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|  | | This form is to be used to assess the eligibility of a defendant to be referred to the Drug and Alcohol Court. Once the defendant’s details and preliminary checklist is completed by the referrer, the form is to be provided to the magistrate to seek an order for referral to the Drug and Alcohol Court. For information on the referral process, refer to Practice Direction 1 of 2018. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | |
|  | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | |
| **Defendant’s Details** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surname | | | |  | | | | | | | | | | | | Given  Name/s | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date of Birth | | | |  | | | | | | | | | | Age |  | | | | | | Gender | | | | | |  | | | Male | |  | | | Female | | | | |  | | X | | | | | |
| Address | | | |  | | | | | | | | | | | | | | | | | | Phone: | | | | |  | | | | | | | | | | | | | | | | | | |
| Defendant identifies as: | | | | | | | | | |  | | Aboriginal | | |  | | Torres Strait Islander | | | | | |  | | | Neither | | | | | | | | | | | | | | | | | | | |
| Accessibility issue identified (language, literacy, mobility, sensory): | | | | | | | | | |  | | No | | |  | | Yes – stipulate need (if interpreter required, state language): | | | | | |  | | | | | | | | | | | | | | | | | | | | | | |
| Remand status: | | | | | | | | | |  | | On bail | | |  | | In custody at: | | | | | |  | | | | | | | | | | | | | | | | | | | | | | |
| Magistrate name: | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Legal representative (name): | | | | | | | | | | |  | | | | | | | | | | | | | | | | Self-represented: | | | | | | |  | | NO | | |  | | YES | | | | |
| Firm/organisation: | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Referring court: | | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Preliminary Eligibility Screening Checklist** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **For referrer to complete**: the defendant may be eligible for the Drug and Alcohol Court as the defendant: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | has indicated a guilty plea to an eligible offence and resides, or intends to reside within the court district; | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | has disclosed they have a serious substance use disorder which has contributed to the commission of an eligible offence; | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | is not subject to a parole order; | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | is not subject to a cancelled parole order and required to serve an unexpired period of imprisonment; | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | is not serving a term of imprisonment in a corrective services facility; | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | is not charged with a sexual assault offence; and | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | has agreed to be referred to the court. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Referral initiated by (type): | | | | |  | | Legal – Duty Lawyer | | | | | |  | | Legal - ATSILS | | |  | | Legal – Private | | | |  | | | | Legal –  Legal Aid | | | | | | | | | | | | | | | | | |
|  | | | | |  | | Prosecutor | | | | | |  | | Magistrate | | |  | | Defendant | | | |  | | | | Other: | | |  | | | | | | | | | | | | | | |
| Referral initiated by (name): | | | | | | | |  | | | | | | | | | | | | | | | | | Date: | | | |  | | | | | | | | | | | | | | | |
|  | | | | | | | | **Analysis Certificates and Prosecution Elections should not delay referral to QDAC as these issues will be managed by the specialised prosecution and defence representatives in QDAC.** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | |
| **For the Magistrate to complete:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | |  | | | I am satisfied the Defendant appears to be eligible for a treatment order and it may be appropriate to sentence the Defendant to a term of imprisonment for an eligible offence.  **I order** the matter be adjourned with a personal appearance required to the Drug and Alcohol Court in the Brisbane Magistrates Court for an eligibility hearing on / / 20\_\_ at \_\_\_\_am/pm Court 32 Drug and Alcohol Court | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | **I further order** the defendant is referred for an eligibility screening to be conducted by representatives of the Drug and Alcohol Court Review Team. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | I am not satisfied the defendant is eligible to be referred to the Drug and Alcohol Court  Reasons for not referring the defendant: ­­­­­­­­­­­­­­­ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | Intention to plead withdrawn | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | Agreement to referral withdrawn | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | Addiction issues not sufficiently related to offences before the Court | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | Offences not to be dealt with summarily | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | |  | | | Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | I order the matter be adjourned for mention/sentence on / /20\_\_\_ in Court . | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | The defendant will be sentenced according to law. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | | | |
|  | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | |  | | | | | | | | | | | | | |
| Signed: | | | | |  | | | | | | | | | | | | | | | | | | | | | | | Date: | | |  | | | | | | | | | | | | | | | |

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| **For Office Use Only** | | | |
| Once completed, this form with copies of the Bench Charge Sheet(s) and Verdict and Judgment Record are to be provided to the Drug and Alcohol Court Team at [DrugandAlcoholCourt@justice.qld.gov.au](mailto:DrugandAlcoholCourt@justice.qld.gov.au). | | | |
| Form received by: |  | Date: |  |
|  | | | |
| **Additional Form Information** | | | |
| **\*Eligible offence**  For a referral to be made to the Drug and Alcohol Court, an offender must indicate an intention to plead guilty to an *eligible offence.*  An eligible offence is defined as a summary offence or an indictable offence dealt with summarily. An indictable offence dealt with summarily includes:   * proceedings for a charge of the offence that may be taken summarily under the *Drugs Misuse Act 1986* (DMA); or * an indictable offence against the *Criminal Code* if, under section 552A, the prosecution has elected to have a charge for the offence heard and decided summarily; or * an indictable offence against the *Criminal Code* if, under section 552BA, the charge for the offence must be heard and decided summarily.   For the purposes of sentencing an offender to a Drug and Alcohol Treatment Order, an indictable offence that may be dealt with summarily has been extended under section 13A *Drugs Misuse Act 1986* to include:   * Section 6(1) (supplying a dangerous drug), if the offence is punishable under paragraph (c); * Section 8(1) (producing a dangerous drug), if the offence is punishable under par7agraph (b)(i), (c) or (d); * Section 9 (Possessing a dangerous drug), if the offence is punishable under paragraph (b)(i) or (c). | | | |
| **\*Sexual assault offence**  A referral cannot be made to the Drug and Alcohol Court if the offender is charged with a sexual assault offence.  A sexual assault offence is defined in the *Penalties and Sentences Act 1992* as an offence against the following:   * *Criminal Code*, chapter 22 (Offences against morality) , other than section 224, 225 or 226 (relating to abortion); or * the *Criminal Code*, chapter 32 (Rape and sexual assaults). | | | |
| **\*District of the Brisbane Magistrates Court**  For a Drug and Alcohol Treatment Order to be made, a person must reside within the district of the Brisbane Magistrates Court as prescribed in *Justices Regulation 2014* (Schedule 1)*.* The divisions of the Brisbane Magistrates Courts District are Central division, Holland Park division, Richlands division, Sandgate division and Wynnum division. | | | |