28 August 2017

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Email: [redacted]

Dear Sir/Madam

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

We refer to the letter dated 15 August 2017 seeking Submissions on the above Legislation by 28 August 2017. We take this opportunity to commend the work of the Committee and the Queensland Government in introducing legislative reform to better protect vulnerable Queenslanders.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System.

PACT is supportive of any legislative reforms that better protect vulnerable children and young people who have been victims or witnesses of crime. It is through our experience that we offer the following comments on amendments of relevance to the work we do supporting child victims of crime:

We support the primary policy objectives of the *Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Bill 2017* to include new sentencing options to respond to offenders whose criminal behaviour is linked to their severe drug and alcohol use. Sadly, many of the children PACT support are victims or witnesses of domestic and family violence often attributed to the offender's dependence on alcohol or prohibited substances.

We commend the Queensland Government for commissioning the Drug and Specialist Courts Review to develop options for contemporary best-practice principles and standards.

We fully support the need to clarify that an imposed sentence of more than 30 months imprisonment falls outside the scope of the Criminal Law (Rehabilitation of Offenders) Act 1986 and therefore, never becomes a 'spent conviction' and must be disclosed.

We further support the following amendments to the *Penalties and Sentences Act 1992:*

- Creation of a Drug and Alcohol Treatment Order to facilitate the rehabilitation of offenders leading to improved safety of community members.

George Street Post Shop, PO Box 12672, George Street Q 4003
Level 2, 415 George Street, Brisbane Q 4000
Website: http://www.pact.org.au
ABN: 38 133 812 087

Telephone: (07) 3006 9016
Fax: (07) 3006 2112
Email: [redacted]

- Eligibility for a treatment order to identify offenders with severe substance use which has resulted in the offence.
- A multidisciplinary team assisting the court to manage the administration and enforcement of treatment orders.
- Balancing punishment and rehabilitation – compliance with key conditions and a requirement to comply with a treatment program through a treatment order comprising punitive and rehabilitative elements that are directed to an offender's criminal behaviour as well as their substance use disorder.
- Consequence of non-compliance with a treatment order giving the Court a number of considerations and punishments to enforce when non-compliance is confirmed.
- Recognising compliance with a treatment order in regard to the extent of the offender's general compliance and willingness to be rehabilitated.

In relation to the proposed amendments to the Criminal Code, *Drugs Misuse Act 1986 and Justice and Other Information Disclosure Act 2008*, PACT is supportive of the amendments to extend the jurisdiction of the Magistrates Court to increase the penalties associated with imposing a treatment order. We also believe that this could reduce the burden on the District Court. The ability to share treatment order information will also enable services to be targeted to the most needed areas identified in evidence-based research.

PACT agrees with the amendments to the *Evidence Act 1977* to better classify the definition of protected witness and prescribed special offences. We are extremely supportive of prohibiting self-represented litigants (accused) from cross-examining a protected witness. This is especially important in cases were the witness is a child or young person.

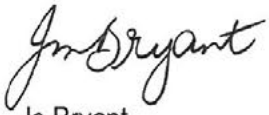
Regarding the amendments to the *Penalties and Sentences Act 1992* and *Police Powers and Responsibilities Act 2000* to clarify that a person is required to 'participate in' rather than 'attend' a drug diversion assessment program, PACT agrees with allowing a person to use electronic means to participate in the diversion assessment program and drug assessment and education session, and removes the need for the person to physically attend the program. We believe this could lead to better participation by removing the obstacles associated with personally having to attending, resulting in more successful rehabilitation.

PACT is very grateful to be consulted about this important issue. Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Mrs Jo Bryant, PACT's Chief Executive Officer on telephone [redacted] or email [redacted].

Thank you for the opportunity to provide comment on this valuable review. We trust our input has been of value.

Yours sincerely

Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer