting Fire to Crops	District	14 years	Excluded Offence (see note 23)
467	Endangering Safe Use of a Vehicle Transport Infrastructure	Supreme	Life	Excluded Offence (see note 23)
468	Injuring Stock	District	7 years	Mandatory unless Excluded (see note 17)
468	Injuring Animals at night	Magistrates	3 years	Mandatory (see note 2)
468	Injuring Animals	Magistrates	2 years	Mandatory (see note 2)
469	Wilful Damage	District	5 years	Mandatory (see note 22)
469.1	Wilful Damage Endangering Life	District (see note 4)	Life	Excluded Offence (see note 25)
469.2	Wilfully Damaging a Sea Wall etc	District (see note 4)	Life	Excluded Offence (see note 25)
469.3	Wilful Damaging a Testamentary Instrument	District	14 years	Mandatory (see note 22)
469.4	Wilfully Damaging a Wreck	District	7 years	Mandatory (see note 22)
469.5	Wilfully Damaging a Railway	District	14 years	Excluded Offence (see note 25)
469.6	Wilfully Damaging an Aircraft	District	14 years	Excluded Offence (see note 25)
469.7	Wilfully Damaging Property of Special Value	District	7 years	Excluded Offence (see note 25)
469.8	Wilfully Damaging a Deed	District	7 years	Mandatory (see note 22)
469.9(1)	Wilful Damage by Graffiti	District	5 years	Mandatory (see note 22)
469.9(2)	Wilful Damage by Graffiti (obscene representations)	District	7 years	Mandatory (see note 22)
469.10	Wilfully Damaging an Educational Institution	District	7 years	Mandatory

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
				(see note 22)
469.11	Wilfully Damaging a Cemetery etc	District	7 years	Mandatory (see note 22)
469A(1) (see note 6)	Sabotage of Public Facility with Intent	District (see note 4)	25 years	Excluded Offence (see note 23)
469A(2) (see note 6)	Threatened Sabotage	District	14 years	Excluded Offence (see note 23)
470	Attempting to Destroy Property by Explosives	District	14 years	Excluded Offence (see note 23)
470A	Unlawful Deposition of Explosives	Magistrates	2 years	Mandatory (see note 2)
471	Damaging a Mine	District	7 years	Mandatory unless Excluded (see note 17)
472	Interfering with a Marine Signal	District	7 years	Mandatory unless Excluded (see note 17)
473	Interfering with navigation works	District	7 years	Mandatory unless Excluded (see note 17)
474	Communicating an Infectious Disease to Animals	Supreme	Life	Mandatory unless Excluded (see note 17)
475	Travelling with an Infected Animal	District	7 years	Mandatory (see note 22)
477	Obstructing Railways	Magistrates	2 years	Mandatory (see note 2)
478	Sending a Letter Threatening to Destroy	District	7 years	Mandatory (see note 22)
<b>Chapter 49 – Forgery</b>				
488(1)(a)	Forging or Uttering (security, testamentary instrument, insurance policy etc)	District	14 years	Mandatory unless Excluded (see note 17)
488(1)(b)	Forging or Uttering (power of attorney, contract etc)	District	7 years	Mandatory unless Excluded (see note 17)
488(1)(c)	Forging or Uttering	Magistrates	3 years	Mandatory (see note 2)

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<b>Section</b>	<b>Offence<sup>1</sup></b>	<b>Court with Jurisdiction</b>	<b>Penalty on Indictment</b>	<b>Summary Election</b>
498	Falsifying a Warrant for Money Payable under Public Authority	District	7 years	Mandatory unless Excluded (see note 17)
499	Falsifying a register	District	7 years	Mandatory (see note 22)
500	Sending a False Certificate of Marriage to Registrar	District	7 years	Mandatory (see note 22)
501	Making a False Statement about a Birth, Death or Marriage	Magistrates	3 years	Mandatory (see note 2)
502	Procuring (or Claiming) Unauthorised Status	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 51 – Preparation for Forgery</b>				
510	Instruments and Material for Forgery	District	14 years	Mandatory (see note 22)
<b>Chapter 52 – Personation</b>				
514(1)	Personation	Magistrates	3 years	Mandatory (see note 2)
514(2)	Personation to Claim Property	District	14 years	Mandatory unless Excluded (see note 17)
515	False Acknowledgment	District	7 years	Mandatory (see note 22)
<b>Chapter 54 – Other Offences</b>				
533	Mixing Certified and Uncertified Articles	Magistrates	3 years	Mandatory (see note 2)
<b>PART 7 – PREPARATION TO COMMIT OFFENCES, CONSPIRACY &amp; ACCESSORIES AFTER THE FACT</b>				
<b>Chapter 55 – Attempts and Other Preparations</b>				
535, 536(1)	Attempt to Commit Indictable Offence punishable by mandatory life imprisonment	Same as Principal Offence	Life	Same as Principal Offence
535, 536(2)	Attempt to Commit Indictable Offence punishable by life imprisonment	Same as Principal Offence	14 years	Same as Principal Offence
535, 536(3)	Attempt to Commit Indictable Offence	Same as Principal Offence	Half the Penalty for the Principal Offence	Same as Principal Offence
539	Attempt to Procure Commission of Criminal Act	Same as Principal Offence	Same as Principal Offence	Same as Principal Offence
540	Preparing to Commit a Crime with Dangerous Things	Magistrates	3 years	Mandatory (see note 2)



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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
<b>Chapter 56 – Conspiracy</b>				
541 (see note 3)	Conspiracy to Commit a Crime	District	Lesser of: (7 years or Penalty for Principal Offence)	No
542 (see note 3)	Conspiracy to Commit Other Offence	Magistrates	3 years	Mandatory (see note 2)
543 (see note 3)	Other Conspiracy	Magistrates	3 years	Mandatory (see note 2)
<b>Chapter 57 – Accessories After the Fact</b>				
544, 545(1)	Accessory After the Fact to Offence punishable by mandatory life imprisonment	Same as Principal Offence	Life	Same as Principal Offence
544, 545(2)	Accessory After the Fact to Offence punishable by life imprisonment	Same as Principal Offence	14 years	Same as Principal Offence
544, 545(3)	Accessory After the Fact	Same as Principal Offence	Half the Penalty for the Principal Offence	Same as Principal Offence
<b>Weapons Act 1990</b>				
50(1)(a)	Unlawful Possession of 10 or more Weapons, at least 5 of which are category D, E, H or R	District	13 years (see note 29)	No (see note 30)
50(1)(b)	Unlawful Possession of 10 or more Weapons	District	10 years (see note 29)	Crown Election (see note 31)
50(1)(c)(i)	Unlawful Possession of Category D, H or R Weapon	District	7 years (see note 29)	Crown Election (see note 31)
50(1)(c)(ii)	Unlawful Possession of Category C or E Weapon	District	4 years (see note 29)	Crown Election (see note 31)
50(1)(c)(iii)	Unlawful Possession of Category A, B or M Weapon	Magistrates	2 years (see note 29)	Simple Offence
50B	Unlawful Supply of 5 or more Weapons, at least 1 of which is category D, E, H or R	District	13 years (see note 29)	No (see note 30)
50B	Unlawful Supply of 5 or more Weapons	District	10 years	Crown Election (see note 31)
50B	Unlawful Supply of Category D, H or R Weapon	District	7 years (see note 29)	Crown Election (see note 31)
50B	Unlawful Supply of Category C or E Weapon	District	4 years	Crown Election (see note 31)
50B	Unlawful Supply of Category A, B or M Weapon	Magistrates	2 years	Simple Offence
57(3)	Carry Weapon Capable of Discharge in Public Place	Magistrates	2 years	Simple Offence
57(4)	Discharge a Weapon in a Public Place	District	4 years	Crown Election (see note 31)

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
58	Dangerous Conduct with Weapon	District	4 years	Crown Election (see note 31)
61	Shortening Firearms	District	4 years	Crown Election (see note 31)
62	Modifying Firearms	District	4 years	Crown Election (see note 31)
63	Alter ID Markings of a Weapon	District	4 years	Crown Election (see note 31)
65(1)(a)	Unlawfully Traffick in Category H or R Weapons	District	20 years (see note 29)	No (see note 30)
65(1)(b)	Unlawfully Traffick in Other Weapons	District	15 years (see note 29)	No (see note 30)
<b>Bail Act 1980</b>				
29	Breach Bail Conditions	Magistrates	2 years	Simple Offence
33, 35	Failure to Appear	Magistrates	2 years	Simple Offence
<b>Child Protection (Offender Reporting) Act 2004</b>				
50	Failure to Comply with Reporting Obligations	District	5 years	Crown Election (see note 32)
51	False or Misleading Information	District	5 years	Crown Election (see note 32)
<b>Criminal Proceeds Confiscation Act 2002</b>				
250(1)(a) (see note 3)	Money Laundering (knowingly)	District	20 years	No
250(1)(b) (see note 3)	Money Laundering (recklessly)	District	10 years	No
252	Possess Suspected Tainted Property	Magistrates	2 years	Simple Offence
<b>Criminal Code Act 1995 (Cth)<sup>33</sup></b>				
471.11(1)	Using a Postal Service to Make a Threat to Kill	District	10 years (see note 34)	Yes (see note 35)
471.11(2)	Using a Postal Service to Make a Threat to Cause Serious Harm	District	7 years (see note 34)	Yes (see note 35)
471.12	Using a Postal Service to Menace, Harass or Cause Offence	District	2 years (see note 36)	Yes (see note 35)
471.16	Using a Postal Service for Child Pornography Material	District	15 years	No
471.19	Using a Postal Service for Child Abuse Material	District	15 years	No
471.24	Using a Postal Service to Procure Persons under 16	District	15 years	No
471.25	Using a Postal Service to "Groom" Persons under 16	District	12 years	No
471.26	Using a Postal Service to Send Indecent Material to Persons under 16	District	7 years (see note 34)	Yes (see note 35)
474.15(1)	Using a Carriage Service to Make a Threat to Kill	District	10 years	Yes

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Section	Offence <sup>1</sup>	Court with Jurisdiction	Penalty on Indictment	Summary Election
			(see note 34)	(see note 35)
474.15(2)	Using a Carriage Service to Make a Threat to Cause Serious Harm	District	7 years (see note 34)	Yes (see note 35)
474.17	Using a Carriage Service to Menace, Harass or Cause Offence	District	3 years (see note 36)	Yes (see note 35)
474.19 (see note 37)	Using a Carriage Service for Child Pornography Material	District	15 years	No
474.22 (see note 35)	Using a Carriage Service for Child Abuse Material	District	15 years	No
474.25A(1)	Engaging in Sexual Activity with a Child using a Carriage Service	District	15 years	No
474.25A(2)	Causing a Child to Engage in Sexual Activity with Another Using a Carriage Service	District	15 years	No
474.26	Using a Carriage Service to Procure Persons under 16	District	15 years	No
474.27	Using a Carriage Service to "Groom" Persons under 16	District	12 years	No
474.27A	Using a Carriage Service to Transmit Indecent Communication to Person under 16	District	7 years (see note 34)	Yes (see note 34)

- 1 Crimes or Misdemeanours only; simple/summary offences are not included (except where specifically noted).
- 2 This is a relevant offence, and therefore must be determined summarily: s552BA(1)&(4)(a) *Criminal Code*. Mandatory summary determination is subject to Magistrates discretion to refrain from exercising jurisdiction as set out in s552D of the *Criminal Code*.
- 3 Prosecution of this offence cannot be instigated with the consent of the Attorney-General.
- 4 Notwithstanding the maximum penalty for this offence exceeding 20 years imprisonment, the District Court specifically has jurisdiction to hear this matter: s61(2) *District Court of Queensland Act 1967*.
- 5 This offence can be decided summarily on the defence election: s552B(1)(g)&(2) *Criminal Code*.
- 6 Prosecution of this offence cannot be instigated with the consent of the Attorney-General or the Director of Public Prosecutions.
- 7 This offence must be heard and decided summarily on the prosecution election: s552A(1)(a)&(2) *Criminal Code*.
- 8 This offence can be decided summarily on the defence election where: 1) the complainant is aged 14 or older & 2) the defendant is pleading guilty: s552B(1)(a)&(2) *Criminal Code*.
- 9 The wording of the Criminal Code means that this offence can only be committed by an adult, i.e. a person of or above the age of 18 years: s1 *Criminal Code*.
- 10 This offence can be decided summarily on the defence election: s552B(1)(h)&(2) *Criminal Code*.
- 11 This offence can be decided summarily on the defence election: s552B(1)(d)&(2) *Criminal Code*.
- 12 This offence can be decided summarily on the defence election: s552B(1)(e)&(2) *Criminal Code*.
- 13 This offence can be decided summarily on the defence election: s552B(1)(b)&(2) *Criminal Code*. The decision in *Fullard v Verra & Byway* [2007] QSC 050 provides that the equivalent wording under the (former) section 552B(1)(ha) allows a Magistrate to summarily deal with a defendant in respect of an offence of assault occasioning bodily harm with a circumstance of aggravation.
- 14 This offence must be heard and decided summarily on the prosecution election: s552A(1)(b)&(2) *Criminal Code*.
- 15 This offence can be decided summarily on the defence election: s552B(1)(f)&(2) *Criminal Code*.
- 16 Prosecution of this offence cannot be instigated with the consent of the Director of Public Prosecutions.
- 17 This becomes an excluded offence where the value of the property interfered with, the yield to the offender or the detriment or damage caused is \$30,000 or more, and the accused is contesting the matter: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 18 This becomes an excluded offence where the value of the yield to the offender or the detriment caused by the theft of the testamentary instrument is \$30,000 or more, and the accused is contesting the matter: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 19 This becomes an excluded offence where the indictable offence for which the firearm was stolen for is proceeding upon indictment: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 20 This becomes an excluded offence where the value of the yield to the offender or the detriment caused by the concealment is \$30,000 or more, and the accused is contesting the matter: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 21 This becomes an excluded offence where the indictable offence for which the vehicle was unlawfully used for is proceeding upon indictment: s552BB(1)(a)(ii)&(2) *Criminal Code*.

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- 22 This is a relevant offence and therefore must be heard and determined summarily: s552BA(1)&(2)&(4)(b) *Criminal Code*.
- 23 This is an excluded offence under s552BB(1)(a)(i)&(2) *Criminal Code*.
- 24 This offence can be decided summarily on the defence election: s552B(1)(c)&(2) *Criminal Code*.
- 25 This is an excluded offence under s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 26 This becomes an excluded offence where the indictable offence committed is required to be determined upon indictment: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 27 This becomes an excluded offence where the indictable offence committed is required to be determined upon indictment OR where the damage caused by the break is \$30,000 or more: s552BB(1)(a)(ii)&(2) *Criminal Code*.
- 28 This offence can be decided summarily on the defence election: s552B(1)(i)&(2) *Criminal Code*.
- 29 Minimum penalties may apply; refer to wording of the offence section.
- 30 An offence punishable by more than 10 years may only be taken on indictment: 161(2) *Weapons Act 1990*.
- 31 Prosecution may elect to deal with an offence, other than those punishable by more than 10 years imprisonment, either on indictment or by summarily: s161(3) *Weapons Act 1990*.
- 32 This offence can be heard and decided summarily on the prosecution election: s52A *Child Protection (Offender Reporting) Act 2004*.
- 33 Consent must be obtained from the Commonwealth Director of Public Prosecutions (or authorised delegate, such as the Assistant Director for Queensland) before an indictment charging an offence under the Commonwealth Criminal Code is presented by the Qld ODP.
- 34 If summary election is made in respect of this offence, the maximum penalty which can be imposed is a period of 2 years imprisonment, or a fine not exceeding 120 penalty units, or both: s4J(3)(b) *Crimes Act (Cth)*.
- 35 This offence may be determined summarily with the consent of both the prosecution and the defence: s4J(1) *Crimes Act (Cth)*.
- 36 If summary election is made in respect of this offence, the maximum penalty which can be imposed is a period of 12 months imprisonment, or a fine not exceeding 60 penalty units, or both: s4J(3)(a) *Crimes Act (Cth)*.
- 37 If the accused is under the age of 18 years at the time it is alleged this offence was committed, then consent must be obtained from the Commonwealth Attorney-General before an indictment can be presented: s474.24C *Criminal Code Act 1995 (Cth)*.