



Speech by

**Mr D. BRISKEY**

**MEMBER FOR CLEVELAND**

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Hansard 31 October 2002

**DRUG DIVERSION AMENDMENT BILL**

**Mr BRISKEY** (Cleveland—ALP) (12.26 p.m.): In his second reading speech, the Attorney-General spoke of the link between drug use, crime and the impact drug related crime has on our community. There is no doubt that it is a vicious cycle and one that demands a whole-of-government approach. But it is worth while remembering that, in addition to being a crime, drug use and addiction is an illness and, like any other illness, it needs to be treated.

In amending the Penalties and Sentences Act 1992 and the Juvenile Justice Act 1992, this bill provides eligible drug offenders who appear before drug courts with an opportunity to undertake drug assessment and education sessions and address their illicit drug use. Similar diversion legislation has been or is currently being implemented in all state and territories in partnership with the federal government's Illicit Drug Diversion Initiative.

Drug use is not a new phenomenon and it is not inherent to any particular community. However, it leads to a destructive cycle of crime and dependency and has an enormous impact on the drug user, their friends, family, co-workers and the wider community. The issue is one which threatens all communities and, more importantly, it is threatening our younger generations—our future.

The issue is not and should not be about politics. I think some members would agree that too often in the past we have seen the issues of drug use and drug related crime being bandied around in law and order auctions. Tackling these issues demands a bipartisan approach and I am confident that the partnership between the Commonwealth, states and territories in the National Illicit Drug Strategy is achieving this.

If the success of the Police Diversion Program since its inception in 2001 is anything to go by, I am confident that taking the next step and diverting illicit drug users away from the criminal justice system will prove to be another step in the right direction. In diverting eligible offenders away from incarceration and into treatment, we have a real chance of breaking their dependencies and the drug related crime cycle.

The provisions for young offenders in the Juvenile Justice Act 1992 allow for a more flexible response to young people involved in minor drug offences. While eligibility criteria for diversion remain the same, in accordance with the principles of the Juvenile Justice Act 1992, children will be diverted for assessment and education prior to sentencing. If the child fails to attend the session, they will be diverted back to the court and the offence dealt with. If the child attends the session, a finding of guilt is made with no further action taken. No conviction is recorded for the offence. This type of arrangement provides the child with some real incentives to move away from what could lead to a life of drug dependency and crime and remain outside of the criminal justice system. It gives me a great deal of pleasure to support the bill.

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