
THE QUEENSLAND DRUG COURT

PRESENTED BY ANNE THACKER
MAGISTRATE
QUEENSLAND

Drug Rehabilitation (Court Diversion)

Act 2000

Section 4(1) objects are to —

- (a) reduce the level of drug dependency in the community;
 - (b) reduce the level of criminal activity associated with drug dependency;
 - (c) reduce health risks to the community associated with drug dependency; and
 - (d) reduce pressure on resources in the court and prison systems.
-

Drug Rehabilitation (Court Diversion)

Act 2000

Section 4(2) The objects are to be achieved by establishing a pilot court diversion program—

- (a) to identify drug dependant persons who are suitable to receive intensive drug rehabilitation;
- (b) to improve their ability to function as law abiding citizens;
- (c) to improve their employability; and
- (d) to improve their health.

Collaborative approach

The Drug Court Team within each Drug Court

- Police prosecutor
 - Defence solicitor from Legal Aid Queensland
 - Corrective Services officer
 - Clinical nurse consultant
 - Drug Court Registrar
 - Drug Court Magistrate
-

IDRO

The sentencing option available in Drug Court
and not available in mainstream Magistrates
Court -

Intensive Drug Rehabilitation Order

Eligible candidates for IDRO

Sections 18 – 24

Offender must –

- Be charged with a “relevant offence”: sec 8
 - Be an “eligible person”: sec 6
 - Plead guilty
 - Be likely to be sentenced to a term of imprisonment
 - Not be suffering any mental condition that could prevent active participation on a rehab program
 - Reside in a specified postcode location: sch 1
-

Section 16 - Referral for assessment

Defendant is remanded either in custody or on bail whilst....

Reports are prepared by DCS and QH containing –

- Assessment of person's suitability for rehabilitation; and
 - If suitable, a proposed rehabilitation program
-

Drug Court Bail Conditions

- Model order

- Make yourself available for interviews with QH & DCS as required by them for purpose of preparing Court reports.
- Reside at
- Not use any illegal drug.
- Attend weekly drug counselling at unless and until otherwise directed by the court.
- Attend relationship / parenting / grief and loss / counselling at
- Attend and complete the drug rehabilitation program atand comply with all rules there.
- Continue to participate in the Methadone Program as advised by the Methadone Clinic.
- Continue to see Doctor each in relation to (covers depression, anxiety, paranoia, etc) and continue to take prescribed medication.
- Attend the drug court at Beenleigh / Ipswich / Southport at 10.30am weekly / fortnightly on (unless otherwise directed by the court) and remain at court until excused by the court.
- Have no contact, directly or indirectly, with
- Report to Police Station at.... each....

Section 19 - IDRO pre-requisites

The Magistrate must be satisfied –

- The offences may be adequately punished with imprisonment less than 3 years (or 2 years for some offences otherwise dealt with in Supreme Court): sec 19(e)
 - Facilities to supervise and control his participation in a rehab program are available
 - IDRO has been explained to the offender and he agrees to comply with it: sec 25
-

Section 20

IDRO – Part A

I Order the defendant is convicted. Conviction for each offence is recorded. I make an Intensive Drug Rehabilitation Order as follows –

1. The defendant is sentenced to serve..... months imprisonment.
 2. The sentence of imprisonment is wholly suspended per s20(a)(ii).
 3. I am satisfied that sufficient grounds exist to delay commencement of the suspension because a residential rehabn facility is not immediately available.
 4. I direct commencement of the suspension of the sentence be delayed for (up to 8)days and I ORDER the offender be detained in custody until.....
-

IDRO – Part B

General Requirements of Order: The Offender –

1. must not commit an offence during period of Order.
 2. must notify DCS of whereabouts within 2 days of a change to residence, or employment.
 3. must not leave Qld without DCS permission.
 4. must comply with every reasonable direction of DCS.
 5. Must pay \$... Restitution.
 6. Must complete.... Community Service x Hours (max 120) overweeks / months.
-

IDRO – Part C

The Rehabilitation Program.

The offender must –

1. Not use any illegal drug.
2. Not use any non-prescribed drug.
3. Not use any non-prescribed drug except in accordance with the directions of (Dr and DCS).
4. Reside at....
5. Attend and complete the drug rehabn program at and comply with all the rules, directions and requirements of that program.

Part C (continued)

6. Attend weekly counselling at...
 7. Report weekly between 9am and 4pm to DCS or as directed.
 8. Received visits from DCS as arranged.
 9. Report at least twice weekly for drug testing (plus any random tests) to DCS as and when directed.
 10. Have no contact directly or indirectly with....
 11. Submit to medical, psychiatric or psychological assessment or treatment as and when directed by DCS.
-

Part C (continued)

12. Continue with pharmacotherapy through Dr... unless given approval to cease by Court or DCS.
 13. Attend Drug Court at On....each week at 10.30am unless otherwise directed by Court or DCS.
 14. Present a weekly journal detailing current participation in the Drug Court program.
 15. Comply with restitution repayment agreement as negotiated with DCS.
 16. Attend and complete Community Service as directed by DCS.
-

Rewards and sanctions

Section 30

On application by –

- DCS officer
- Offender;

OR by initiative of -

- Magistrate
-

Rewards

Section 31

Common rewards include -

- Stated privileges
 - Decrease in amount of any monetary sanction
 - Decrease in frequency of drug testing
 - Decrease in level of supervision
 - Change course or treatment
 - Decrease attendance frequency at course or treatment
 - ~~Decrease community service~~
-

Sanctions

Section 32

Sanction types may include -

- Withdrawal of stated privileges
- Monetary penalty
- Increase in frequency of drug testing
- Increase in level of supervision
- Change course or treatment
- Increase in attendance frequency at course or treatment
- Imprisonment for up to 14 days for each failure to comply with IDRO
- Increase in community service (total max 120 hrs)

Section 36 - Finalising the IDRO

Final sentencing occurs after -

- **Completion** of the rehabilitation program; or
- **Termination** of the rehabilitation program

The magistrate must -

- reconsider the offender's initial sentence;
 - vacate the IDRO; and
 - impose a final sentence.
-

Considerations on final sentencing

When re-considering the initial sentence, the Magistrate must consider -

- The extent of participation, including, eg any rewards or sanctions.
 - If the magistrate sentences the offender to imprisonment - not greater than the term imposed in the initial sentence.
-

Summary Overview

- 11 Drug Court magistrates in Queensland
 - Maximum participants 140 SEQ and 80 NQ at any one time
 - 12 – 18 months to complete an IDRO
 - 1,342 referrals made to Drug Court
 - 745 IDROs granted to 30th April 2006
 - ie. 178 graduates +
135 active participants +
400 removed (including 4 deceased) +
32 absconded and currently at large.
-