



Speech by

**Mrs D. PRATT**

**MEMBER FOR NANANGO**

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Hansard 3 September 2002

**DRUG REHABILITATION [NORTH QUEENSLAND COURT DIVERSION INITIATIVE]  
AMENDMENT BILL**

**Mrs PRATT** (Nanango—Ind) (3.34 p.m.): I support the extension of and recognise the importance of a further trial period to evaluate drug specific courts in regional areas. In particular, I see the importance of regionally based specific drug courts because of the growing influence of drugs and drug dependency in rural and regional areas that leads to increased crime. The drug problem can no longer be isolated just to major regional or city urban areas. It is only in the past few years that drug abuse has been recognised across all socioeconomic areas and is no longer isolated to the lower income, high unemployment areas. At all levels and in all areas there is peer pressure on our younger people to indulge in experimenting with so-called social or recreational drugs, and this can lead very quickly to drug dependency.

We are told in the National Strategic Framework Report 2001 that in the current trials on dedicated drug courts being held in Southport, Beenleigh, Ipswich, Cairns and Townsville more than 80 per cent of offenders are complying with their rehabilitation program. If this report is accurate, it makes supporting this bill worth while. As there are no limits on whom drug dependency can affect, this is a whole of society problem that will, or does, affect someone every individual knows through friendship or family.

It is an evil parasite on all of our communities, brought about by the greed of a few Mr Bigs. Every community has a potential Mr Big—or someone who wants to be—who not only knows the devastating consequences of drug addiction but who actively pursues the young to ensure a continuation of income. Quite frankly, I see these Mr Bigs as premeditated mass murderers and believe they should be treated accordingly.

Unfortunately, those who have been ensnared by their own curiosity, which usually results in addiction, then become the street pusher to the mass market. With that addiction comes a need for money to buy the drugs to continue to feed the addiction. With such a habit to feed, it can lead only to further and further crime. I believe we have to take into account the end user. Often, their youthful naivety, peer pressure and social pressures add to their need to experiment and to the reason why they become addicted to drugs. Every opportunity to aid rehabilitation and wean them off their life-threatening substance abuse is necessary.

I believe that, like most professions in life, one becomes more experienced in a particular field. Thus, a judge or magistrate in this instance specialising in drug cases will become more experienced in the motivation and reasons for drug related crime. As well as being fair and equitable in the effort to help rehabilitate drug related criminals, a judge should also be fully aware of his or her responsibilities to the community. Too often there is public outrage over inappropriate or lenient sentences for drug related or other crimes.

For most of us there is an easy distinction between the perpetrator and the victim of a crime. We are often disillusioned with judgments brought down by the court. For a judge, often this distinction between the perpetrator and victim is not easy to define. Because of the rights afforded each and every one of us by law, this line has become very narrow. It is hoped that, through the specialised drug court

experience, the fine line may be more easily tread by our courts in terms of handing down decisions which appease the victim but which also rehabilitate the criminal. If we can obtain the commendable aim of the drug courts of breaking the cycle of drug addiction and its related criminal behaviour by combining treatment services, correction programs, drug testing and court supervision as a complete rehabilitation program, it will be well worth further trials.

In this instance I have to agree with the Attorney-General's statement about the importance of trialling and evaluating specific drug courts. The principle that we all are responsible for our own actions and should readily accept whatever punishment is delivered is one which most in society believe should be unquestioned but which appears to be becoming lost in the ether. It is very hard for law-abiding citizens to accept as an excuse for criminal behaviour that the offender was under the influence of any form of drug, including alcohol, and that this is a mitigating and acceptable reason for their actions. Being the victim of a criminal with a drug habit, I doubt very much that the victim would look at the future wellbeing of the criminal but of their own personal loss. I believe that would be the attitude of most people. Drug addiction is a hard habit to kick and I would like to know the reoffending rate for the drug court trials already held. I note that there was nothing in the research trial. The result of compliance was noted at 80 per cent, but not the reoffending rate. The 80 per cent compliance rate is one about which I must ask the question as to whether or not this drug court is seen as a softer option by those who have been apprehended and who therefore choose this option. I know it is too early to get a true picture. It may take several years before a person reoffends by going back to their old habits.

I also believe that more should be done in terms of the truth in sentencing laws to support a special court. Last week an intoxicated young man in New South Wales was awarded almost \$50,000 for a crime he committed while under the influence of alcohol—a drug—because a hotelier hit him with a baton after catching him breaking into an upstairs residence. His mother was awarded \$18,500 for the trauma of seeing her injured son. Regardless of whether the young man was intoxicated or under the influence of a drug, the simple fact is that his judgment was mentally impaired through the use of a drug and the hotelier had no way of knowing the extent of violence the criminal would use when challenged. Ultimately, the hotelier has paid the price for protecting his residence. That man has now lost his hotel licence and spent more than \$100,000 in legal costs.

There are very few in the community who support such a decision. A poll of viewers on the *Today* show is proof of that. All but one of the more than 500 responses by email blasted the court's decision. It is decisions like this that cause people to have little faith that the courts will in fact uphold the fundamental right of the average man or woman in the street, and that is to feel safe in whatever premises they call home.

People now invariably avoid pushing matters to a court level after their first experience; the second time might prove that the first experience was the true one. They end up with a big burning hole in their pocket and with the feeling that justice is not being done. Many members might say that this is baloney. However, the victims of crime often believe that the court will lean more to the rehabilitation of a criminal than to the interests of the victim.

As stated in the research brief, worldwide and interstate trials of specific drug courts indicate that the results are more favourable than not, and this can only be seen as a positive result. It also appears that it is more time and cost-effective to have such courts, and that is also a plus. Only time will tell, but I have to commend this bill to the House in the hope that it is as effective as the government purports, for at least it is a positive step in addressing what has become, along with its associated domino effect, the most serious social crime of our country.