

# **DRUG REHABILITATION (NORTH QUEENSLAND COURT DIVERSION INITIATIVE) AMENDMENT BILL 2002**

## **EXPLANATORY NOTES**

### ***COMMITTEE AMENDMENT***

#### **Amendment 1**

The present section 6(2)(a) of the Act (the equivalent new provision is section 6(3)(a)) precludes persons serving a term of imprisonment, other than a term of imprisonment served by intensive correction order, from being eligible for the Drug Court pilot program.

This amendment corrects the drafting of the new section 6(4) to clarify how a magistrate determines whether a person ordered to serve a term of imprisonment under a law of another State or the Commonwealth is serving a term of imprisonment for the purposes of Queensland law

A person on post-prison community based release is, in accordance with the section 153 of the Corrective Services Act 2000, taken to be serving a term of imprisonment. Consequently, such persons are not eligible to take part in the Drug Court pilot program.

The amendment to section 6(4) ensures that for the determination of eligibility to the Drug Court pilot program offenders, ordered to serve a term of imprisonment in another jurisdiction and subsequently released on parole or equivalent orders, are subject to the same rules as Queensland offenders.