



Drug Court Policy 5

Accommodation for participants

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1 Purpose

The purpose of this policy is:

- To ensure that a participant does not reside in the community unless a suitable residence is available.
- To clarify the circumstances under which participants can take part in a Drug Court program although not residing within the usual area of the Court’s operation.
- To define the Drug Court’s role in its partnership with Family and Community Services (FACS) - Housing Services under the Shared Access Operating Agreement with FACS - Housing.

2 Definitions

Term	Definition
Act	means the <i>Drug Court Act 1998</i>
Community Corrections Officer	means a Community Corrections officer assigned to a participant
Drug Court	means the Drug Court of NSW
Drug Court program	means the conditions that a participant has accepted under section 7(3)(a) of the Act
Drug Court team	means a Drug Court Judge, the Registrar, the Legal Aid NSW (LA) solicitor, the solicitor from the Office of the Director of Public Prosecutions (ODPP), the Police Prosecutor, the Community Corrections Court Coordinator, the Aboriginal Casework Coordinator and the Justice Health NSW clinician attached to the Drug Court, and/or the alternate delegates for each.
Highly Suitable Treatment plan	means a plan for therapeutic intervention to address a participant’s drug dependency and related health needs.
Participant	means a person dealt with under sections 7(2) and (3) of the Act.
Participant/Client	means a participant who has been nominated and accepted for social housing under the partnership agreement with (FACS – Housing Services).
Registrar	means the Registrar of the Drug Court of NSW.

Term	Definition
Treatment provider	means a participant’s principal ongoing treatment provider – e.g., Local Health District (LHD), residential rehabilitation, supported accommodation.

3 Scope

This policy applies to the accommodation for participants of the Drug Court of New South Wales program.

4 Policy statement

4.1 Accommodation

- 4.1.1 Prior to a participant being placed on a Drug Court program which requires that the participant reside at a private residence, the Drug Court team will consider the suitability of the residence.
- 4.1.2 Generally, the suitability of a private residence will be considered only after the Community Corrections officer has visited the residence, has spoken to the principal residents, undertaken a Family and Community Services check on any proposed child co-residents, and has made a recommendation concerning the suitability of the residence.
- 4.1.3 When speaking to the principal residents, the Community Corrections officer will inform them of the main requirements of the participant's Drug Court program.
- 4.1.4 Generally, a private residence is unsuitable if:
- (a) the principal residents:
 - do not know that the participant is undertaking a Drug Court program,
 - are not willing to have the participant reside at the residence, or a current Apprehended Domestic Violence Order prevents the participant residing at that address,
 - are not prepared to cooperate with the participant's Community Corrections Officer and treatment provider, or
 - (b) any child protection concerns of the Department of Family and Community Service cannot be addressed, or
 - (c) occupied or frequented by a person reasonably suspected of engaging in criminal activity.
- 4.1.5 In urgent circumstances, a Community Corrections Officer may approve a temporary change of residence. Approval should be sought prior to the

change, and the participant should be directed to attend the Drug Court at the first reasonable opportunity for further consideration of the change. Consideration must be given to any current Apprehended Violence Orders and any conditions which may prevent the participant residing at that address.

4.2 Residence out of Area

4.2.1 Applications for out of area placement

The Court can consider an application by a participant to reside out of the area specified in clause 5 of the Drug Court Regulation 2020.

A participant may not move out of area without the prior approval of the Court.

4.2.2 Residential rehabilitation centres – Out of area

If the application is to be placed in a residential rehabilitation centre approval will be dependent upon:

- (a) the rehabilitation centre meeting the Court’s requirement for treatment and supervision of participants, and
- (b) appropriate funding arrangements being in place.

4.2.3 Community base program – Out of area

If the application is to reside in the general community, approval will be dependent upon:

- (a) the participant having been compliant with their program, and
- (b) Community Corrections being able to provide a suitable level of supervision to the participant in line with the Community Corrections Drug Court Service Level Agreement , and
- (c) arrangements being made for the provision of an appropriate level of supervised drug testing, and
- (d) appropriate arrangements being made for the provision of addiction counselling and treatment, including pharmacotherapy where needed
- (e) the participant being on phase 3 of their program (unless exceptional circumstances exist).

The Court may also permit emergency and short-term accommodation arrangements to be made when necessary.

4.2.4 Continuing obligations

It will remain a requirement for a participant to report to the Drug Court in person, although the frequency of reporting may be varied.

In the event of unsatisfactory compliance with a program by a participant living 'out of area', or an inability to meet any of the requirements mentioned in 4.2.2 or 4.2.3 above, the participant may be required to return to an appropriate address within the Court's usual area, or to return to custody in accordance with s 8A of the Act until a suitable treatment plan can be prepared.

4.3 FACS – Housing Services Accord

The Drug Court has signed Shared Access Operating Agreements with FACS - Housing Services to assist nominated participants with complex needs to access secure, affordable and supported social housing.

One of the key objectives of the Agreement will be to provide support to nominated participants so as to assist them to sustain a tenancy.

To gain assistance under the Agreement, a participant, or potential participant, must be nominated by the Drug Court. The Agreement outlines the number of participants to be assisted.

4.3.1 Nominations

Any team member may suggest or identify a participant, or potential participant, who may be suitable to receive assistance under the Agreement.

At any suitable team meeting, the housing needs of a participant can be discussed. That discussion could include, but not be limited to:

- Whether the participant's current accommodation diminishes their prospects of recovery
- Whether the participant has other options, such as a return to the home of other family members
- Whether the participant has the ability, or prospect, of returning to paid employment to fund accommodation
- The participant's level of engagement in the program, and prospects of remaining on program to receive any offer of housing
- Any housing history known,
- Any aspects of safety or danger, such as domestic or family violence
- The housing needs, and opportunities, of other family or household members,
- The existence of any other highly suitable treatment options,
- Treatment requirements relating to such issues as pharmacotherapy, mental health or physical disabilities,
- Special considerations, such as Aboriginality

- Special needs such as dependants, pram or wheelchair access, literacy, mental health, disability or personality issues.

The Registrar or Deputy Registrar will be asked to attend that team meeting, so as to be fully aware of the housing issues discussed.

If the Drug Court team so determines, the Registrar will make the necessary nomination to the Cross-Agency Working Group identified in the Shared Access Operating Agreement.

The Registrar may seek the assistance of the Community Corrections Officer, the Treatment Provider or other members of the Drug Court team so as to ensure FACS - Housing Services is provided with any proof or documentation of special issues (for example, proof of pregnancy, mental health treatment, the existence of a current Apprehended Violence Order, or child contact orders from the Family Court or Children’s Court).

When a nominated participant is successful (a “participant/client”) and is accepted under the Agreement, the Registrar will immediately notify all members of the Drug Court team by email.

4.3.2 Participant support

The Registrar or Deputy Registrar will be the only contact for the Drug Court under the Agreement, and any ongoing issues are to be referred to the Registrar.

The Registrar will identify the supports being provided, or to be provided, for any participant/client by the Drug Court Program and will provide a list of those services for inclusion within the Service Level Agreement.

The Registrar will participate in tenancy reviews as set out in the Service Level Agreement, and provide relevant information to the tenancy reviews on behalf of the Drug Court

The Registrar will notify FACS - Housing Services of any return of custody of a participant/client, of the successful completion of the Drug Court Program by a participant/client, or the termination of a participant/client’s program, (and if such termination has led to any return to custody).

5 Related legislation/regulation and other documents

- [Drug Court Regulation 2020](#)
- [Drug Court Act 1998](#)

6 Document information

Document name	Drug Court Policy 5 – Accommodation for participants
Applies to	All Drug Courts of New South Wales

Policy administrator	Senior Judge of the Drug Court of NSW
Approval	Senior Judge Mottley, February 2024

7 Version and review details

Version	Effective date	Reason for amendment	Due for review
1	12/02/2024	Policy reviewed, updated and re-formatted.	12/02/2026