

Courts Innovation Program

Queensland Courts Referral (QCR)

What is the Queensland Courts Referral?

Queensland Courts Referral (QCR) is a bail-based process which enables defendants to engage with non-government organisations (NGOs) and government agencies to address the causes of offending behaviour by assisting defendants with drug and/or alcohol dependency, mental illness, intellectual disability, cognitive impairment, and homeless people or those at risk of homelessness who come into contact with the criminal justice system.

Queensland Courts Referral aims to:

- provide short term assistance to defendants appearing on charges who have a health and/or social problem through referral to treatment or community support services; and
- reduce the likelihood of long term re-offending.

Offenders will be linked to the QCR Case Assessment Group where their needs will be assessed and appropriate support will be identified for them, to engage with outside of the court process.

Where does Queensland Courts Referral operate?

QCR operates out of the Roma Street Arrest Courts of the Brisbane Magistrates Court and regional locations situated at Beenleigh, Mount Isa and Southport Magistrates Courts.

Who can be referred?

All defendants appearing in a Magistrates Court where QCR is available and who may have a need for services that help them with issues relating to drug and/or alcohol dependency, mental illness, intellectual disability, cognitive impairment, and homelessness or those at risk of homelessness and who are on bail or are eligible for bail can be considered for a referral.

Who is ineligible for referral?

There are a number of reasons a defendant may be ineligible to participate in QCR:

- a defendant whose charges include a charge that can only proceed by way of indictment ;
- a defendant does not wish to or is unable to participate in the process;
- service providers do not have the capacity to work with a defendant.

If any of these circumstances occur the defendant may be dealt with through the normal court process and sentenced accordingly.

What is the first step?

Defendants should talk to their lawyer or the duty solicitor at their first court mention date. They may be eligible to engage in the QCR process if they feel that a health and/or social problem was a contributing factor to the cause(s) of their offending behaviour. The duty lawyer will then refer the defendant for an assessment prior to appearing before the Magistrate.

What does “refer for assessment” mean?

In Brisbane defendants are interviewed by a QCR Facilitator who will complete a Screening and Referral Assessment to identify whether they are eligible for referral and what their main issues are.

In regional locations defendants are interviewed by their legal representative (or a QCR Facilitator if unrepresented) who will complete a Screening and Referral Assessment to identify whether they are eligible for referral and what their main issues are.

As part of the assessment process recommendations will be made to the Magistrate about whether or not the defendant is suitable to engage with the QCR.

It is important for the defendant to disclose relevant information to enable the Case Assessment Group to identify the most suitable service or treatment option for that individual.

What happens next if a defendant is assessed as eligible?

A copy of the Screening and Referral Assessment will be given to the Magistrate. The Magistrate may adjourn the matter for 2-3 weeks to allow the Case Assessment Group to determine the defendant's suitability to engage in the QCR process. A determination by the Case Assessment Group will be provided to the Magistrate at the next mention advising of the defendant's suitability for referral and any nominated QCR service provider. If the Magistrate is satisfied that the defendant is suitable for referral then the Magistrate may place the defendant on bail with a condition that he/she engage with the service provider.

The Magistrate may adjourn for a slightly longer period to allow for follow up appointments, treatment or other assistance to be given. The Magistrate may then deal with the matters upon receiving a further report outlining the defendants overall engagement with the service provider. This can be taken into account upon sentencing.

Can a defendant breach bail?

A Magistrate may impose bail conditions that a defendant engage in the QCR process. A defendant may fail to comply with these conditions by:

- not attending appointments, meetings and assessments without reasonable excuse;
- displaying poor attitude and behaviour towards the service providers;
- failing to participate with the service providers; and/or
- having no contact with the service providers.

A defendant's failure to comply with a condition of bail may result in the defendant being charged with a further criminal offence of breach of bail and they may be removed from the QCR process.

For further information please contact the Queensland Courts Referral Coordinator located at the Magistrates Court, 363 George Street, Brisbane: