

Frequently Asked Questions

Q: How can I participate in Court Diversion?

A: If you want to be referred to the Court Diversion program, speak to your legal representative or court staff. They can complete an assessment form on your behalf. This form is given to the magistrate which helps them decide if you are eligible to attend a drug assessment and education session.

Q: Can I reschedule my session?

A: Generally, no. These sessions are ordered by the court and you usually can't reschedule. Requests to reschedule must be approved by a Referral and Support Services Officer.

Q: What happens if I don't go to my session?

A: If you do not attend the drug assessment and education session on time, do not satisfactorily participate, or attend under the influence of drugs and/or alcohol then you may be in breach of a court order. Your recognisance may be forfeited and you may be resentenced.

Q: Can I bring a support person?

A: Yes. You may bring a support person to your session but children cannot attend. You should make childcare arrangements for when you attend as childminding is not provided.

Contact Information:

Department of Justice and Attorney-General
 Referral and Support Services
 Courts Innovation Program
 Phone: 07 3738 7100
 Email: Court.Diversion@justice.qld.gov.au
www.courts.qld.gov.au/services/court-programs

Courts Innovation Program

Illicit Drugs Court Diversion

What is the Illicit Drugs Court Diversion Program?

Also known as Court Diversion, the Illicit Drugs Court Diversion Program aims to address a defendant's drug use in its early stages and reduce drug-related offending.

In the Magistrates Court, defendants are sentenced to attend a drug education and assessment session as a condition of a recognisance order. A recognisance order is an agreement between the court and the defendant that the defendant will be of good behavior for a certain period of time.

In the Childrens Court, the magistrate directs the child to attend a drug education and assessment session on a certain date. The magistrate may adjourn the child's legal matter to a date after the session to monitor their compliance.

How can Court Diversion help me?

By attending a drug education and assessment session, you will receive:

- » factual information about the consequences of illicit drug use
- » assistance to stop using drugs.

The only information provided to the court is whether or not you attended the session. Any information disclosed to the service provider is strictly confidential.

Am I eligible?

To be eligible you must be charged with one or more of the following offences under the *Drugs Misuse Act 1986*:

- » s9 Possessing dangerous drugs (if the drug was for personal use and less than a certain amount)
- » s10(1) Possess anything used in connection with the commission of a crime under Part 2 of the *Drugs Misuse Act 1986* (if the thing was for personal use).
- » s10(2) Possessing things used for the administration, consumption, or smoking of a dangerous drug
- » s10(4) Fail to take reasonable care of a syringe
- » s10(4A) Fail to dispose of a syringe.

A defendant must also:

- » plead guilty to all offences
- » not have been given two previous diversion alternatives (including police diversion).

You are not eligible if:

- » you have pending charges or previous convictions for offences involving violence, of a sexual nature, or certain drug offences dealt with on indictment.

What's involved?

A qualified health service provider will conduct a combined assessment, education and counselling session.

This will generally take two hours. Try to make sure you arrive a little early for your session. If you are late, the counsellor may refuse to see you.

While sessions are usually one-on-one, some locations have group sessions.

The counsellor will ask you to consider your drug use and any problems you may be experiencing. You will be provided with information and advice on the health effects of drug use and the legal consequences of continued use.