

# Drug and Alcohol Diversion Programs (DADP)

## Referral Form

### Drug and Alcohol Assessment and Referral (DAAR) and Illicit Drugs Court Diversion Program (CDP)

**DAAR** – a program for adult defendants who acknowledge a link between their drug/alcohol use and their offending.

**CDP** – a program for certain adults and children who plead guilty to certain drug offences.

#### Section 1 – DEFENDANT'S DETAILS

#### DEFENDANT OR REPRESENTATIVE MUST COMPLETE

First name: \_\_\_\_\_ Middle name: \_\_\_\_\_ Family name: \_\_\_\_\_



Gender: ☐ Male ☐ Female ☐ Self-described \_\_\_\_\_



Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_



Country of birth: \_\_\_\_\_



Phone: \_\_\_\_\_



Email: \_\_\_\_\_



Address: \_\_\_\_\_

The defendant identifies as: ☐ Aboriginal  OR ☐ Torres Strait Islander   
☐ Both Aboriginal and Torres Strait Islander   ☐ Neither Aboriginal or Torres Strait Islander  
☐ Culturally and linguistically diverse \_\_\_\_\_  
☐ Prefer not to say



Please list any accessibility requirements or supports (wheelchair accessibility, interpreter, assisted communication device, service animal etc.) \_\_\_\_\_

#### Section 2 – DEFENDANT'S ELIGIBILITY

#### DEFENDANT OR REPRESENTATIVE MUST COMPLETE

Note: Overall eligibility for DAAR or CDP is subject to the court's decision. This form is intended to be used as a guide only.

##### DAAR ELIGIBILITY *(There are no specific charges or substance quantities for DAAR)*

**D1** – Is the defendant 18 years or older? *(The defendant must be 18 years or older at the time of the offence to be eligible for DAAR)*

☐

**Yes – go to D2**

☐

**No – not eligible for DAAR - go to C1 below**

**D2** – Has the defendant completed two or more DAAR sessions in the previous five years?

☐

**Yes – go to D3**

☐

**No – eligible for DAAR as a condition of Bail - complete section 3 below**

**D3** – Is the defendant seeking DAAR as a recognisance order?

☐

**Yes – eligible for DAAR on recognisance order – complete section 3 below**

☐

**No – not eligible for DAAR – Go to C1 below**

*Note: A person who has completed two DAAR sessions in the previous five years will not be eligible for DAAR on bail. There are no limitations on the number of a times a person can do DAAR as a recognisance order, subject to the court's decision.*

##### CDP ELIGIBILITY

**C1** – Does the defendant intend to plead guilty to a charge of one or more of the following offences under the *Drugs Misuse Act 1986*:

- s9: Possessing dangerous drugs (with a quantity less than the quantity listed in Schedule 1 of the *Penalties and Sentences Regulation 2015*);
- s10(1): Possessing things for use in connection with a drug offence;
- s10(2): Possessing utensils for use in connection with a drug offence;
- s10(4): Failing to take reasonable care of hypodermic syringe or needle; and/or
- s10(4A): Failing to dispose of a hypodermic syringe or needle?

☐

**Yes – go to C2 (over the page)**

☐

**No – Not eligible for CDP**

**C2** – Has the defendant participated (or previously agreed to participate) in two CDPs **or** one CDP and one ‘subsequent’ Police Diversion?

☐ **Yes – Not eligible for CDP**

☐ **No – Go to C3<sup>1</sup>**

<sup>1</sup> A defendant could be eligible if they have:

- never participated (or previously agreed to participate) in a CDP or
- only participated (or agreed to participate) in one CDP or
- only participated (or agreed to participate) in one ‘subsequent’ Police Diversion.

**C3** – Does the defendant have pending, or previous convictions<sup>2</sup> for:

- an offence of a sexual nature; or
- an indictable offence involving violence against another person (with some exceptions, including certain offences under s335 (Common Assault) or s340(1)(a) or s340(1)(b) (Serious Assaults – resisting arrest/detention or assaults/obstructs police officer)) under the *Criminal Code Act 1899*; or
- any of the following offences under the *Drugs Misuse Act 1986* dealt with on indictment:<sup>3</sup>
  - s5: Trafficking of dangerous drugs;                      – s8: Producing dangerous drugs;
  - s6: Supplying dangerous drugs;                              – s9: Possessing dangerous drugs

☐ **Yes – Not eligible for CDP**

☐ **No – Eligible for CDP - complete section 3**

<sup>2</sup> Not including convictions where a rehabilitation period has expired (and is not revived) under the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

<sup>3</sup> An offence dealt with on indictment means offences dealt with by the District Court or Supreme Court.

### Section 3 – DEFENDANT’S DECLARATION AND CONSENT

**DEFENDANT MUST COMPLETE**

I believe I am eligible for and consent to participate in:

**CDP**

☐

**DAAR**

☐

I would prefer to attend the session:

in person

☐

by phone

☐

**DAAR ONLY:** By choosing to attend the session in person, you are confirming you have no pending, or previous convictions of a sexual or violent offence against a person. If you do, you must attend the session by phone.

I confirm:

- the referral process has been explained to me and I agree to attend the session arranged on my behalf.
- I understand the Queensland Government is collecting my personal information on this form to assess my eligibility to participate in DAAR or CDP under the *Penalties and Sentences Act 1992*, the *Bail Act 1980* or the *Youth Justice Act 1992* for people under 18 years of age.
- I understand the Queensland Government may use the de-identified personal information on this form for the purpose of research and statistical analysis.
- I understand information provided in this form will be disclosed to the Diversion Coordination Service to schedule the session, and the health service provider to provide the session.
- I authorise the relevant alcohol and other drug session provider to disclose to Queensland Government information about my participation and completion of the session, or failure to participate in and complete the session.
- that the information provided in this form is accurate to the best of my knowledge.

Defendant’s signature: \_\_\_\_\_

Date: \_\_\_\_\_



**TAKE THE COMPLETED FORM TO THE REGISTRY TO BOOK A DAAR OR CDP SESSION**

### Section 4 – PROGRAM AND SESSION DETAILS

**COURT OFFICER MUST COMPLETE**

The defendant is booked for:

**CDP**

☐

**DAAR**

☐

Contact the Diversion Coordination Service to schedule an appointment for the defendant. Ensure correct program is selected and confirm the defendant consents to the program.

The booked session will be conducted: ☐ in person

☐ by phone

Session provider: \_\_\_\_\_

Session address/phone: \_\_\_\_\_

Day: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Diversion reference number (DRN): \_\_\_\_\_ Court Location: \_\_\_\_\_

**Court Officer** - Defendant must receive copy, original to the court & email copy to [CourtDiversiion@justice.qld.gov.au](mailto:CourtDiversiion@justice.qld.gov.au)

*Please scan double sided*

**INFORMATION FOR DEFENDANT** If you are unable to attend or complete your session ordered by the court, you must contact the Drug and Alcohol Diversion Program before your scheduled session on (07) 3738 7100 or [CourtDiversiion@justice.qld.gov.au](mailto:CourtDiversiion@justice.qld.gov.au) to see if it can be rescheduled.