

# CREDIT NT (the drug court)

Recently the Court of Summary Jurisdiction started scheduling cases for assessment in the Court Referral Evaluation Drug Intervention and Treatment program (CREDIT NT).

CREDIT NT is not established by any legislation. It is a recognition by the Court that there may be a better way of dealing with individuals charged with drug related crime.

In response to the introduction of this program, the Magistrate's Court has released a guide for stakeholders and Jenny Blokland SM held a very popular CLE seminar on the topic.

This program has been made possible by the Northern Territory Government making funds available for the appointment of two clinicians and for training. The Commonwealth has indicated further funds will be made available for treatment under a bail program.

The additional Commonwealth funding for the engagement of counselling or other services suitable to address any identified drug problem are not yet available for employment by CREDIT NT.

Since there will be some delay with additional funding, it has been decided that CREDIT NT will operate on an interim basis utilising the services of the appointed clinician insofar as that is possible, and otherwise employing the philosophy by way of appropriate bail conditions.

To be eligible for this program, the participant:

- \* Must not have a criminal history relating to violent behaviour or be charged with a violent offence (note: this is to be at the Magistrates' discretion);
- \* Cannot be subject to any other court order with a drug treatment component;
- \* Must have an illicit substance use problem;
- \* Must not be suffering from a major mental disorder at a magnitude that does not allow for effective treatment by preferred treatment providers;
- \* Must be initially bailed to a court where CREDIT NT operates (Darwin

or Alice Springs courts only);

- \* Must be willing to attend a Darwin or Alice Springs based treatment program (rural/remote treatment options may become available at a later date);
- \* Can be adult or juvenile;
- \* Must not be currently undertaking or have undertaken the Police Drug Diversionary Program within the past six months;
- \* Must not have had more than one previous admission to CREDIT NT in the past 12 months;
- \* Must volunteer for the program; and
- \* Must meet all of the above criteria.

It is envisaged that in Darwin Magistrates Loadman, Luppino and Blokland and in Alice Springs Magistrate Birch (the CREDIT NT magistrates) will be the magistrates responsible for the implementation and running of CREDIT NT.

At the instance of responsible or appropriate persons, any sitting Magistrate can be requested to have an assessment of an eligible defendant made by the court clinician on whether or not that person is an appropriate person to be the subject of the CREDIT NT philosophy.

There is no reason why a Magistrate presiding at a circuit court cannot involve a defendant in the program. However, it will be incumbent on the defendant at this stage to fund his/her travel for the assessment by either Alice Springs or Darwin clinicians and for any counselling or treatment.

This process will invoke a "CREDIT NT Bail Report" from the Court clinician. The appointed CREDIT NT clinicians are Paul Rysavy in Darwin and Stephen Boyle in Alice Springs.

For the purposes of receiving the CREDIT NT Bail Report, the matter would have to be adjourned for a period of not less than seven days to appear before one of the CREDIT NT magistrates.

Upon the matter being mentioned and the Report being received, it will be evident on whether or not the clinician made a recommendation for admission to the CREDIT NT Program or whether the converse was the case.

CREDIT NT will sit, initially, at 9:00 am on the Friday of each week.

The presiding Magistrate will then determine whether the defendant will be admitted to the CREDIT NT Program.

Counselling or treating options will initially be arranged by the defendant or his/her legal representative until such time as the expected funding is available. When additional Commonwealth funding becomes available the program may be able to fund admission to an appropriate institution or service.

The clinician will follow the matter up and liaise directly with the relevant institution.

Once a defendant is in the CREDIT NT program a Magistrate will continue to monitor the defendant's progress in the program by regularly adjourning the matter for review by the court.

There is no finite time on how many adjournments might be necessary, but logically they must be dictated by the course of counselling or treatment and the defendant's progress. Once the program of counselling or treatment is complete, a CREDIT Magistrate would then have the responsibility of having any committal plea or finding of guilt formally addressed and making a decision as to disposition during or at the conclusion of treatment.

The above arrangement will continue in concept until experience dictates change or as a consequence of funding becoming available.

Queries which this communication generates should be addressed to the Chief Magistrate, the relevant Court clinician or referred to the appropriate court users program. ①