



Speech by  
**Mr DENVER  
BEANLAND**

**MEMBER FOR INDOOROOPILLY**

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Hansard 1 March 2000

**DRUG REHABILITATION (COURT DIVERSION) BILL**

**Mr BEANLAND** (Indooroopilly—LP) (12.20 p.m.): In recent times, Governments have placed great emphasis on rehabilitation and diversionary programs. Certainly, the Federal Government has become involved by providing another \$110m over four years for diversionary programs as part of a larger package of well over \$500m provided to the States for drug programs. As the shadow Minister mentioned a few moments ago, the Opposition has been talking about drug courts for some time, and the Government has put forward this Bill.

Having said all of that, I think that it is fair to say that drug addiction is one of the great scourges of modern society. For whatever the reason people become addicted to drugs in the first place, once addicted, some people find it extremely difficult—almost impossible—to get off them. I agree with the shadow Minister, the member for Warwick, when he said that diversionary programs should not be seen as an easy sentencing option. It may be a most difficult and hard option indeed for some people who have a deep addiction to drugs and could involve them in much mental and physical anguish. Clearly, because of their addiction, some people will not be able to make it through the diversionary program: the effort will be simply just too great and they will fall by the wayside. We need to keep that in mind.

Although some people might abuse the system, those people who genuinely wish to take part in the program have to, firstly, go through the court process, be counselled, be assessed as to their suitability for the program and, once they are assessed as appropriate candidates for the program, go before a magistrate. Of course, the Opposition has already raised concerns about whether the Magistrates Court is the appropriate jurisdiction. However, once people have gone through that process and are accepted into the program, it is then a matter of whether or not their treatment is appropriate and can cater for their needs so that they benefit from it. Of course, the aim for those people is to get over their drug addiction.

This is a pilot, long-term program. As we know, one has already started in New South Wales. However, I do not think that we should expect immediate results, although it may be that a handful of people can achieve results overnight. Of course, there are thousands of people who are on drugs and who have committed no offences, but they will not be part of this pilot diversionary program. This program is for people who are somewhat hardened in their approach and have committed criminal offences. Nevertheless, I believe that the program will be worth while, provided long-term rehabilitation programs and treatment are put in place for these people.

I notice that the Bill and its attached document state that this program will be offered to people who have committed crimes of a non-violent and non-sexual nature or who have not committed a minor offence, such as common assault under section 340 of the Criminal Code. However, I have some difficulties with people who have committed drug-related offences but who also might qualify for this program. The legislation refers to prescribed drug offences and another offence prescribed under a regulation that is punishable by imprisonment for a term of not more than seven years. The shadow Minister in his speech indicated his concerns about the types of drug offences that those provisions may take into account, particularly the more serious drug offences such as trafficking, and I reiterate those concerns. After all, these days it is not just heroin; unfortunately, ecstasy, speed—a whole range of drugs—appear to be growing in popularity within the community.

Although it is fine to include some drug-related offences in these provisions, clearly people who have been convicted of drug trafficking are into drugs in a major way. In that regard, I want some clarification from the Minister as to their qualification for this program because the Bill is a little vague. I think that the Government will need to make it perfectly clear to the community exactly which drug-related offences are covered under this legislation and which are not, because it certainly is not clear. I have done some study of the Bill and one or two issues still need clarification although, as I say, the provision stipulating a drug offence attracting a penalty of not more than seven years' imprisonment is quite clear.

I seek clarification also as to whether it is a State-funded or a Commonwealth-funded program. As I say, there is well over \$500m in Commonwealth money, which will be added to in the coming months. The Prime Minister is pouring hundreds of millions of dollars of Federal funds into various drug treatment programs. I know members on this side of the Chamber have as their goal a drug-free society. We have to keep working towards that. It is cool to be clean. I say that because many young people seem to think that it is not. However, in language that they understand, I say that it is cool to be clean. I think that one of the great problems that we have today is that young people seem to think that it is the in thing to get on drugs. It certainly is not. It is soul destroying; it destroys people's mental and physical capacity in every way.

**Mr Springborg:** Family destroying.

**Mr BEANLAND:** I take that interjection from my colleague the member for Warwick: it certainly destroys families; it destroys individuals in every way. For example, addicted mothers give birth to drug-addicted babies. Drug addiction is soul destroying in every sense of the word. It is because drug addiction is so soul destroying and has such a major impact on society and that people experience such difficulty in rehabilitating themselves through treatment that the Federal Government is pouring in so much money. Drug addiction is a major issue for society throughout the nation. I notice that the Liberal/National Federal Government is pouring \$110m into diversionary programs. I ask the Minister: is the program funded by the Federal Government or is the State putting in some funding for it? If there is Federal and State funding, how is it divvied up?

I say that because it is not just a simple drug court, with the magistrate and the machinery that goes with it. On the one hand is all the treatment, which is where all the costs are going to be incurred. Huge amounts of counselling and work need to be put into various programs. I think members and the public need to be assured that there is funding available for these pilot programs. Is the money that has been allocated for these particular programs State or Federal money? There is a lot of Federal money out there for a range of diversionary programs. I understand that some of it might be spent on these programs, but I would like that to be clarified by the Minister. As I asked in my previous question about trafficking: what offences are going to be covered by this legislation? I do not believe drug trafficking should be included. I am not quite sure from reading this legislation whether trafficking is in or out, although I understand the other sections in relation to the Criminal Code are.

I turn to the issue of sexual offences. I heard the shadow Minister indicate that the Minister intends to move an amendment related to prostitution. I was going to touch on that issue, so I am pleased to hear that there will be an amendment. Unfortunately, quite a number of people in the sex industry are involved in drugs: unfortunately, it quite often comes with the business. We need to have a program within this legislation that includes those people. I take it that is what the amendment will do. We need to include those people within this legislation, because in many instances prostitution is a criminal offence for which people can be brought before the courts and then put onto a diversionary program.

That is fine for people who do something outside the law. However, sole prostitution operations are still legal. The brothel legislation that will come into effect on 1 July will not change the situation. Nevertheless, I am pleased to hear that an amendment has been foreshadowed. It will not do anything for the minors involved in the prostitution industry, because they are covered under different legislation, that is, the juvenile justice laws. That is not included in this particular diversionary program of the drugs court that we are debating in this legislation. Those minors will still be excluded from this type of treatment under this legislation.

Although the cost of these programs is enormous—and we are talking only about the hundreds of millions of dollars that the Federal Government is putting in; the cost of this pilot program will be several million dollars—the cost to the community not only of the people involved in drug addiction but also of the crimes that they commit is greater. It is fair to say that many of the burglaries and robberies that are committed are committed by people who are involved with drugs. That means an increased cost to the community generally, an increased cost to individuals who have to replace stolen items and an increase in the cost of insurance policies. If there is any violence involved, there is the cost of that as well. There is also the cost of treating these people. In some cases treatment is successful, but in many

cases it is not, particularly for those who enter methadone programs. Those people become further addicted.

**Mr Springborg:** Twenty years; is that successful?

**Mr BEANLAND:** I do not think 20 years is successful. It may take 12 months to a couple of years to cure people of their drug addiction. Nevertheless, I think it is fair to say that the cost to the community of drugs is enormous. The community as a whole needs to take some action in that regard.

This legislation does not cover needle exchanges, so I will not speak about that. Although we have not seen them as yet, I presume that some guidelines will be released. I would like some clarification from the Minister that there will be sets of guidelines and that they will be made public. That must occur in order for this whole operation to work. In the courts, which are very public instruments, there are rules for how the various systems operate. For people to have confidence in this program, we need to have rules under which magistrates are going to operate and guidelines on the types of treatment programs to be used. The public need to have confidence in these programs, and to ensure that that occurs those issues need to be made public.

The third issue I raise is that those guidelines be made public so that we have a clear understanding of exactly how the program is going to function. When one reads through the Bill, one finds that, as with most legislation, it does not cover those types of issues. I think it is very important that that be made clear. I say that because I do not want to see another harm minimisation program. "Harm minimisation" should mean that we set a goal of a drug free society, but that is not the result. Harm minimisation simply lessens the number of people who may become infected with HIV through needle exchanges. It does not get people off drugs.

Unfortunately, many of the programs that we have seen to date are harm minimisation programs. They are fine for a short time, but we should be aiming to get people off drugs. To do that, we need to put in place better programs. Those programs are available. Whether the health professionals believe it or not, there are good programs available. I say that because I hear regularly about many health professionals who seem to think it is fine for people to participate in harm minimisation programs, but those programs do not work towards getting addicts off drugs. I think we have to be working vigorously towards that end, otherwise the scheme will fail. After all, it is not there to divert people out of the courts and to make it easy for them. I have already covered that point. I do not believe that there is an easy road. The program is not there for that; it is a move towards the goal of a drug free society. I believe the community at large wants to see that goal achieved.

It is quite clear—and I totally agree with many of the comments of the Prime Minister and others—that many of the programs to date have failed the community. More and more addicts are staying on drugs for longer. Many of the programs should be pursued more vigorously, but there is a lack of funds as more effort is being put into harm minimisation. As I have said, that is fine in the short term, but it should not be a long-term goal. In some people's minds, that is what should be the aim.

I notice that offenders who enter these programs will be required to sign binding contracts. I hope that we are going to see the guidelines in relation to those programs, such as the types of contracts that they are going to be required to sign. As I said earlier, the success or failure of these programs will depend on community confidence. The community lacks confidence in many of our current so-called rehabilitation and treatment programs. I look forward to seeing those guidelines so that the public can measure the success of them and have confidence in the results.

I have referred to the issue of trafficking and the other drug issues that are covered by the Bill. I look forward to the Minister's reply to the matters I have raised. I, and I am sure all other members of the House, look forward to the success of this program. There is no one-size-fits-all approach. Every case is different. There is no one-size-fits-all program for any situation. Therefore, it is terribly important to have a range of programs. This diversionary program fits into that range. It relates particularly to people who come within the criminal justice system. It is an option for those people.

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