

Tara Cheyne MLA

Manager of Government Business

Attorney-General

Minister for Human Rights

Minister for City and Government Services

Minister for the Night-Time Economy

Member for Ginninderra

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 7****16 May 2025****Question No. 441****MS MORRIS:** To ask the Attorney-General —

1. How many offenders sentenced in the ACT to a Drug and Alcohol Treatment Order (DATO), since 1 January 2018, have subsequently been charged with a further indictable offence while still subject to that order.
2. What proportion of offenders sentenced to a DATO, since 1 January 2018, have been charged with any further offence during the order period.
3. Does the ACT Courts or Justice and Community Safety Directorate track recidivism or reoffending rates for offenders placed on a DATO; if so, what has been the annual rate of reoffending for DATO recipients since 1 January 2018.
4. What protocols or guidelines exist to guide judicial decision-making on imposing a DATO instead of a custodial sentence for offenders found guilty of indictable offences such as burglary, trafficking in a controlled drug, or serious driving offences.
5. Is any internal tracking or reporting conducted by the ACT Courts on the rate of serious reoffending by offenders placed on DATO.



TARA CHEYNE MLA - The answer to the Member's question is as follows:

1. 17 (approximately 13.5%).
2. 33 (approximately 26.2%).
3. Neither ACT Courts and Tribunal nor JACS track this information as a matter of course.
4. DATOs are imposed in accordance with the *Crimes (Sentencing) Act 2005*. Offenders are carefully assessed for eligibility and suitability for participation in this scheme. Judges can approve an offender for participation in the scheme if they are likely to be imprisoned for more than one year but less than four years, if they have pleaded guilty to an eligible offence and are dependent on alcohol or a controlled drug that substantially contributed to their offending. A Judge has the discretion to consider whether an order is appropriate, taking into account the relevant sentencing considerations applying to the offender and any information given to the court relating to the concerns of a victim about the victim's safety or welfare.
5. ACT Courts and Tribunal does not track this information.

Note:

The answers to the above questions:

- a. *Only counts those offences that have occurred between the imposition of the DATO and the end of order or cancellation date.*
- b. *In relation to question 1, this figure counts indictable offences that have been committed, or will shortly be committed, to the Supreme Court. It does not include indictable offences disposed of summarily in the Magistrates Court (these offences are captured in the response to question 2).*
- c. *The figure in answer to question 2 includes the figure in answer to question 1.*

Approved for circulation to the Member and incorporation into Hansard.



Tara Cheyne MLA
Attorney-General

Date:24/4/25.....

This response required 9hrs 00mins to complete, at an approximate cost of \$813.44