



# Submission to Legal Affairs and Community Safety Committee

*Penalties and Sentences (Drug and Alcohol  
Treatment Orders) and Other Legislation  
Amendment Bill 2017*

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submission

## **Introduction**

The Queensland Nurses and Midwives' Union (QNMU) thanks the Legal Affairs and Community Safety Committee for the opportunity to provide a submission on the *Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Bill 2017* (the Bill).

Nursing and midwifery is the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all categories of workers that make up the nursing workforce including registered nurses (RN), registered midwives (RM), enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 56,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNMU.

## **General Comment**

Our submission responds in general terms to the Bill, supporting the rehabilitation of persons experiencing drug and/or alcohol addiction. This includes people who have engaged in criminal behaviour. The QNMU welcomes the primary policy objective of the Bill to insert a new sentencing option into the Penalties and Sentences Act 1992 to respond to certain offenders whose criminal behaviour is linked to their severe drug or alcohol use.

Evidence from both Australia and overseas indicates that drug courts reduce recidivism more than conventional sanctions (Kornhauser, 2016). Equally, research shows the beneficial effects of treatment for those who have alcohol and drug problems in the criminal judicial system. The criminal justice system provides a unique opportunity to intervene and disrupt the cycle of drug use and crime (Chandler, Fletcher & Volkow, 2009). Integrating drug and alcohol treatment into the judicial system improves public health and safety as well as providing treatment to individuals who may otherwise not receive it (Chandler, Fletcher & Volkow, 2009).

The QNMU recommends the new drug court uses evidence-based models of care and treatment for best practice. This should include and acknowledge the work performed by nurses. Treatment services should be conducted within a profession's scope of practice by individuals who are educated, competent and authorised to perform these tasks. The

QNMU opposes the erosion of nursing positions and/or services in any setting by the employment of other staff categories (however titled) to manage or provide nursing care.

The QNMU supports the view that the Bill must protect victims of domestic and family violence. However, the QNMU opposes the exclusion of appeal of rights for some decisions from the Bill. This goes against the fundamental legislative principles regarding the provision of natural justice and procedural fairness.

## References

Chandler, R., Fletcher, B. & Volkow, N. (2009). Treating drug abuse and addiction in the criminal justice system: improving public health and safety. *JAMA*, 301(2), 183-190.

Kornhauser, R. (2016). The effectiveness of Australia's drug courts. *Australian & New Zealand Journal of Criminology*, 11, 1-23.