



Speech by

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DRUG REHABILITATION (COURT DIVERSION BILL)

Mr FELDMAN (Caboolture—CCAQ) (12.50 p.m.): It is with pleasure that I rise to speak on the Drug Rehabilitation (Court Diversion) Bill 1999. Although both the CCA and I fully accept the concept espoused in the Bill, I have some questions that I will raise with the Attorney-General during my contribution. I note that other speakers have spoken about the causation and the problems associated with how people originally get into drug addiction. I would just like to refer momentarily to the Lindesmith Centre's report for the school drug education program. It states—

"Drug use carries with it both personal and interpersonal meaning and an inherent set of values which are dependent upon both the perceived benefits and negative consequences associated with use. Drug use occurs in young people as a result of complex and interrelated factors. These include peer group pressure, advertising, imitation of parents, boredom, the need to experiment and the individual's self image; the expectation that using will be a beneficial experience which enhances socialisation; positive experiences associated with an altered state of consciousness; the excitement of risk taking; the experience of social, economic and cultural change; and the lack of support and guidance."

Until society as a whole starts addressing a lot of those issues, drug addiction will just continue. Sure, drug rehabilitation programs and court diversion will be a positive step towards a lot of that rehabilitation, but until we as a society accept that we are failing and start addressing some of those real concerns, it will continue.

I, possibly more than many others in this House, have seen first-hand and up close the scale of drug abuse and the detriment to life that it brings. It not only destroys the life of the addict, but rips asunder the fabric and the life of the drug user's family. As a serving police officer, I remember an occasion when a five-year-old child of a known drug addict and dealer rang the police station to say that she could not wake up her mummy. The ambulance and the police arrived at the scene and we discovered the child's mother with the needle still in her arm, the loosened strap, the remnants of the deal still in the foil, the burnt spoon, the cold candle and an even colder body beside all of that. It was like a scene from the movie but, no, this is the reality of the life of a user and someone who, through her dependency, thought nothing of the life of her child in her care—her own flesh and blood. She was someone who thought nothing of inflicting this lifestyle on someone else just to support her own cravings.

Yes, she had worked as a single worker prostitute. She had been relocated to this area from another area following her assisting police in a "dob in a dealer" action. Nothing was able to be done with her to rehabilitate her or her circumstances. The only thing that was done was to get her away from the contacts she already had in the other area by relocating her to the area in which we found her. It was too little too late; it was obviously not enough help for her. I had arrested her many times in relation to drug offences and it was not long before she was fully immersed in the drug scene and the culture evident where I was working in Caboolture. It was also not long before she was dealing to support her own habit to numb the single sex worker life that she began to be involved in again.

This was not a scene that was new to me; it was a scene that I came to expect to see from my life in the Queensland Police Service. Due to my tenacious approach to my work, during my career I was transferred to what were then considered in policing circles to be a lot of the rough areas of

Brisbane. They included West End, Woolloongabba, Woodridge and Caboolture. In these areas I was also working in and out of plain clothes. However, in none of these places did the needless death through drug addiction change. Police were still, and are still, left to pick up the pieces of the ravaged lives that drug addiction causes. I agree with the Attorney-General's opening remarks in his second-reading speech when he said—

"The drug scourge has afflicted so many Queenslanders from so many walks of life for so long and to such an extent that it has become almost cliché to mention it."

I can assure the Attorney-General that it is not a cliché to any police officer. The police themselves have had enough as well.

Property crime is spawned by drug addiction and drug-related criminal activity. One of the burgeoning business opportunities in this and other States is in the second-hand dealing and the pawnbroking industries. Unfortunately, we do not seem to be able to stop property crime, because people will still steal, break into houses and take whatever other action is necessary to get money to support their habit. While we cannot control the drugs and while we cannot control the addiction, we will not be able to control the property crime.

However, I still believe that there is a very simple and inexpensive way that we can actually stop property crime, especially in relation to a lot of the electrical items, and that is to put a value on the serial number that is attached to any electrical item from a toaster to a stereo television set. Just as a motor vehicle has a VIN and an engine number and to sell one or to buy one without them is an offence, so should dealing in property without serial numbers. Any piece of property without a serial number should be regarded as stolen or unlawfully obtained. This would seriously cut the number of property offences and reduce the trade in stolen property. If we put a value on it, they would not be able to trade; they would not be able to sell it at a second-hand dealer and they would not be able to trade it with a pawnbroker.

But how serious are our insurance companies and the Government? This is one avenue that this portion of the non-Government side of politics is seriously looking at in terms of drafting a private member's Bill. I believe that federally it really needs only the flick of a pen by the Treasurer for this to become a reality, that is, to put a value on a serial number for any item of property to be dealt with. But how serious are we? This Bill is again only a bandaid measure. Until the money or the ability to make money is taken out of the drug trade, more and more of our teenagers and young adults will succumb to this scourge.

As I said before, the most surprising thing about ringing related family members of deceased drug addicts is that it is a call that they have all, unfortunately, been expecting for a long time. Most times it comes, unfortunately, as a form of relief. I have seen older parents taken from riches to poverty in trying to keep drug-addicted children out of prison or away from a violent death because of money owed to dealers. I have seen drug addicts con, fraud and destroy the fabric of their own families to support their own addiction. I have seen them sell off their own children for sexual gratification to others just to get their next fix. If there is a substandard of human existence, then the pitiful entrapment into the culture of drug addiction has to be it.

I personally have no feelings of pity towards those who know what a life of drug addiction is and yet suck in, cajole and con other people—friends, workmates, relatives, brothers, sisters or family—into such a degrading human experience as drug dependency. These people—the dealers, the pushers and the vultures—who prey on the young and the innocent do not deserve our pity but only condemnation for the way that they ply their trade. There is no remorse or mercy in their hearts and, yet, we as citizens of this country and of this State are being asked to understand their plight and to show them mercy and to show them pity. It is something that they themselves are not showing.

Even now some States have gone to the extent of providing a police free zone, such as shooting galleries, where these wasted lives can inject their illegally obtained drugs in a clean environment and be watched over by caring, medically trained staff. Thus, we as a society are being asked to give tacit consent to illegal drug use and, again, we see bleeding heart blindness putting the thin end of the wedge into our conscious thought to take a step closer to allowing totally free trade in drugs.

Members should take a look around now at the freedom we have to drink alcohol and smoke tobacco and what this has done to our society. With tobacco and alcohol we are trying to put the genie back into the bottle. Our hospitals are filling up with people suffering all kinds of smoking-related illnesses. The morgues are full of people who have died from smoking-related causes. As a police officer, I do not need to digress into the ills of society spawned by alcohol. Now the Socialist Left Governments want to allow shooting galleries. I just say, "Please, this is not a productive step from a thinking Government." I cannot for the life of me consider why some of the churches want to allow human life to degrade itself in such a way, especially in the presence of God. I note with some

applause that the Attorney-General in his second-reading speech noted that there is only so much we can do to help people and that they need to take some responsibility for themselves.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr FELDMAN: I continue what I was saying before lunch on the Drugs Rehabilitation (Court Diversion) Bill. I noted with some applaud that the Minister in his second-reading speech has noted that there is only so much we can do to help people, that they need to take on some responsibility for themselves. I also feel that it is incumbent on Government to provide every assistance for addicts and drug users to become drug free. It is also incumbent, as I stated before, to stop them committing criminal offences against society and home owners in order to support their illegal drug habit. It is good to note that the Minister has also registered that there is no dignity in drug addiction and drug use and that no addict can be considered to be a law-abiding citizen.

It is in this area that I raise my first question: at what price has the Minister progressed the point from only those offences under the Drugs Misuse Act 1986 that attract a maximum penalty of 15 years' imprisonment that may be dealt with summarily in the Magistrates Court to include those offences that currently attract 20 years' imprisonment and could only be dealt with in the District Court or Supreme Court? I note that some of those offences include unlawful trafficking of a dangerous drug of the type specified in Schedule 2 section 6(1)(b) where the person supplies a dangerous drug to another, whether or not such a person knows that the drug is a thing specified in Schedule 1; the offence of aggravated supply, which relates to section 1(c) and section 6(1)(b) if the offender is an adult and the person to whom it is supplied is a minor or intellectually handicapped or within an educational or correctional institution or the person to whom the thing is supplied does not know that he or she is being supplied with the drug. They are 20-year offences and the last relates to the aggravated supply to minors or to the intellectually handicapped.

I have received a lot of correspondence in relation to an article that appeared in the Courier-Mail on Wednesday, 7 July 1999. It would be remiss of me if I did not mention this, especially as one constituent from Bribie Island was so affronted that he came to see me at my office. The article relates to a student jailed for trafficking and states—

"Gaven ... Roshey, 23, of Runcorn, pleaded guilty to four drug charges, including trafficking heroin, possessing heroin and possessing a thing obtained by heroin between August 1997 and May 1998."

The court was told that Roshey sold heroin to an undercover police operative on the campus of Griffith University in Brisbane. When police raided the premises where Roshey was living, they found 10.6 grams of pure heroin, 11.7 grams of 40% pure heroin and some \$23,000 in his bedroom.

What affronted Mr Logan from Bribie Island so much was the fact that Justice Des Derrington sentenced Roshey to seven years jail for the drugs charges but recommended parole after only one year. Mr Logan thought that, after supplying heroin in an educational institution, especially a place like Griffith University, Gaven Roshey should have received a far more severe penalty and that his non-parole period should have been far in excess of the one year that was given. I guess we have to look at the whole circumstances surrounding that case, but I feel that it was probably a little lenient in the circumstances, especially when the drugs were being dealt on an education campus.

The Minister indicated that the drug court is not an escape clause. I say to the Minister that we are dealing with cunning and conniving dealers and pushers, as well as addicts. If we do not think they will use the drug court as an escape clause to a more lenient sentence option, we could be kidding ourselves. We have to be very careful about what we provide them with.

I note that the Minister says in his second-reading speech that if they do not cooperate with the program and if they do not successfully complete the program, the matter will revert to the jurisdiction of the Supreme Court. I spoke at length with the Opposition spokesman, the member for Warwick, in relation to this issue. I know that he will bring some amendments when this Bill is debated in the Committee stage. I will be looking very favourably at those amendments that deal with those 20-year provisions.

The Minister says that if they fail the program—that is, they return positive urine tests or fail to show up for appointments, continue to deal in drugs and get caught by police again or if they commit other crimes or property crime associated with drugs—they will be whipped straight back into the Supreme Court and they will not avoid the harsher penalties. I hope that that is the scenario—that is, if they do get caught doing these things that they are taken back to the Supreme Court and that they do receive the harsher penalties.

I agree with the member for Warwick. I was listening to him when he spoke in this debate. I know that there is provision under the Corrective Services Act to take urine tests, but I feel it should go further than urine tests in that perhaps there should be provision for blood tests, especially with the way drug users can hide some of the drugs and if the tests are not going to be done on a regular basis.

That is why I am contributing to this debate today. I wonder how many of these criminals facing what was a 20-year imprisonment penalty, knowing that they were going to face a severe lag in prison, will actually be denied acceptance to the program. I personally cannot believe that a drug dealing addict will not attempt to run with this program to stay out of prison. I do not know an addict that will not take the risk of getting caught again or at least have a jail term staved off for an inevitably short period. They certainly will take the gamble on what could only be random drug testing. We know that random drug testing is done over a two or three day period. Some of these drugs do not last that long in the system. These people will still take the gamble.

How numb will the courts be to further imprisonment when we have so many failing the program? How tough will the testing be when we have so many to be tested? If everyone is going to take the option, I wonder how many will be on the program and whether it will be blocked up to a point where it will not be workable. This is not a paying program, like breathalyser testing where law-abiding citizens are caught in a one-off offence and receive a severe cash penalty and pay up. I wonder where all the money will come from for the testing. I hasten to say that the only way to make it work successfully is to have constant and very regular drug testing.

My second question to the Minister also needs an answer. I cannot find anywhere in the legislation where an order can be made by a magistrate to actually force an addict or an offender on the program to submit to a drug test. Clause 24(1)(b) provides that an offender on the program can be forced to report to an authorised Corrective Services officer for drug testing, but I cannot see anywhere in that section where a drug test can be done forcibly. The offender must submit to medical treatment on the program, but medical treatment is certainly different from drug testing, just as breath testing is different from medical treatment. I suggest that the Minister may be relying on the Corrective Services Act for the authorised Corrective Services officer to conduct that test. However, I do not know whether they have the power to take a blood test, a medical procedure under the Act, which, I would suggest, would be required in some circumstances. I believe that this issue needs to be addressed, if only for the safety and the security of the prison officers. This needs to be spelt out a little more satisfactorily in this Bill.

The Minister and I know the bleeding heart story that will be put up by their barristers and QCs about how they have desperately tried to drag themselves out of their addiction and that desperation caused them to fail the program. The harsher penalties will not be there and the courts will not be concerned about the other children these criminals have turned into addicts. They will not be concerned for the other lives lost through their criminal actions. This will be just another soft option taken in the first instance.

These criminals deserve to pay back to society some of what they have taken out of it. I personally do not feel sorry for them. They deserve many of the additional requirements of an order to, in fact, be part of the order to satisfy the community that they are truly repentant for the crimes they have committed and that they do truly wish to rehabilitate. I really wish this program all the success that it should achieve. If only it receives the same amount of success that the Brooklyn treatment court has received, I believe society will be supportive.

We must be realistic, though, and not go soft on the 30% who will return to their drug dealing and using lifestyle after the program. We must not in any circumstances go soft on those who fail the program, especially those who return positive tests, and those who are throwing the efforts of the program back into the face of the society that is trying to reach out and help them. With the answers to the questions I have posed and perhaps an amendment in relation to the ability to take drug tests, the CCAQ will be supporting this Bill.
