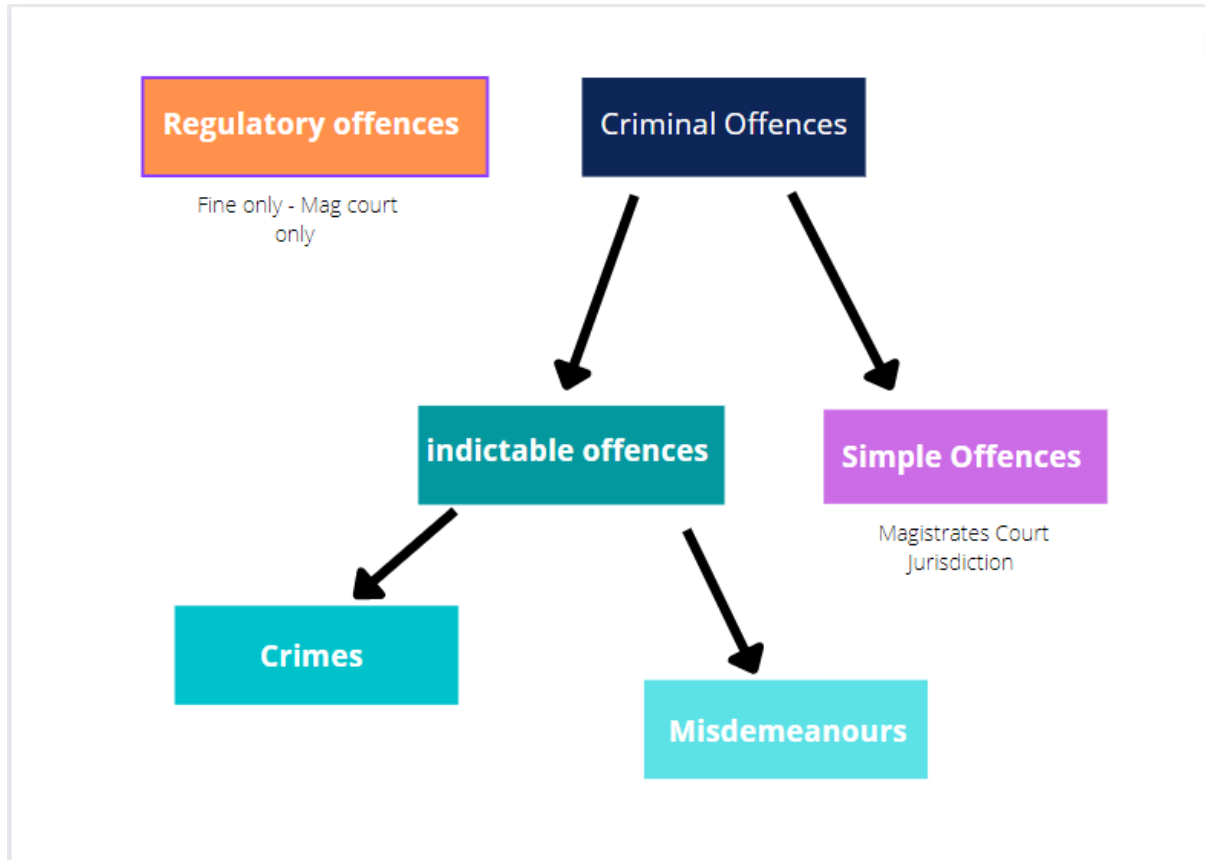


Types of Offences & Limitations for proceedings

Section [3](#) of the *Criminal Code* divides the type of offences a person can be charged with.



Simple/Summary offences: **1 year**

- *Justices Act QLD* s 52

Summary offence + Indictable offences / Drug offences: **2 years** if the DPP discontinues the connected indictable or drug offence.

- *Justices Act QLD* s 52(2)

Criminal offences: **No limitation** on commencing the charge, however indictments to be presented within **6 months** of committal, but the DPP may seek an extension of time s [590](#) of the *Code*.

Noting the power to arrest without a warrant the difference between the crime and misdemeanours is significant (misdemeanours require a warrant)

Code s 3

3 Division of offences

- (1) Offences are of 2 kinds, namely, criminal offences and regulatory offences.
- (2) Criminal offences comprise crimes, misdemeanours and simple offences.
- (3) Crimes and misdemeanours are indictable offences; that is to say, the offenders can not, unless otherwise expressly stated, be prosecuted or convicted except upon indictment.
- (4) A person guilty of a regulatory offence or a simple offence may be summarily convicted by a Magistrates Court.
- (5) An offence not otherwise designated is a simple offence.

Justices Act s 52

52 Limitation of proceedings

- (1) In any case of a simple offence or breach of duty, unless some other time is limited for making complaint by the law relating to the particular case, complaint must be made within 1 year from the time when the matter of complaint arose.
- (2) However, if in relation to the matter of complaint—
 - (a) a proceeding was previously commenced for an indictable offence against the [Criminal Code](#) or the [Drugs Misuse Act 1986](#); and
 - (b) the proceeding has been discontinued, or is to be discontinued by a Crown Law Officer as defined in the [Criminal Code](#);complaint must be made within 2 years from the time when the matter of the complaint arose.
- (3) Also, subsection (1) does not apply to an offence if, under the Act providing for the offence, the Magistrates Court has jurisdiction for the offence regardless of when the matter of complaint arose.

Example for subsection (3)—

The [Criminal Code](#), [section 552F](#) gives jurisdiction to a Magistrates Court that hears and decides a charge summarily under [section 552A](#), [552B](#) or [552BA](#) of that Code despite the time that has elapsed from the time when the matter of complaint of the charge arose.