



Speech by

## John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

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### DRUG LEGISLATION AMENDMENT BILL

**Mr LANGBROEK** (Surfers Paradise—Lib) (2.51 pm): I rise to speak in the debate on the Drug Legislation Amendment Bill 2005. The bill will amend the Drug Rehabilitation (Court Diversion) Act 2000 to change the Drug Court that commenced in 2000 from pilot to permanent status. The changes are also aimed at introducing measures which will streamline the processes and procedures in the court and make the court available to a wider range of offenders. The bill will also amend the Drugs Misuse Act 1986 by introducing measures that reduce the amount of forensic testing that is required when a speed lab is detected.

Drugs continue to be a problem in our communities. Sadly, a cycle so often is illustrated—drug dependence by people who then offended are imprisoned, released and reoffend. On the Gold Coast the perceived threat of drugs is ever lingering. Only in October last year police arrested 17 people in drug raids between Broadbeach and Tweed Heads after a two-month investigation. Some \$90,000 worth of cannabis and \$35,000 worth of heroin was seized in this one hit. As a result, 17 people were charged. Drugs are also a concern in our respected but highly congested nightclub district. With the potential for drug peddlers to take advantage of this environment, it would be naive to doubt their existence, in particular when each year we have a swarm of young school leavers who hit our region.

I also have great concerns about the increasing tendency to refer to drugs as party drugs or recreational drugs. That is something that I have certainly noticed with young people who tend to say, when asked about drug use, 'Are you talking about recreational drugs?', as though the recreational aspect makes them somehow legitimate. I think we have to be very concerned to make sure that in our education processes we stress that drug use of any sort is not acceptable in terms of the dangers that it poses to people. That is something that we need to work on when considering the education processes. Before the pilot Drug Court began I believe our justice system struggled to provide a real alternative to offenders to empower them to break the cycle. I am the first to acknowledge that getting a jail record would affect people for a long time so it is important to find an alternative.

Let us be clear that I am not speaking of empowering the drug dealers and smugglers here; I am referring to those drug abusers who can be rehabilitated and whom the program is focused at. This is why the establishment of the Drug Court as a permanent court has my support. It provides an alternative. Through its available program of drug treatment, support to participants and indirectly support to participants' families, the program offers participants a chance to change their lives and overcome their addictions. Anything that could potentially break the cycle of drug use and drug related offences and indeed empower Queenslanders will gain my full support. The community is better for it. Related crimes should lower, eventually saving resources and thus more Queenslanders will be living fulfilling lives in our great state.

The flexibility in the court's directions and program is something that should be preserved. Of particular interest to me, as shadow minister for public housing, is the ability of the Drug Court to support offenders and their families through the provision of supported housing. The fact that the bill will allow more offenders to undertake rehabilitation by changing eligibility requirements of the current act is commendable. The south-east Queensland drug courts were evaluated by the Australian Institute of Criminology, the AIC, in 2003. The evaluation report found that recidivism was significantly reduced for

those who completed the Drug Court program and few graduates reoffended once they completed the program. Where reoffending did occur, the average time to reoffending was longer than for comparison groups. These are results worthy of attention.

A review of the Drug Court itself was conducted by the Department of Justice and Attorney-General. It looked at legislative issues relating to the court and procedural matters. The major recommendations of the Justice and Attorney-General review were that the pilot status of the Drug Court be removed, that eligibility requirements for participation in the Drug Court program be made consistent between the south-east Queensland and north Queensland drug courts and that legislative changes be made to provide more clarity and consistency in the court's processes. I believe this bill does aim to achieve most of these recommendations.

One final matter, as I have mentioned before, that I always have concerns about is the reversal of the onus of proof. Unfortunately, this bill does through the evidentiary provisions introduced in proposed new sections 131 and 131A partially reverse the onus of proof. I do note the last sentence in the Attorney-General's second reading speech which says that, if the defendant does challenge the evidence, the prosecution will still be required to prove their case in the usual way.