

Queensland Community Safety Bill 2024

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Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
George Street
Brisbane Qld 4000
CSLAC@parliament.qld.gov.au

Dear Committee

Thank you for the opportunity to provide feedback on the Queensland Community Safety Bill 2024. The Queensland Network of Alcohol and other Drugs Agencies (QNADA) submission is attached.

QNADA represents a dynamic and broad-reaching specialist network within the non-government alcohol and other drug (NGO AOD) sector across Queensland. We have more than 55 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members.

QNADA is pleased to provide further information or discuss any aspect of this submission. Please don't hesitate to contact me at [REDACTED] or by calling [REDACTED].

Yours sincerely



Rebecca Lang

CEO



Submission to the Queensland Community Safety Bill 2024

May 2024

This submission has been prepared by the Queensland Network of Alcohol and Other Drug Agencies (QNADA). Its content is informed by consultation with QNADA member organisations providing alcohol and other drug treatment and harm reduction services across Queensland, as well as a review of relevant research and reports. It touches on:

- The unintended net widening effect the implementation of Jack's Law has on drug possession detections.
- The optimisation of opportunities to minimise unnecessary contact with police and other justice agencies, which includes ensuring that services for young people are available, when and where they need them and implementing decriminalisation as a prudent strategy to increase opportunities for people to access treatment when they need it, increase community wellbeing and make savings to the Queensland budget.

The vast majority of people who use alcohol and other drugs do not experience problematic use and never come into contact with any services for reasons related to their use. This includes specialist health services like alcohol and other drug treatment and harm reduction services, as well as agencies like police, courts, child safety or youth justice. For people who do access specialist AOD treatment, contact with agencies like police, justice and child safety are associated with a range of adverse outcomes, including:

- on a person's disclosures with treatment services, with potential follow-on impacts for treatment effectiveness;
- heightened stress; and/or
- disruptions to treatment delivery, particularly during periods of imprisonment.

QNADA support the Queensland government in their efforts to improve community safety and welcomes the opportunity to provide a submission to the Committee. We note Jack's Law (wandering), while intended to reduce the number of weapons on our streets, also has a net widening effect with regard to the detection of drug possession. This is problematic because it counters our efforts to reduce unnecessary contact with police and other justice agencies through the expansion of police diversion for minor drug offences, which came into effect on 3 May 2024. Available data shows during the trial period, wandering resulted 124 people being charged with 152 offences, with more drug related charges (39.5%) than weapon related charges (22%)¹.

The 2018 *Report on Youth Justice* in Queensland found that children and young people in the youth justice system are more likely to have undiagnosed and/or untreated health issues including trauma, mental health, substance use and intellectual disability.² This report identified that children and young people under supervision orders have an increased likelihood of more frequent drug use and an earlier initiation of use, compared to other children the same age³.

While a young person's substance use is often not the primary reason they come to the attention of police, over-policing and high visibility policing are known to increase the risk of further engagement and subsequent over-criminalisation of young people. An approach that emphasises punitive responses to children and young people, also impacts their willingness to report their experiences of

¹ Ibid.

² Atkinson, Bob, "Report on Youth Justice," (2018).

³ Ibid.

victimisation to the police and erodes their confidence in an effective justice response, even where such a report is made. It also increases the detection of low-level offences (including minor drug offences), has flow on operational impacts for police in responding to other community safety issues, and increases system costs.

Significant issues with racism and a lack of cultural awareness in the police were identified by the *Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence*, who also raised concerns about the impact of over-policing on First Nations people and communities⁴. Identifying and calling out institutional racism, discrimination and unconscious bias, is key to addressing this practice within government agencies and other organisations⁵.

All governments have committed to taking action to address this as part of agreed National Closing the Gap targets, including in reducing the rate of young people (ages 10 to 17 years) in detention by 30% by 2031⁶. To meaningfully achieve this, the Queensland Aboriginal and Torres Strait Islander Child Protection Peak has recommended a range of clear actions including:

- a significant long-term increase in community controlled youth services;
- delegating authority and appropriate functions to these services from youth justice;
- the implementation of community-led justice reinvestment approaches;
- intensive and culturally appropriate case management; and
- a long term commitment to achieve the changes required⁷.

It is critical that opportunities to minimise unnecessary contact with police and other justice agencies are optimised, including by ensuring that services for young people are available, when and where they need them. Services must be acceptable and accessible to young people, and by investing in First Nations-led, local solutions, the number of young people interacting with the youth justice system can be minimised which provides a better social return on investment. This also prioritises the protective strengths of families and communities, and the value of independent, non-government diversion and bail support programs, who are better positioned to build trust and work with children and young people preventatively.

This is important because illicit drug use is common in Queensland. Almost half of the community have used an illicit drug in their lifetime⁸. The United Nations Office of Drugs and Crime estimates that globally, 88-89% of people who use illicit drugs don't experience dependence or require a treatment intervention⁹. Research has found that a higher income is associated with a higher likelihood of drug use¹⁰, yet socio-economically disadvantaged population groups are more likely to come into contact with the justice system for drug offences¹¹.

⁴ Commission of Inquiry into Queensland Police Service responses to domestic and family violence, "The Report: Part 4," (2022).

⁵ Closing the Gap, "Priority Reforms Three: Transforming Government Organisations," (2023).

⁶ Closing the Gap, "Closing the Gap targets," (2023).

⁷ Queensland Aboriginal and Torres Strait Islander Child Protection Peak, "Youth Justice: Position Paper," (2023).

⁸ Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism," (Brisbane: Queensland Productivity Commission, 2019).

⁹ United Nations Office on Drugs and Crime, "World Drug Report Booklet 2: Global Overview of Drug Demand and Supply: Latest Trends, Cross-Cutting Issues," World drug report 2018 (Vienna: United Nations, 2017).

¹⁰ Louisa Degenhardt et al., "Toward a Global View of Alcohol, Tobacco, Cannabis, and Cocaine Use: Findings from the Who World Mental Health Surveys," *PLoS Medicine* 5, no. 7 (2008).

¹¹ Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism.", (2019).

The investment required to enforce illicit drug possession laws in Queensland is significant and growing at an estimated \$222 million per year¹². When compared with justice system responses, health-based responses, where people access treatment or advice, are more efficient, cost-effective, and have a strong return on investment. It is estimated that for every dollar invested in alcohol and other drug treatment and harm reduction services, there is a seven dollar return via improved health status, improved psychological wellbeing, and participation in the community¹³.

Diversion from the justice system for possession of drugs was introduced in Queensland (along with the rest of Australia) around 2001. During 2020 – 21, 12,622 people were diverted from the Queensland justice system (including 7,098 police diversions for cannabis possession)¹⁴. Despite this, people who use drugs, rather than supply or traffic drugs, still account for almost nine out of every ten drug-related arrests across Australia¹⁵. In Queensland, there were 28,612 police proceedings where an illicit drug offence was the principal offence in 2020-21, with 80.4% resulting in court action. There has also been a steady decline in the rate of illicit drug matters resulting in non-court action¹⁶ over the last decade (from 25.4% in 2013-14 to 19.7% in 2021-22¹⁷)¹⁸. Further, Queensland has high rates of sentencing for possession, and people sentenced to prison between 2010 and 2018 - where drug possession was the most serious offence - increased by 129%¹⁹.

Nationally and internationally a significant number of jurisdictions have already decriminalised drugs, and a growing number have moved to legalise cannabis for medicinal or recreational use²⁰.

While diversion programs have very recently expanded, it is clear that more needs to be done to reduce contact with the justice system for people who use drugs and that this course of action is consistent with community expectations. A focus on decriminalisation ‘by law’ as opposed to ‘by practice’ (i.e. achieved by changes to legislation) would ensure people who possess drugs for personal use are not arrested and put before the courts.

The principal benefit of decriminalisation is that it reduces significant resource impost on the criminal justice system and enables law enforcement strategies to focus on dealing and trafficking of illicit drugs²¹. By recalibrating the Queensland system towards responses better informed by the evidence, there is an opportunity to both improve health and wellbeing for Queensland communities and make substantial budget savings.

¹² Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism.", (2019).

¹³ Ettner, Susan L., David Huang, Elizabeth Evans, Danielle Rose Ash, Mary Hardy, Mickel Jourabchi, and Yih-Ing Hser. "Benefit-cost in the California treatment outcome project: does substance abuse treatment "pay for itself"?. " Health Services Research 41, no. 1 (2006): 192-213.

¹⁴ Australian Institute of Health and Welfare, "Alcohol and other drug treatment services in Australia annual report", AIHW, Australian Government, (2022).

¹⁵ Australian Criminal Intelligence Commission, "Illicit Drug Data Report 2019-2020."

¹⁶ Non-court actions include cautions, conferences, counselling or infringement notices.

¹⁷ Australian Bureau of Statistics, "Recorded Crime - Offenders, 2021-22." (2023).

¹⁸ Freiberg, A., Payne, J., Gelb, K., Morgan, A., & Makkai, T. (2016). Drug and specialist courts review: Final report. Prepared for the Queensland Department of Justice and Attorney-General.

¹⁹ Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism." Brisbane (2019).

²⁰ See 'Appendix I: Illicit drugs reform in overseas jurisdictions' (page 574, volume 2) in *bid.*, Brisbane (2019).

²¹ Hughes, C., & Stevens, A. "What can we learn from the Portuguese Decriminalization of Illicit Drugs?", *British Journal of Criminology* 50, (2010), 999-1022.