

# DRUG COURT REFERRALS

## Where are Drug Courts available?

The Drug Court sits at the [Downing Centre, Parramatta and Toronto](#), and is available in three areas: The City of Sydney, the Sydney West and South Western Regions, and the Hunter.

## Which District and Local Courts must make referrals?

The following Courts are referring Courts:

The **District Court** at [Campbelltown, East Maitland, Newcastle, Parramatta, Penrith, and Sydney](#).

The **Local Court** at [Bankstown, Belmont, Blacktown, Burwood, Campbelltown, Central, Cessnock, Downing Centre, Fairfield, Kurri Kurri, Liverpool, Maitland, Mount Druitt, Newcastle, Newtown, Parramatta, Penrith, Raymond Terrace, Toronto, Waverley and Windsor](#).

## Who must be referred?

Those Courts have a **DUTY** to:

- Ascertain whether the person appears to be an **ELIGIBLE** offender,
- Ascertain whether the person is **WILLING** to be referred to the Drug Court to be dealt with for the offence,
- And if so, **REFER** the person to the Drug Court<sup>1</sup>.

## Who is an “Eligible Offender”?

There are **SIX** basic criteria<sup>2</sup>:

- 1) Offences involving violent conduct (unless it is minor), sexual assault, or **strictly** indictable supply drugs charges cannot be referred to the Drug Court, but all other offences can be.
- 2) The person has pleaded **GUILTY** or indicated an intention to plead guilty.
- 3) It is **highly likely** that, if convicted, the person would serve a sentence of full-time imprisonment.
- 4) The person appears to be **dependent** on the use of prohibited drugs.
- 5) The person’s **usual place of residence** is within the Local Government Areas of [Canterbury-Bankstown, City of Blacktown, City of Campbelltown, City of Cessnock, City of Fairfield, City of Hawkesbury, City of Lake Macquarie, City of](#)

Liverpool, City of Maitland, City of Newcastle, City of Parramatta, City of Penrith, City of Sydney, Cumberland, Port Stephens The Hills Shire<sup>3</sup>.

- 6) The person is at least 18 years of age.

## How is a referral made?

As the number of referrals each week may exceed the number of Drug Court Program places available, a ballot is held to determine who can be referred from the District or Local Court to the Drug Court. The ballot for Parramatta and Sydney Drug Courts is held at 1pm on Thursdays, and for Toronto at 1pm on Mondays.

### Steps:

- 1) An eligible offender may be identified on any day of the week, so the Judge or Magistrate at the referring Court should direct that the offender be **“referred to Drug Court Ballot”** and adjourn the matters, for mention only, to the next available ballot day. At this stage the matters remain at the referring court. Bail is dealt with in the usual way.
- 2) The Court Officer will then ring the Drug Court registry for the Drug Court closest to where the offender resides - some details are provided, and the offender is placed in the ballot. The relevant Drug Court registry must receive the offender’s details not later than 3.30pm on the working day before the ballot day.
- 3) After the ballot has been conducted at 1pm on ballot day, the Drug Court registry will fax a message to the referring Court notifying as to whether the offender was successful in the ballot or not.
- 4) If the offender was **SUCCESSFUL**, the offender’s charges should be adjourned to the Drug Court at the location and on the day specified in the fax message. Bail is determined in the usual way.

If the offender was **UNSUCCESSFUL** in the ballot, then the matters remain in the District or Local Court to be finalised there.

### Any Enquiries?

Senior Judge:	8688 4512
Registry Parramatta:	8688 4525
Registry Toronto:	4935 8338
Registry Sydney:	9287 7305

---

<sup>1</sup> Section 6 *Drug Court Act 1998*

<sup>2</sup> Section 5 *Drug Court Act 1998*

<sup>3</sup> The website for the Department of Local Government is the easiest way for practitioners or the court registry to ensure an address is within one of the prescribed Local Government Areas. The website is <https://www.olg.nsw.gov.au/find-my-council>, and then follow the prompts on the home page.