

## MAGISTRATES COURT

### PRACTICE DIRECTION NO 3 OF 2006

#### *Drug Court Act 2000*

#### **Adjournments for Indicative Assessment to Drug Court Magistrates**

The aim of this direction is to avoid the number of defendants referred to appear before a drug court magistrate for indicative assessment under section 12B of the *Drug Court Act 2006* (the Act) exceeding the Drug Court's capacity to absorb them. This reflects the fact that resources exist for only 141 participants in the program in South East Queensland, or 80 in North Queensland, at any one time.

It also reflects section 8 of the *Drug Court Regulation 2006* which provides:

**“Matters that may be considered when referring a person for indicative assessment**

In making a decision mentioned in section 12B of the Act, a magistrate may have regard to-

- (a) the maximum number of active intensive drug rehabilitation orders as prescribed under section 10; and
- (b) any advice from the person appointed as the court coordinator for drug courts by the chief executive about whether the maximum number has been exceeded.”

From 3 July 2006, the following procedure will apply:

1. The magistrate will confirm with the Drug Court Coordinator (phone 07 3884-7519 in SEQ or 07 4039-8702 in NQ) that a vacancy exists in the Drug Court program.
2. If no place is available in the Drug Court program for a defendant being considered for referral for indicative assessment, the magistrate should not ordinarily (i.e. unless special reasons exist and the matter has been discussed with the Drug Court Coordinator) make an order adjourning the proceedings before a Drug Court magistrate for this purpose in respect of the charges then before the court. The defendant must then be dealt with by way of a further adjournment, by sentencing or by way of a committal hearing, or otherwise according to law.
3. However, if the same defendant appears again on a later date charged with the same offences or different offences, the defendant is not precluded from being referred for indicative assessment only because he or she has previously been refused a remand to the Drug Court on the grounds stated in paragraph 2 above. The process then would be in accordance with paragraphs 1 and 2.
4. When the defendant is currently before the Drug Court for such assessment, and further charges are preferred, the Magistrate need only adjourn the defendant to the Drug Court and no further order for assessment is required.

This direction supersedes Practice Direction No 2 of 2001.

**Judge M. P. IRWIN**  
**Chief Magistrate**  
**30 June 2006**