



New South Wales

Drug Court Amendment (Compulsory Drug Treatment Correctional Centre) Regulation 2006

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 2005* as a consequence of the commencement of the *Compulsory Drug Treatment Correctional Centre Act 2004*. Specifically, the object of those amendments is as follows:

- (a) to provide further criteria to determine whether a person is an *eligible convicted offender* suitable for compulsory drug treatment (**Schedule 1 [1]**),
- (b) to prescribe which courts must refer potential eligible convicted offenders to the Drug Court (**Schedule 1 [2]**),
- (c) to make a consequential amendment (**Schedule 1 [3]**),
- (d) as a transitional measure, to prescribe the local government areas that certain convicted persons in full-time detention must ordinarily be a resident of in order for those persons to be considered for compulsory drug treatment (**Schedule 1 [4]**).

This Regulation is made under the *Drug Court Act 1998*, including section 32 (the general regulation-making power) and sections 5A and 18B of, and clause 4 (2) (d) of Schedule 2 to, that Act.

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Clause 1 Drug Court Amendment (Compulsory Drug Treatment Correctional Centre)
Regulation 2006

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Correctional Centre) Regulation 2006**

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Drug Court Act 1998

1 Name of Regulation

This Regulation is the *Drug Court Amendment (Compulsory Drug Treatment Correctional Centre) Regulation 2006*.

2 Commencement

This Regulation commences on 21 July 2006.

3 Amendment of Drug Court Regulation 2005

The *Drug Court Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4A

Insert after clause 4:

4A Eligible convicted offenders: section 5A

For the purposes of section 5A (1) (f) of the Act, the following criteria are prescribed as criteria that a person must satisfy in order to be an eligible convicted offender within the meaning of the Act:

- (a) the person's usual place of residence must be within one of the following local government areas:
Ashfield, Auburn, Bankstown City, Baulkham Hills, Blacktown City, Botany Bay City, Burwood, Camden, Campbelltown City, Canada Bay, Canterbury City, Fairfield City, Hawkesbury City, Holroyd City, Hornsby, Hunter's Hill, Hurstville City, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool City, Manly, Marrickville, Mosman, North Sydney, Parramatta City, Penrith City, Pittwater, Randwick City, Rockdale City, Ryde City, Strathfield, Sutherland Shire, City of Sydney, Warringah, Waverley, Willoughby City and Woollahra,
- (b) the person must be of or above the age of 18 years,
- (c) the criminal proceedings against the person for the offence for which the person was convicted must not be criminal proceedings within the Children's Court's jurisdiction to hear or determine,
- (d) the person must be male.

[2] Clause 7A

Insert after clause 7:

7A Referring courts: section 18B

The following courts and proceedings are prescribed for the purposes of section 18B (1) of the Act:

- (a) the District Court, in respect of all criminal proceedings brought before it in its sittings at Campbelltown, Liverpool, Parramatta, Penrith or Sydney,

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Schedule 1 Amendments

- (b) the Local Courts at Balmain, Bankstown, Blacktown, Burwood, Camden, Campbelltown, Central, the Downing Centre, Fairfield, Hornsby, Kogarah, Liverpool, Manly, Mt Druitt, Newtown, North Sydney, Parramatta, Penrith, Richmond, Ryde, St James, Sutherland, Waverley and Windsor, in respect of all criminal proceedings brought before them,
- (c) the Drug Court in relation to sentences imposed or determined under sections 8 (2A) and 12 (3) of the Act,
- (d) the Court of Criminal Appeal but only in relation to appeals from the courts, and regarding the proceedings, referred to in paragraphs (a)–(c).

[3] Clause 11 Referrals to Drug Court

Omit “section 6 or 8AA”. Insert instead “section 6, 8AA or 18B”.

[4] Clause 14

Insert after clause 13:

14 Transitional provision

For the purposes of clause 4 (2) (d) of Schedule 2 to the Act, the following local government areas are prescribed:

Ashfield, Auburn, Bankstown City, Baulkham Hills, Blacktown City, Botany Bay City, Burwood, Camden, Campbelltown City, Canada Bay, Canterbury City, Fairfield City, Hawkesbury City, Holroyd City, Hornsby, Hunter’s Hill, Hurstville City, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool City, Manly, Marrickville, Mosman, North Sydney, Parramatta City, Penrith City, Pittwater, Randwick City, Rockdale City, Ryde City, Strathfield, Sutherland Shire, City of Sydney, Warringah, Waverley, Willoughby City and Woollahra.

BY AUTHORITY
