



# Overview of NSW Criminal Justice System and Diversion Programs

Legal Aid NSW, July 2012

Presented by Andrew Bide and Clare Magni, Solicitors, Legal Aid NSW

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Community Restorative Centre – [www.crcnsw.org.au](http://www.crcnsw.org.au).*

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# How are laws made and changed

**We have two methods of creating laws in Australia:**

1. Statute law (or legislation) which is law made by Parliament, and
2. Common law (or case law) which is law made by Judges.

Where there is no legislation, court cases are usually decided using previous cases which had similar facts. Judges are bound to decide each case along the lines of similar cases. This doctrine is known as the "doctrine of precedent" i.e. a Judge must follow preceding decisions of a higher court.

A Judge cannot ignore or change legislation; however they may "interpret" legislation passed by Parliament and "apply" it to real-life situations, where legislation is open to interpretation.

The Australian Constitution gives the Commonwealth Parliament the power to enact legislation about certain types of matters (e.g. marriage, telecommunications, foreign affairs) and State Parliaments have responsibility for the rest.

In practice, most criminal law is covered by state law and family law is covered by federal law; civil law is a mixture of both.

# Distinction between Criminal Law and Civil Law

## ***Criminal Law:***

- Generally involves cases where the State (i.e. Police or the Crown) is a party as opposed to actions between two individual people.
- Prosecution for offences such as stealing, assaults, murder, (Crimes Act NSW 1900) and also for other breaches of other Government Legislation including failing to lodge a tax return, defrauding Centrelink.
- The person being prosecuted is referred to as the 'defendant' or the 'accused'.

## ***Civil Law:***

- Cases involve a private party (individual or corporation) taking action against another private party.
- The person bringing the case is referred to as the plaintiff (applicant or complainant).
- The person answering the case is called the defendant (respondent).
- The standard of proof is the *balance of probabilities*.
- Types of matters include: Negligence; contract; family and administrative law.
- Includes applications for apprehended domestic / personal violence orders.

# Basic Principles of Criminal Law

- Presumption of innocence until proven guilty.
- Proof beyond a reasonable doubt.
- The right to remain silent.
- Double jeopardy – if a person has been tried and acquitted once of an offence they cannot be charged again of the same offence (unless fresh evidence arises).

# NSW Courts and Tribunals

## **Courts:**

- The Children's Court
- The Local Court
- The District Court
- The Supreme Court (includes Court of Criminal Appeal)

There are also other specialty Courts including: The Land and Environment Court; Coroner's Court.

## **Tribunals:**

- Victims Compensation Tribunal
- Dust Diseases Tribunal
- Administrative Decisions Tribunal
- Consumer, Trader and Tenancy Tribunal
- Mental Health Review Tribunal

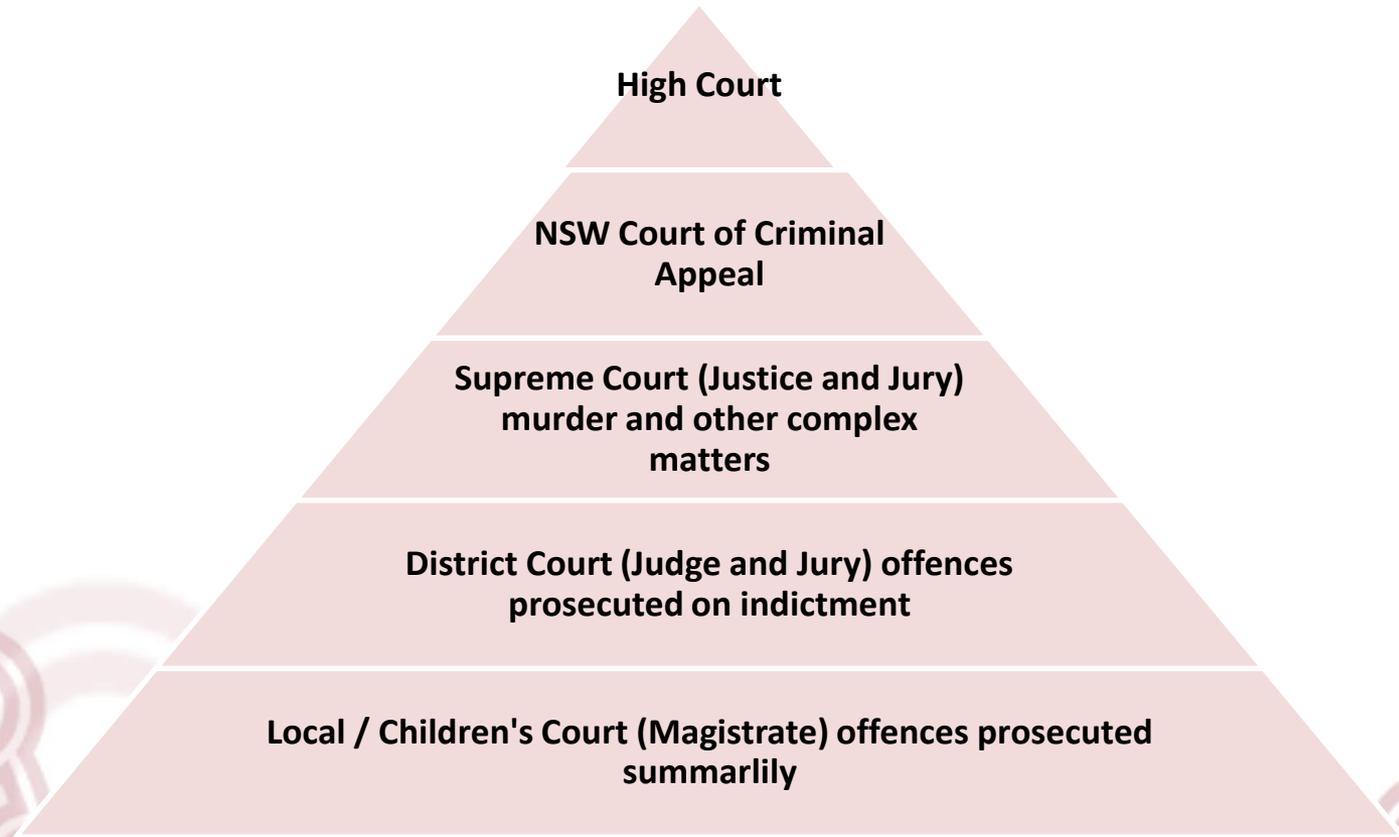
In general Courts are more formal than Tribunals. Fewer people will be legally represented in Tribunals.

# Commonwealth Courts and Tribunals

## Commonwealth Courts and Tribunals:

- Refugee Review Tribunal
- Migration Review Tribunal
- Social Security Appeals Tribunal
- Administrative Appeals Tribunal
- Federal Magistrate's Court
- Family Court
- Federal Court
- High Court of Australia

# Hierarchy of Courts hearing Criminal Matters in NSW



# Overview of Courts Hearing Criminal Matters in NSW

## Local Court:

- Bottom level of court hierarchy in NSW.
- Offenders aged over 18 years.
- Magistrates decide cases in Local Courts.
- There are no juries.
- Deal with criminal matters; summary offences and indictable offences heard summarily.
- Cap on custodial sentences of a maximum of two years for one offence and five years for more than one offence.
- Defendants have an automatic right of appeal to the District Court against either a Magistrates finding of guilty and / or the severity of a sentence imposed.

## Children's Court:

- Offenders aged between 10 – 17 years at time of offence – can be up to 21 years at time of Prosecution.
- Magistrates decide cases.
- Children aged between 10 -13 are said to be *Doli Incapax* and are only criminally responsible for their offence if the prosecution can prove not only that they committed the offence but were aware at the time of the offence that their actions were seriously wrong and not mere naughtiness or mischief.
- Deals with both summary and indictable offences committed by Children – however some offences (Serious Children's Indictable offences carrying maximum penalty of 25 years or more can only be dealt with in the District Court).
- Cap on sentence of control order to a maximum of two years for one offence and three years for more than one offence.
- Similar right of appeal to Local Court.

# Overview of Courts Hearing Criminal Matters in NSW cont.

## **District Court:**

- Intermediate court in the hierarchy of the NSW court system.
- Judge and Jury or Judge only
- District Courts hear appeals from decisions of Magistrates in most criminal matters from Local and Children's Court against a finding of guilt or severity of the penalty imposed.
- Hears trials, sentencing matters, and appeals against decisions made in the Local Court for criminal offences.
- Functions as both a court of first instance and an appeal court.
- Maximum penalties limited by the maximum penalty set for the specific offence.

## **Supreme Court:**

- The Supreme Court is the highest State court.
- Appeals from the Local and District Courts are also made to this court, on an issue of law only.
- An appeal from a single Judge of the Supreme Court may be made to a three-member Court of Appeal.
- In criminal cases, appeals may be brought from the Supreme Court (and the District Court) to the Court of Criminal Appeal.
- The Supreme Court's decisions are binding on the lower courts.

# Overview of Courts Hearing Criminal Matters in NSW cont.

## **The High Court of Australia:**

- 7 judges
- The High Court is the final court of appeal in Australia, therefore there is no appeal against a High Court decision
- Appeals may be made to it from State Supreme Courts as well as from Commonwealth courts.
- Constitutional matters are heard directly by the High Court, which sits permanently in Canberra.
- The High Court's decisions are binding on all States, so a decision on a case appealed from a NSW Supreme Court to the High Court will (usually) result in a decision by the High Court that is binding on all other State courts.
- Influential in providing definitive interpretations of legislation, setting the seal on the common law in a particular area, and the evolving interpretation of the Commonwealth Constitution.
- Functions as an appellate court only

# Legal Representation in Criminal Matters

## Who prosecutes Criminal matters:

- NSW Police Prosecutor (in Local and Children's Court).
- The Director of Public Prosecutions NSW known as the DPP may be referred to as the Crown or Crown Prosecutor (appear in sexual offences involving Children in the Local and Children' Court; Appeals in the District and Supreme Court; Trials in the District Court).
- Commonwealth Director of Public Prosecutions (may appear in all jurisdictions for offences against Commonwealth Legislation).
- Local Council.
- Transport, Roads and Maritime Services (formerly known as the RTA).
- Probation and Parole (Corrective Services NSW) prosecute breaches of bonds/ Community Service orders in the Local Court and breaches of parole before the Parole Board
- The RSPCA.
- A number of other Government Departments may prosecute offences specific to their Department e.g. Environmental Protection Authority.

# Legal Representation in Criminal Matters

## **Who represents defendants in criminal matters:**

- Defendant may be unrepresented.
- Legal Aid Solicitor – employed by Legal Aid NSW or a Solicitor appearing on a Grant of Legal Aid (sometimes referred to as the Duty Solicitor).
- A Solicitor in Private Practice – funded by the defendant or appearing Pro Bono.
- A Barrister – may be briefed by the Solicitor or directly by the client. Barristers wear wigs and gowns in higher courts will wear ordinary attire in Local or Children's Court.
- Public Defender – is a Barrister employed by the NSW Government and appears mainly in Legal Aid matters.
- A Senior Counsel or Queen's Counsel – is a very experienced Barrister who mainly appears in Supreme Court and Appellate matters. Wears a longer wig. Some Public Defenders are Senior Counsel / Queen's Counsel.

## **Ethical Duties:**

- Lawyers act on their Client's instructions – they might not be able to disclose certain matters to the Court unless the client gives permission i.e. may not disclose results of failed urinalysis unless client gives permission.
- Lawyers also have an ethical duty not to mislead the Court.

# Difference between Summary and Indictable offences

## Difference between Summary and Indictable offences:

**Summary offences** are relatively minor offences that are dealt with by a Magistrate in a Local or Children's Court without a jury. Summary offences include matters such as offensive conduct, trespassing, goods in custody, drug possession, and most traffic offences.

**Indictable offences** are those that are traditionally dealt with on indictment, which means the person has a right to trial by jury in the District or Supreme Court.

Some offences are **strictly indictable**, which means that they must go to the District or Supreme Court (usually after going through committal proceedings in the Local or Children's Court). Examples of strictly indictable offences are murder, robberies, sexual assaults, and serious drug supply offences.

Many indictable offences are dealt with summarily, which means they are finalised in the Local Court.

Table 1 offences (e.g. break enter and steal, malicious wounding) are dealt with summarily unless the prosecution or defendant elects to have it dealt with on indictment.

For Table 2 offences (e.g. common assault, stealing property worth less than \$5,000) only the prosecution has the right of election.

# Committal Proceedings in a Criminal Case

## Committal proceedings in Criminal cases:

### ***Committal hearing:***

Where a person is charged with a strictly indictable offence (or an election has been made) the Local Court conducts a committal hearing to determine whether there is enough evidence to justify sending the accused to stand trial before a Judge (Justice) and Jury in the District or Supreme Court.

Although in the past a committal hearing would involve all the Prosecution witnesses giving evidence nowadays there is no longer an automatic right to have witnesses present at a committal hearing.

Instead the defence must demonstrate:

*Substantial reasons in the interests of justice:* to call witnesses: or;

*Special reasons in the interests of justice:* to call a victim of a violent / sexual offence.

# Committal Proceedings in a Criminal Case cont.

Unless this can be established the committal will be a **paper committal** where the Magistrate will read the Prosecution brief of evidence and decide whether they are satisfied that a reasonable jury, properly instructed, is reasonably likely to convict the defendant of an indictable offence. If they are satisfied the matter will be committed to the District / Supreme Court.

The committal may either be

- 1. A committal for sentence:** if the defendant enters a plea of guilty the matter will be committed for sentence in the District / Supreme Court.
- 2. A committal for trial:** if the defendant has entered a plea of not guilty the matter will go before a judge and jury in the District or Supreme Court. The jury will decide whether defendant is guilty or not guilty.

# Diversionsary Programs in the NSW Criminal Justice System

## *Therapeutic Jurisprudence:*

In recent years there has been a focus on addressing the underlying social and medical issues (such as drug dependence, mental health, homelessness and unemployment) which contribute to defendant's criminal behaviour.

*Therapeutic Jurisprudence* is 'the study of the law as a therapeutic agent ...[focusing] on the law's impact on emotional life and on psychological wellbeing'.<sup>[1]</sup>

This has led to the emergence of 'problem-solving courts' such as the NSW Drug Court and other parallel intervention / rehabilitation programs, such as the MERIT and CREDIT programs, that operate in within the traditional NSW Court system to treat the underlying factors that contribute to the criminality of offenders.

<sup>[1]</sup> Wexler, D.B. & Winnick, B.J. (Eds.) (1996) *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence as quoted by Trimboli, L. 'NSW Court Referral of Eligible Defendants into Treatment (CREDIT) pilot program: An evaluation' Crime and Justice Bulletin: Contemporary issues in Crime and Justice, Number 159, February 2012.*

# Diversions Programs in the NSW Local Court

*Programs operating prior to charge:*

- Cannabis Cautioning Scheme – NSW Police

*Programs operating to assist defendants during the Local Court process (pre-plea):*

- MERIT program.
- CREDIT program.

*Programs offering an alternative sentencing option:*

- Forum Sentencing.
- Circle Sentencing.

*Specialist Courts:*

- NSW Drug Court.

# Cannabis Cautioning Scheme

The scheme is operated by the NSW Police Force.

It provides for the formal cautioning of adult offenders for minor cannabis offences. This is subject to the discretion of the NSW Police who are still able to decide to formally charge offenders.

A person can only be cautioned twice – not eligible if they have any prior convictions for drug offences, violence or sexual assault.

Does not apply to those caught supplying cannabis.

- 1<sup>st</sup> caution: offender is warned of health and legal consequences of cannabis use, provided with contact details of Alcohol Drug Information Service (ADIS).
- 2<sup>nd</sup> caution: offender is required to contact ADIS for a mandatory information session about their cannabis use.

# Court Referral of Eligible Defendants into Treatment (CREDIT)

The CREDIT program is a pilot program operating at two Local Courts in NSW:

- One metropolitan Court – Burwood Local Court.
- One regional Court – Tamworth Local Court.

The pilot program began in August 2009.

Key objective is to reduce re-offending by assisting Local Court defendants to access and engage in a wide range of treatment / rehabilitation programs and services.

A defendant can be referred to CREDIT either before or after entering a plea.

Pre-plea referrals can be made by magistrates, solicitors, police officers, support workers and staff of other court based programs (MERIT; Mental Health Court Liaison Service).

However, after a plea has been entered only a magistrate can refer a defendant to CREDIT.

# CREDIT cont.

**Defendants will meet with the CREDIT case worker to identify areas in which they require support including:**

- Accommodation,
- Financial counselling,
- Mental health,
- Drug addiction and treatment,
- Alcohol misuse and treatment,
- Education, training and employment support,
- Disability services.

Prior to sentencing the CREDIT case worker will provide the magistrate with a report detailing what the defendant did to address the areas identified requiring support.

**Who is eligible for the CREDIT program:**

- Defendants who are over 18 and have been charged with a Local Court (summary) offence.
- Defendants who have an identifiable problem relating to their offending behaviour such as: substance abuse; mental health problems; unstable housing; poor employment history or prospects. The defendant must be motivated to address those problems.
- The defendant must reside within the area in which they are to receive treatment services.

**Who is not eligible for the CREDIT program:**

- Defendants who have been refused bail for the current offence.
- Defendants charged with a sexual offence or have been convicted of such an offence in the previous 5 years.
- Defendants who are currently being supervised by the Department of Corrective Services.

# Magistrates Early Referral Into Treatment Program (MERIT)

MERIT is a Court based diversion program operating in 65 Local Courts across regional and metropolitan NSW targeting offenders with a demonstrable drug problem.

In addition there are 9 Local Courts (8 regional, 1 metropolitan) which offer MERIT to offenders with a demonstrable alcohol problem. (This incorporated the Rural Alcohol Diversion [RAD] Pilot Program which formerly operated in Orange and Bathurst Local Courts).

MERIT aims to break the cycle of substance abuse and criminal offending behaviour by referring defendants into treatment / rehabilitation for their drug (or alcohol) problem.

A referral can be made at any time after the charge process and is generally done prior to a plea of guilty being entered. Referrals can be made by: the Magistrate; Solicitors; Police; Probation and Parole or the defendant. The duration of the program is generally 12 weeks.

Defendants are monitored by the MERIT caseworker during this period and may return to Court a number of times for a progress report to be presented to the Court.

# MERIT cont.

## **T treatment options available are:**

- Methadone and other pharmacotherapy.
- Detoxification
- and residential rehabilitation.
- Drug and Alcohol Counselling.
- Other case management and assistance.

Defendants who do not comply with case management are not punished for their failure to complete the program (however if participation in the MERIT program is a condition of bail this could result in bail being revoked).

## **Who is eligible for the MERIT program:**

- Defendants are over 18 years old.
- Defendants are eligible for release on bail.
- Defendants have a demonstrable drug (or alcohol) problem.
- Defendants are motivated to address their drug (or alcohol) problem.

## **Who is not eligible for the MERIT program:**

- Defendants charged with offences involving significant violence (or have like charges pending before the Courts).
- Defendants charged with sexual offences (or have like charges pending before the Courts).
- Defendants charged with strictly indictable offences or an election has been made to deal with the offence on indictment (or have like charges pending before the Courts).
- There is no limit on the amount of times a person can be referred to the MERIT program.

# Forum Sentencing

Forum Sentencing is a form of 'restorative justice' that aims to bring the offender together with the victim, the Police and other people in the community affected by their crime in a forum setting to discuss the offence and develop an *intervention plan* for the offender.

Once the *intervention plan* is agreed at the forum it is sent back to the Court for approval. The offender will then undertake the actions detailed in the plan either prior to or part of a sentence.

The aim of the *intervention plan* is to:

- Recognise the harm done to the victim and the community and have the offender take responsibility for their actions.
- For the offender to participate in activities or attend programs that promote rehabilitation and reduce re-offending.

Examples of what can be included in the intervention plan include: a written apology; compensation; voluntary work; drug and alcohol treatment; counselling.

# Forum Sentencing

## What types of matters can be referred to the Forum:

- Matters can only be referred to Forum Sentencing after a plea of guilty has been entered (or the offender has been found guilty by the Court).
- Only matters in which there is a likelihood of a custodial sentence.
- Offence is either a summary offence or an offence which can be dealt with summarily by the Local Court (however a number of offences such domestic violence offences, certain sexual and serious personal violence offences, serious drug offences, offences involving a firearm and a number of other offences are not suitable).
- The offender has no record of prior offences relating to sexual or serious personal violence offences, drug supply or firearms offences.
- The offender has not previously served a sentence of imprisonment (including a suspended sentence).
- Forum Sentencing is available at a limited number of Local Courts in NSW.

# Circle Sentencing:

Circle Sentencing is also a form of 'restorative justice' in which adult aboriginal offenders are sentenced in a community based setting (The Circle) which is presided over by the Local Court Magistrate.

Participants in the Circle include:

- The offender and their support persons.
- The victim and their support persons.
- The Police Prosecutor.
- The offender's Legal Representative.
- Elders from the Local Aboriginal Community.
- The Aboriginal Project Officer (Attorney General's Department).
- Other community members or support workers.

The Elders of the community decide upon an appropriate penalty (all sentencing options available in the Local Court are available to the Circle) which is recommended to the Magistrate who has the power to accept or reject the sentence.

The Circle can provide assistance to both the offender and the victim to receive appropriate counselling, medical treatment and rehabilitation to address issues that arise during the Circle process (for example, assisting offenders in addressing drug and alcohol issues.)

# Circle Sentencing cont.

## **Where does Circle Sentencing operate:**

Circle Sentencing currently operates in Armidale, Bourke, Brewarrina, Dubbo, Kempsey, Lismore, Mt Druitt, Nowra, Moree, Ulladulla, Wellington, Coonamble and Blacktown.

## **Who is eligible to participate in Circle Sentencing:**

- Offenders aged over 18 years.
- Offender is Aboriginal.
- A plea of guilty or finding of guilt to a summary offence (or an indictable offence dealt with summarily in the Local Court).
- Offenders charged with strictly indictable, sex offences and certain drug offences are not eligible.
- The offender is facing a custodial penalty for the relevant offence.
- The offender is found to be acceptable to participate in the Circle sentencing process by the local Aboriginal Community Justice Group (must have strong links to the Aboriginal Community in which the Circle is located).

# Drug Court NSW

The Drug Court is a specialist Court that operates in two locations (Parramatta and the Hunter) to supervise the rehabilitation of drug dependant offenders.

The Drug Court accepts referrals from both the Local and District Courts which are in the catchment areas of the two Drug Courts. It is the only diversionary program that will accept adult offenders charged with strictly indictable offences.

The Drug Court program is only available to offenders who enter a plea of guilty to their relevant offences and an initial sentence is imposed which is suspended whilst the offender participates in the Drug Court program.

The Drug Court program usually runs for a period of 12 months and involves an initial two week detoxification and assessment stage by Justice Health.

During the program participants can receive **sanctions** for failing to comply with the program and **rewards** for compliance with the program.

After completion of the program the initial sentence is reviewed by the Court and the original sentence can be set aside and a new one imposed. Participants who fail to comply with the program may be returned to custody. Successful participants should expect a non-custodial sentence on completion of the Drug Court program.

## **The Drug Court Team consists of the:**

Judge, DPP Solicitor / Police Prosecutor, Legal Aid NSW, Corrective Services NSW, Justice Health and Local Area Health Services.

# Drug Court cont.

## **Who is eligible for participation in the Drug Court:**

- The offender must be aged over 18 years.
- The offender must indicate that they will enter a plea of guilty to the offence.
- The offender must be dependent on illicit drugs.
- The offender resides in the catchment area for the Parramatta or Hunter Drug Court.
- Be referred from a Court in the catchment area for the Parramatta or Hunter Drug Court.
- The offender must be willing to participate in the program.

## **Who is not eligible for participation in the Drug Court:**

- Offenders charged with offences involving violent conduct, sexual offences or a strictly indictable supply of prohibited drugs.
- Offenders suffering from a mental condition that prevents or restricts participation in the program.
- A previous Drug Court participant if it is less than three years since the final sentence was imposed or the completion of the non-parole period of any final sentence imposed (whichever is later).
- A person who has within two years of the referral been found unsuitable for participation in the Drug Court program.
- The DPP may raise a concern about an offender's criminal antecedents if they display prior matters of violence.

If there are more applicants than the number of available places in the Drug Court program then a random ballot selection process determines the applicants who receive a place in the Drug Court program.

# Diversionsary Programs in the NSW Children's Court

*Programs operating prior to charge (can be referred from the Children's Court):*

- *Young Offenders Act – warning.*
- *Young Offenders Act - caution.*
- *Young Offenders Act – conference.*

*Programs operating to monitor defendant's behaviour during the Children's Court process:*

- *Youth Conduct Order.*

*Specialist Court:*

- *Youth Drug and Alcohol Court.*

# Young Offenders Act (1997)

The *Young Offenders Act* (1997) operates to provide a scheme of dealing with young offenders (aged 10 -17 years) as an alternative to the traditional charge / Court process.

The *Young Offenders Act* enables the Police or the Children's Court to administer three possible sanctions:

- A Warning (Police only).
- A Caution.
- Refer the child to a Youth Justice Conference.

If a young person is dealt with under the *Young Offenders Act* this is not recorded on their criminal record.

## Youth Justice Conferencing:

A Youth Justice Conference is a form of 'restorative justice' where the young person, the Conference convenor (from Juvenile Justice), the victim, the investigating officer or the Police Youth Justice Officer, and the young person's / victim's support person meet to discuss the offence and agree on an *outcome plan*.

The *outcome plan* will require the young person to perform a number of tasks with the aim of making any reparation to the victim / community and rehabilitating the young person to reintegrate them into the community. For example this may include: an apology to the victim; performing community service / volunteer work; receiving drug and alcohol counselling.

If the young person has been referred to Youth Justice Conferencing by the Children's Court the matter will be dismissed on completion of the *outcome plan*.

# Who is eligible to be dealt with under the Young Offenders Act

## Who is eligible to be dealt with under the Young Offenders Act:

- A person aged between 10 – 17 years old.
- A young person is only entitled to receive a maximum of three cautions.
- For Youth Justice Conferencing the young person's previous dealings under the YOA and criminal antecedents will be considered.
- The young person must admit the offence.
- The young person must receive legal advice prior to being dealt with under the YOA (from the Legal Aid Youth Hotline generally 1800 10 18 10).

## What types of matters can be dealt with under the Young Offenders Act:

- Summary offences, and Table 1 and 2 offences.
- Certain sexual, drug and traffic offences cannot be dealt with under the YOA.
- Strictly indictable offences are not able to be dealt with under the YOA.
- Domestic Violence offences are generally not dealt with under the YOA.

# Youth Conduct Orders

A Youth Conduct Order (YCO) is an order that can be made by the Children's Court Magistrate imposing:

- Positive conduct provisions: Such as requiring the young person to participate in education, counselling or drug and alcohol counselling.
- Conduct restriction provisions: This may prohibit association with co-offenders, impose a curfew, or require a young person to reside at a particular address.

The scheme aims to address the underlying social issues contributing to the young person's criminality. It involves the NSW Police, Department of Family and Community Services (previously DOCS), Juvenile Justice, Department of Education and NSW Health working in partnership to provide support to the Young Person.

A Youth Conduct order operates for a period of about 12 months. During this time bail is dispensed with. Once the young person has "substantially complied" with the Youth Conduct Order for the required period the matter will either be dismissed (if the YCO was made prior to a finding of guilt) or taken to account on sentence ( if the YCO was made after a finding of guilt).

# Youth Conduct Orders cont.

## The criteria for making a Youth Conduct Order:

- The offence is covered by the *Young Offenders Act* (i.e. Summary offences and Table 1 and 2 offences and not excluded under that Act).
- It is not appropriate to deal with the offence under the *Young Offenders Act*.
- The young person is aged between 14 and 17.
- The young person resides in the Campbelltown, Mt Druitt or New England Police Local Area Command.
- If the young person has been found guilty or pleaded guilty to the offence a Magistrate can make the YCO without their consent.
- If the young person has not entered a plea or has pleaded not guilty to the offence the consent of the young person is required.

# Youth Drug and Alcohol Court (YDAC)

The objective of the Youth Drug and Alcohol Court is to address the criminal behaviour of young people with demonstrable drug or alcohol problems by reducing / managing their drug and alcohol usage.

Eligible young people are initially assessed by the Joint Assessment Review Team (JART) for a period of 14 days for the development of a **program plan** which can include: residential conditions, supervision by Juvenile Justice, urinalysis, counselling and educational programs.

The young person is then required to **report back** to the Youth Drug and Alcohol Court Team (consisting of the Magistrate, Police Prosecutor, Legal Aid Solicitor, JART and the YDAC Register) during the YDAC program. Average duration of the program is 8 months.

If a young person seriously breaches the YDAC program, re-offends or withdraws their consent to participate, the YDAC will sentence the young person.

On completion of the program the YDAC will take this into account on sentence.

**\*YDAC funding was discontinued as of 1 July 2012**

# YDAC cont.

## Who is eligible for the Youth Drug and Alcohol Court Program:

- Young person aged between 14 and 18 at the time of committing the offence.
  - The young person resides in the Campbelltown, Bidura or Parramatta Children's Court catchment area.
  - The young person is charged with an offence which can be dealt with the finality in the Children's Court (some sexual offences excluded).
  - The young person has a drug or alcohol problem.
  - Young person is not eligible to be dealt with under the Young Offender's Act or due to the nature of the offence / antecedents is not facing a control order even if they complete the program.
  - The young person agrees to participate in the program.
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- **\*YDAC funding was discontinued as of 1 July 2012**

# Legal Aid NSW – Who are we?

Legal Aid NSW is a state wide organisation providing legal services to socially and economically disadvantaged people. We appear in criminal, family and civil matters.

## Where is Legal Aid NSW located:

### Metropolitan

#### **Bankstown Legal Aid Office**

Level 8, Civic Tower, 66-72  
Rickard Road  
Bankstown 2200  
Ph: 02 97074555  
Fax: 02 97086505  
DX: 11231 Bankstown

#### **Blacktown Legal Aid Office**

Suite 36-37, 15 Kildare Road  
Blacktown 2148  
Ph: 02 96214800  
Fax: 02 98315597  
DX: 8111 Blacktown

#### **Burwood Legal Aid Office**

Level 4, 74-76 Burwood Road  
Burwood 2134  
Ph: 02 97476155  
Fax: 02 97446936  
DX: 8541 Burwood

#### **Central Sydney Legal Aid Office (Head Office)**

323 Castlereagh Street  
Haymarket 2000  
Ph: 02 92195000  
Fax: 02 92195935  
DX: 5 Haymarket

#### **Campbelltown Legal Aid Office**

Suite 1, Level 4 171-179 Queen  
Street  
Campbelltown 2560  
Ph: 02 46282922  
Fax: 02 46281192  
DX: 5119 Campbelltown

#### **Fairfield Legal Aid Office**

Suite 1, Level 2, 25 Smart Street  
Fairfield 2165  
Ph: 02 97273777  
Fax: 02 97247605  
DX: 25068 Fairfield

#### **Liverpool Legal Aid Office**

Level 4, Interdell Centre, 45-47 Scott  
Street  
Liverpool 2170  
Ph: 02 96011200  
Fax: 02 96012249  
DX: 5045 Liverpool

#### **Manly Legal Aid Office**

Ground Floor, Suite 5, 39 East Esplanade  
Manly 2095  
Ph: 02 99771479  
Fax: 02 99773357  
DX: 9207 Manly

#### **Parramatta Justice Precinct**

Level 1, 160 Marsden Street  
Parramatta 2150  
Ph: 02 86883800  
Fax: 02 86883890  
DX: 8283 Parramatta

#### **Parramatta Legal Aid Office**

Level 5, 91 Phillip Street  
Parramatta 2150  
Ph: 02 98911600  
Fax: 02 96891082  
DX: 8293 Parramatta

#### **Penrith Legal Aid Office**

95 Henry Street  
Penrith 2750  
Ph: 02 47323077  
Fax: 02 47210572  
DX: 8038 Penrith

#### **Sutherland Legal Aid Office**

Ground Floor, Endeavour House, 3-5  
Stapleton Avenue  
Sutherland 2232  
Ph: 02 95213733  
Fax: 02 95218933  
DX: 4528 Sutherland

# Legal Aid NSW

## Regional

### **Coffs Harbour Legal Aid Office**

41 Little Street  
Coffs Harbour 2450  
Ph: 02 66517899  
Fax: 02 66517897  
DX: 7576 Coffs Harbour

### **Newcastle Legal Aid Office**

Level 2, 51-55 Bolton Street  
Newcastle 2300  
Ph: 02 49295482  
Fax: 02 49293347  
DX: 7911 Newcastle

### **Wagga Wagga Legal Aid Office**

Ground Floor, Suite F, Best  
Place, Morrow Street  
Wagga Wagga 2650  
Ph: 02 69216588  
Fax: 02 69217106  
DX: 5424 Wagga Wagga

### **Dubbo Legal Aid Office**

64 Talbragar Street  
Dubbo 2830  
Ph: 02 68854233  
Fax: 02 68854240  
DX: 4031 Dubbo

### **Nowra Legal Aid Office**

Suite 1, Level 2, 55-57 Berry  
Street  
Nowra 2541  
Ph: 02 44224351  
Fax: 02 44224340  
DX: 5311 Nowra

### **Wollongong Legal Aid Office**

Graovac House, 73 Church  
Street  
Wollongong 2500  
Ph: 02 42288299  
Fax: 02 42294027  
DX: 27819 Wollongong

### **Gosford Legal Aid Office**

Level 2, 37 William Street  
Gosford 2250  
Ph: 02 43245611  
Fax: 02 43243503  
DX: 7222 Gosford

### **Orange Legal Aid Office**

Suite 4, 95 Byng Street  
Orange 2800  
Ph: 02 63628022  
Fax: 02 63613983  
DX: 3040 Orange

### **Lismore Legal Aid Office**

Suite 6, Level 4, Westlawn  
Building, 29 Molesworth  
Street  
Lismore 2480  
Ph: 02 66212082  
Fax: 02 66219874  
DX: 7740 Lismore

### **Tamworth Legal Aid Office**

Level 1, 424-426 Peel Street  
Tamworth 2340  
Ph: 02 67666322  
Fax: 02 67668303  
DX: 6110 Tamworth

### **How do I find out more information about Legal Aid NSW:**

You can find out more information about Legal Aid NSW by going online at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) or contacting your local Legal Aid office.

Legal Aid also operates the Legal Aid Youth Hotline: 1800 10 18 10 for young people aged 10 to 17 who require criminal law advice. This hotline is open from:

- Monday – Thursday: 9 am to midnight.
- Weekends – 9am Friday to midnight Sunday.

# Other Sources of Legal Information

## **Law Access**

Free telephone advice in areas of Criminal, Civil and Family Law

Open Monday – Friday 9 am to 5pm.

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

Ph.: 1300 888 529

## **Community Legal Centres (CLCs)**

Independent, non-profit organisations which provide free legal advice, assistance, referral and information to those who are deemed eligible.

Ph: 9212 7333 for information about your nearest CLC.

## **Wirringa Baiya (Aboriginal Women's Legal Service)**

Ph. 1800 686 587 or 9569 3847.

## **Law Society NSW**

Community Referrals Service.

Ph: (02) 9926 0355 or 9926 0364.

## **Aboriginal Legal Service (ALS)**

Located in both metropolitan and regional NSW.

Ph: 8303 6699 or 8303 6600 for information about your nearest ALS office.

## **Lawlink**

[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)

Website of the Department of Attorney General and Justice is great source of information about NSW Courts and their locations.