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LEGAL PRACTICE



What is the Queensland Drug and Alcohol Court?

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The Queensland Drug and Alcohol Court ('QDAC') is an established specialist court in Brisbane that focuses on assisting defendants with severe substance dependencies or addictions. It supervises defendants and develops treatment plans to address their dependency issues and their offending.

Who is eligible to be referred to the QDAC?

Significant criteria must be fulfilled to refer a matter to QDAC. This can be contrasted with the Drug and Alcohol Assessment Referral (DAAR) course, which is an educational course available to defendants who identify substance abuse as a contributing factor to their offending.

The person must be an adult with a serious drug or alcohol dependency or addiction who intends to plead guilty to:

- a summary offence (an offence dealt with in the Magistrates Court); or
- an indictable offence (an offence that can/usually would be dealt with in the District or Supreme Courts) that may be dealt with summarily.

What happens at the QDAC?

If an eligible offender is accepted into QDAC, the court establishes a Drug and Alcohol Treatment Order.

This is essentially a sentence of up to four years, wholly suspended while the offender completes a two-year treatment plan. The sentence being wholly suspended means that the custodial sentence (term of imprisonment) hangs over the person's head, and can be imposed if they do not comply with the order or if they commit another offence.

What orders can the QDAC impose?

The court will likely order:

- mandatory reporting to a review team member;
- visits from an authorised review team member or corrective services officer; and
- that the person comply with standard bail conditions.

Standard bail conditions could include:

- not leaving Queensland without permission; and
- notifying a corrective services officer or review team member about any change of residence or employment.

The court may order:

- regular/random drug testing;
- participation in a rehabilitation program;
- regular meetings with review team members;
- participation in vocational, educational or employment programs;
- regular court appearances; and/or
- incentives for offenders to continue to engage with their treatment plan.

Ineligibility for a Drug and Alcohol Court Order

A person is ineligible for an Order if they are:

- already imprisoned;
- on parole; or
- are charged with a sexual offence.

Regrettably, only matters in the Brisbane Magistrates Court jurisdiction are currently eligible to be referred to QDAC.

To discuss whether you may be eligible for a referral to QDAC, contact Gilshenan and Luton.

Contacting a Gilshenan &Luton criminal lawyer

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