

Drug Court and Koori Court: Information Sheet

Drug Court

The object of Drug Court is to enforce and apply the Drug and Alcohol Treatment Order (DATO). The Drug court is located in Dandenong, Melbourne, Shepperton and Ballarat Magistrates Court, and was created to sentence and supervise the treatment of those with a drug and alcohol problem, who have committed a crime. It is considered to be an alternative method to the penalties that may be imposed by legislation for the specific offence the accused have committed. Being provided support from case managers, clinical advisors, alcohol and drug counsellors, the police and Victoria Legal Aid is vital in helping offenders achieve treatment and recovery goals.

[There are certain steps that must be followed to have access to Drug Court](#)

STEP 1: Confirm availability

The usual place of residence of the accused if they have one must be within the area of a Drug Court. If an accused is homeless and does not have any place to stay in, they may apply to access Drug Court.

STEP 2: Check eligibility

To have your case heard in the Drug Court you must satisfy certain criteria:

- be dependent on drugs and / or alcohol that contributed to their committing the crime
- be facing an immediate period of incarceration not more than two years
- be facing charges that are not sexual offences or involve the infliction of actual bodily harm unless minor in nature
- not be subject to a parole order or sentencing order of the County or Supreme Court.
- plead guilty to the offence(s)

STEP 3 - Have a summary case conference

Before the referral process can begin, a summary case conference should take place with the police. A referral cannot proceed unless the accused person pleads guilty to the offence(s)

STEP 4 - Book a screening hearing

Contact the relevant Drug Court registry and book a screening hearing. At this hearing, a Drug Court Magistrate will determine the suitability of the offender. There is a form that must be filled and be returned to the Magistrates' Court within two business days.

- [Request to access the Drug Court form \(311.8 KB\)](#)

STEP 5 – Attend the screening hearing

The offender must attend a screening hearing so the Drug Court Magistrate can determine their eligibility. Attendance can be in person or via video link.

If eligible, two assessments will be ordered; a clinical needs assessment by a Drug Court clinical advisor and an assessment of suitability by a Community Corrections case manager.

STEP 6 – Attend the sentencing hearing

The offender must attend the sentencing hearing so the Drug Court Magistrate can determine suitability. The assessment reports are considered as part of the magistrates' decision to impose a DATO. If suitable, the offender will become a participant of the Drug Court and must follow the requirements of a DATO. If the offender is not suitable, the Drug Court Magistrate will either hand down a sentence or refer the matter to the mainstream court.



Koori Court

In Koori Court, the participants will sit at the bar table where the parties will sit around a table with the magistrate, Aboriginal Elders, a Koori court officer, the prosecutor, community correction officer, your lawyer and family.

Everyone is encouraged to take part in a sentencing conversation by telling their stories and avoid using legal language (passive language). The role of Aboriginal Elders or respected persons may give cultural advice to help the magistrate make a judgment that is appropriate in the Indigenous culture and helps reduce the likelihood of recommitting a crime.

STEP 1: Confirm you are Indigenous

The person must be of Aboriginal or Torres Strait Islander descent and be charged with a criminal offence.

STEP 2: Enter a plea

It is important for the offender to plead guilty before the matter can be heard in the Koori Court. If the offender doesn't have a lawyer, he/she should seek legal advice. The person may also need to have a summary case conference with the prosecutor.

STEP 3: Seek a referral

The person or his lawyer can ask for a matter to be adjourned and referred to Koori Court after they have decided to plead guilty.

The lawyer of the offender must file a Koori Court referral form with the relevant Magistrates' Court before a Koori Court Officer can start work on the case.

[Koori Court referral form \(581.44 KB\)](#)

If the Koori Court Officer believes that the accused is eligible, the matter will be listed in the Koori Court and the accused will be notified of the Koori Court hearing date. If accused is not eligible, their matter will be referred to the general mention list of the Magistrates' Court.

STEP 4: What will happen once referral is successful?

It is important to go to Koori Court on the date of your hearing as a show of respect to the Elders, if the referral is successful. If the person decides not to go, a magistrate may issue a warrant for your arrest.

An Acknowledgment of Country and welcome will occur to acknowledge the traditional owners of the land, before the hearing commences.

The magistrate will welcome everyone sitting at the table and start the conversation about the criminal offence. After all participants in the case have had their say, the magistrate may decide if the case is finished and outline any penalties.

Alternatively, they may ask the accused to promise to attend programs or seek treatment to deal with factors contributing to the offending behavior. The accused may need to come to court at a later date to show the magistrate and Elders what they have achieved.