



Drug Court Amendment Regulation 2003

under the

Drug Court Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Drug Court Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Drug Court Regulation 1999* in connection with the commencement of amendments to the *Drug Court Act 1998* (**the 1998 Act**) made by Schedule 9 to the *Crimes Legislation Amendment Act 2003*. As a consequence of the amendments, the matters currently prescribed in relation to Division 1 of Part 2 of the 1998 Act will be prescribed also in relation to the new Division 1A of that Part.

This Regulation is made under the *Drug Court Act 1998*, including section 32 (the general power to make regulations) and sections 8AA, 8AB and 18.

2003 No 541

Clause 1 Drug Court Amendment Regulation 2003

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1 Name of Regulation

This Regulation is the *Drug Court Amendment Regulation 2003*.

2 Commencement

This Regulation commences on 18 August 2003.

3 Amendment of Drug Court Regulation 1999

The *Drug Court Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 6 Referring courts: sections 6 and 8AA

Omit “section 6 (1)”. Insert instead “sections 6 (1) and 8AA (1)”.

[2] Clause 7 Guidelines for facilities for the supervision and control of persons participating in Drug Court programs: sections 7 and 8AB

Omit “section 7 (2) (c)” from clause 7 (1).

Insert instead “sections 7 (2) (c) and 8AB (2) (d)”.

[3] Clause 8: Application of Criminal Procedure Act 1986: section 18

Omit clause 8 (1). Insert instead:

- (1) The provisions of section 265 (1) and (2) of the *Criminal Procedure Act 1986* are modified so as to provide that, in proceedings before the Drug Court under section 7, 8AB or 8AC of the Act, the obligations of the Drug Court and the prosecutor under those provisions are suspended in relation to a person charged if the person charged consents to their suspension.

[4] Clause 8 (2)

Insert at the end of the subclause:

, or

- (d) on the person being dealt with by the Drug Court under section 8AD of the Act.

[5] Clause 12 Referrals to Drug Court

Insert “or 8AA” after “section 6”.