

# Drug and Alcohol Court

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

The Drug and Alcohol Court targets offenders who have serious drug and alcohol issues and are at a high risk of reoffending. Offenders have committed serious offences or have an extensive criminal history that warrants a sentence of imprisonment.

All magistrates in Queensland may refer a defendant to the Drug and Alcohol Court as long as the defendant meets the eligibility criteria.

The magistrate must be satisfied that a defendant may be eligible to be sentenced to a Drug and Alcohol Treatment Order under Part 8A *Penalties and Sentences Act 1992*.

## Eligibility

The defendant may be eligible to be sentenced to a Treatment Order and be referred to the Drug and Alcohol Court, if the defendant:

- » is facing charges at a Magistrates Court and resides within the district of the Brisbane Magistrates Court (see map overleaf);
- » is an adult that can be sentenced under the *Penalties and Sentences Act 1992*;
- » is charged with an eligible offence;
- » on a plea of guilty, could be facing a sentence of imprisonment of up to four years; and
- » has disclosed they have serious drug or alcohol issues that have contributed to their offending behaviour. An assessment of the defendant's severe substance use disorder will be conducted at the Drug and Alcohol Court.

**Plea of guilty:** The defendant does not need to plead guilty at the time of referral. However, he or she needs to indicate an intention to plead guilty.

**Eligible offence:** An eligible offence is any offence that may be dealt with in the Magistrate's Court. That is, a summary

## FACT SHEET

offence or an indictable offence dealt with summarily. For the purposes of sentencing an offender to a Drug and Alcohol Treatment Order, an indictable offence that may be dealt with summarily has been extended under section 13A *Drugs Misuse Act 1986* to include:

- » Section 6(1) (supplying a dangerous drug), if the offence is punishable under paragraph (c);
- » Section 8(1) (producing a dangerous drug), if the offence is punishable under paragraph (b)(i), (c) or (d);
- » Section 9 (Possessing a dangerous drug), if the offence is punishable under paragraph (b)(i) or (c).

## Exclusions

A defendant will not be eligible for a Drug and Alcohol Treatment Order if an offender is:

- » serving a term of imprisonment in a Corrective Services facility (this does not include suspended sentences or intensive correction order); or
- » subject to a parole order or cancelled parole order; or
- » charged with a sexual assault offence under:
  - » Criminal Code, chapter 22 (Offences against morality), other than section 224, 225 and 226 (relating to abortion); or
  - » Criminal Code, chapter 32 (Rape and sexual assaults).

**Offences involving violence are not excluded. However the Drug and Alcohol Court will consider the nature and seriousness of the offence and the risk of domestic violence at the time of determining whether a defendant is suitable to be sentenced to a Treatment Order.**

## Referrals

Duty lawyers at the court, lawyers from Legal Aid Queensland (LAQ) or Aboriginal and Torres Strait Islander Legal Service (ATSILS) or private legal representatives can request the defendant be considered for the Drug and Alcohol Court by completing a **Drug and Alcohol Court Form 1 Referral Form**. Any other person can also request a referral—including the defendant themselves, family and friends, and Court Link staff.

If eligible, the magistrate may refer the defendant to the Drug and Alcohol Court in the Brisbane Magistrates Court.



## What happens next?

Once the person is referred to the Drug and Alcohol Court, the defendant will be represented by a lawyer from LAQ, unless the defendant requests their private legal representative.

The defendant will be assessed by the Drug and Alcohol Court to determine if they are eligible. A health clinician will determine if the defendant has a severe substance use disorder. The police prosecutor and LAQ lawyer will also conduct an eligibility screen and provide advice to the Drug and Alcohol Court.

If the Drug and Alcohol Court considers the defendant is eligible, the matter will be adjourned for 28 days (or longer if ordered by the court) to enable a suitability assessment to be conducted by Queensland Health and Queensland Corrective Services.

If the court considers the defendant suitable, the defendant will be sentenced to a Treatment Order and be accepted into the program. The Treatment Order involves an intensive treatment program where the defendant may reside in a residential rehabilitation or complete an intensive day program with Queensland Health.

The defendant will also be required to appear at regular court hearings and submit to frequent and random drug and alcohol testing. If the court considers the defendant not eligible or suitable, it may sentence the defendant to another order or refer the matter back to the originating magistrates court. The court may also refer the defendant to other intervention programs such as Court Link or Murri Court.

## Treatment Order

### Custodial Part

Up to four years imprisonment wholly suspended with an operational period of at least two years

### Rehabilitation Part

two years unless extended or cancelled by the court

Core Conditions

Treatment Program

## Learn more at

[www.courts.qld.gov.au/courts/drug-court](http://www.courts.qld.gov.au/courts/drug-court)  
[drugandalcoholcourt@justice.qld.gov.au](mailto:drugandalcoholcourt@justice.qld.gov.au)

**Queensland Drug and Alcohol Court**  
 P: 07 3239 6411

## Brisbane Magistrates Court boundary

The court boundary includes residential addresses in the following postcodes:



4000 – 4018, 4025 – 4036, 4051 – 4077, 4078 (Forest Lake only), 4101 – 4113, 4115, 4116, 4117 (Karawatha only), 4120 – 4123, 4151 – 4156, 4169 – 4179.

