

Local Court Act
PRACTICE DIRECTION

VOLATILE SUBSTANCE ABUSE PREVENTION ACT 2004

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and section 36 of the *Volatile Substance Abuse Prevention Act* and will apply from 4 August 2005.

BACKGROUND

The *Volatile Substance Abuse Prevention Act* commenced on 1 July 2005. Section 36 of the Act creates a power in the Local Court to issue a Treatment order over a person which will require a person at risk to attend a treatment program. Prior to any application being made the Minister must commission an assessment of the person and a report has to be received recommending that the person is a person at risk pursuant to the Act. Upon receipt of the assessment the Minister may make an application for a treatment order. The Application is to be in a form approved by the Chief Magistrate.

PROCEDURE

1. Any application for treatment order shall be in the form 7F of the Local Court Rules.
2. The Application shall be accompanied by a copy of the assessment report upon which the Applicant will be relying in support of the application for treatment order.
3. The Applicant shall file as many copies of the application and accompanying documents to allow the court to seal and endorse adequate copies for notice to be given to the relevant parties to the application pursuant to section 37(2) of the Act.
4. Upon receipt of the application the registrar will endorse the application with a date and time for the application to be heard no sooner than 28 days from the date of the filing. Once endorsed the Applications shall be returned to the Applicant for service upon the relevant parties.
5. The Respondent to the application shall be the person alleged at risk and a copy of the application and the assessment shall be served on the Respondent or if a juvenile the parent or guardian of that juvenile.
6. The Application should also be served on the person who requested the Minister to do an assessment of the respondent.
7. In addition to the Application and assessment the Application shall serve the relevant parties with a Statement of the Requirements of the Act as required pursuant to section 37(2) of the Act. A copy of a Notice of Appearance shall be attached to the application served upon the Respondent and other parties (for the Respondent and other parties to complete and file in the court).
8. Service of the Application and accompanying documents as set out in this practice direction may be deemed proper Notice pursuant to section 37 of the Act.

9. At the date and time endorsed on the application the court may determine the application for treatment order or make directions for further hearing should they be required.
10. If the Respondent is a person with a disability to which Rule 15 of the Local Court Rules applies then any application for the appointment of a litigation guardian for the Respondent should be filed and served prior to the first mention date of the Application.

HUGH BRADLEY

CHIEF MAGISTRATE

4 August 2005