

Drug and Alcohol Court

Queensland has a Drug and Alcohol Court that treats offenders with serious drug and alcohol issues linked to their offending.

Eligibility

- ✓ Live in the Brisbane area
- ✓ Are likely to be sentenced to jail
- ✓ Plead guilty in a Magistrates Court
- ✓ Have a severe problem with drugs or alcohol
- ✗ If you are currently serving a prison sentence
- ✗ If you are already on parole
- ✗ If you are charged with sexual assault offence/s

Offences involving violence are not excluded. However, the court will consider the seriousness of the offence—and the risk of domestic violence—to determine whether a defendant is suitable to be sentenced to a Treatment Order.

What is the Queensland Drug and Alcohol Court?

The Queensland Drug and Alcohol Court treats adult offenders with severe drug and alcohol use directly associated with their offending.

The court supervises offenders while they undertake targeted, structured and evidence-based treatment and interventions to reduce future offending. This includes:

- » regular and random drug testing
- » regular court appearances
- » incentives to continue to engage with treatment
- » swift consequences for non-compliance.

The court has its own magistrate and a team of people to case manage each offender. This team includes lawyers from Legal Aid, Queensland Police Service prosecutors, Corrective Services Officers, Queensland Health clinicians, an Aboriginal and Torres Strait court liaison officer—as well as dedicated court support staff.

Offenders are sentenced to a Drug and Alcohol Treatment Order—up to four years of prison wholly suspended while they complete a two-year treatment program.

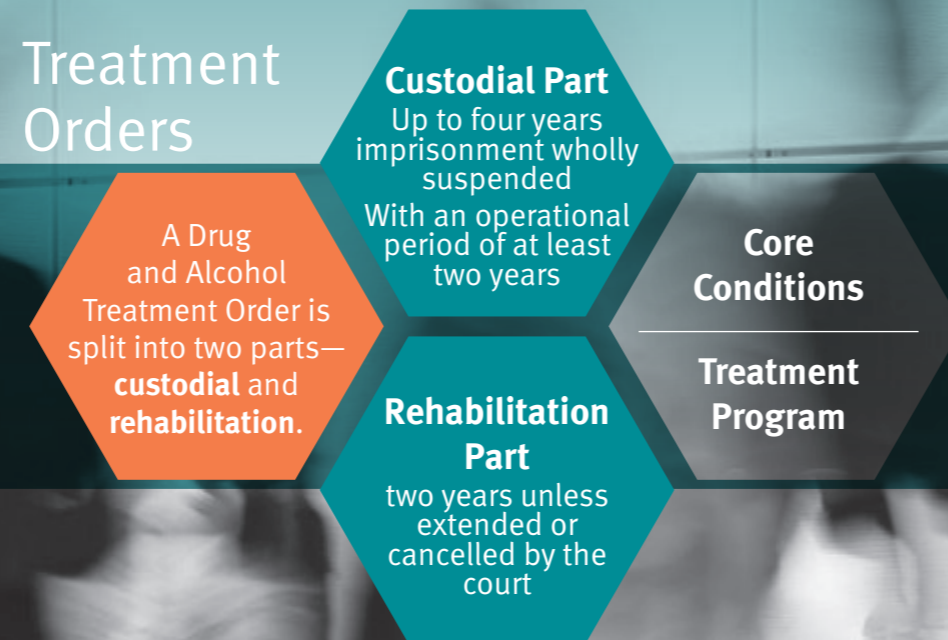
This program addresses substance use as well as offending behaviour.

Drug and Alcohol Court timeline?

- 1 A *Drug and Alcohol Court Referral Form 1* is completed and submitted.
- 2 If eligible, the magistrate may refer a defendant to the Drug and Alcohol Court in the Brisbane Magistrates Court.
- 3 Once the defendant is referred to the Drug and Alcohol Court, they will be represented by a lawyer from Legal Aid Queensland. A defendant may request private legal representation.
- 4 Drug and Alcohol Court staff determine eligibility, including whether a defendant has a severe substance abuse disorder. If eligible, the matter is adjourned for at least 28 days while a suitability assessment is conducted.
- 5 The defendant is sentenced to a Treatment Order and accepted into the program. This may be a residential rehabilitation facility or an intensive day program.
- 6 If the defendant is not suitable, the court may sentence the defendant to another order or refer the matter back to the originating Magistrates Court. The defendant may be referred to other intervention programs such as Court Link or Murri Court.
- 7 Defendant successfully completed the Treatment Order, breaking the cycle of drug-related offending. They are engaged in treatment, education and employment; they rebuild family and community connections and maintain stable accommodation.

Drug courts are successful worldwide in breaking the cycle of drug and alcohol related offending, making communities safer. Queensland's Drug and Alcohol court responds to the *2016 Drug and Specialist Court Review* recommendations to change the way the justice system responds to drug-related crime.

Treatment Orders



Under the **custodial part**, offenders are strictly monitored by the court; offenders must also attend regular court hearings and participate in frequent and random drug and alcohol testing. **Rehabilitation** includes an intensive program where the offender is treated, either in a residential rehabilitation facility or through an intensive day program with Queensland Health. Court staff actively support and case manage offenders.

If an offender breaches their Treatment Order, the court will try to understand the reasons why; there are consequences which may include going to jail for short periods. Offenders who do not complete the treatment program may be required to serve their suspended sentence or be sent back to court for sentencing.

Referrals

The *Drug and Alcohol Court Referral Form 1* is the referral form. This form will usually be submitted by legal representatives, including duty lawyers. However, anyone can request a referral—including the defendant themselves, their family and friends, and also court staff from other intervention programs. The magistrate makes the decision to refer someone to the court.

Queensland Drug and Alcohol Court Brisbane Magistrates Court boundary

