



Speech by

Peter Lawlor

MEMBER FOR SOUTHPORT

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JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mr LAWLOR (Southport—ALP) (3.36 pm): This bill proposes a range of amendments to legislation within the Justice portfolio to improve the operational efficiency of the legislation. These include a range of refinements to the Drug Court Act 2000 which underpins the operation and jurisdiction of the Drug Court, one of a number of initiatives that the Queensland government has introduced in its concentrated efforts to develop innovative and proactive solutions to drugs in our community. Other initiatives include the Drug Court Diversion Program for illicit drugs and the Queensland Magistrates Early Referral Into Treatment program.

The amendments themselves are straightforward. The first, introduced by clause 52, removes the unnecessary requirement for persons to appear specifically before a Drug Court. Any Magistrates Court can refer a person for an indicative assessment. Similar refinements are introduced by the other amendments in this part. The amendment introduced by clause 52 also provides some practical adjustments to the legislation to introduce some control over the geographical location of the defendant and the availability of services and resources. To date, the Drug Court has operated in Cairns, Townsville, Ipswich, Beenleigh and Southport. Unless someone came before one of those drug courts, the provisions of this particular act could not apply to them. That was quite unfair and this is a logical amendment. Further, the amendment aims to ensure that non-Queensland parolees will not be given preferential treatment or advantages over Queenslanders.

It is important to note that the amendments do not impose any additional restrictions on the eligibility of persons before the Drug Court. Section 6 of the Drug Court Act 2000 already provides that to be 'an eligible person' for the purposes of the act, the person must satisfy specified criteria including any criteria prescribed under the regulation.

Section 6(2) states that a regulation may require that the person be someone who resides in the stated locality. Currently under the Drug Court Regulation 2006, the residence eligibility requirements apply to both indicative assessments and full assessments on referral from a Drug Court magistrate. The regulation also requires that if an intensive drug rehabilitation order is made, a person must reside in a stated locality for the Drug Court before which the person is appearing.

The amendments are simply intended to clarify the regulation-making power in section 6(2) to make it clear that the regulation can require that a person be someone who resides in a stated locality not just at the time of making the order but also at other times. This is consistent with the objectives of the Drug Court and therefore necessary to ensure that eligible persons are able to participate to the greatest extent possible in any relevant supporting programs.

The link between substance abuse and crime is well documented with research showing that a high percentage of persons arrested for any offences admit to current, regular illegal drug use. The Drug Court Act 2000 provides a sentencing option called an intensive drug rehabilitation order to divert drug-addicted offenders from prison by suspending a term of imprisonment on the condition that they undergo an intensive treatment and rehabilitation program which is usually 12 to 18 months in length. This provides

sufficient time for habitual patterns of behaviour to be challenged, reducing the level of drug dependency and, as a consequence, reducing offending behaviour. The Drug Court program also has flow-on effects to the community through families that are kept together and supported, crimes that are not committed and criminal justice and welfare system resources that are saved.

The Drug Court targets people charged with more serious drug related offences where they face a sentence of imprisonment. The Drug Court was piloted for six years in the magistrates courts in south-east Queensland and north Queensland, as I have previously mentioned, in Cairns, Townsville, Ipswich, Beenleigh and Southport. It is now a permanent court established under the Drug Court Act 2000 and operates in the five Magistrates Courts that I have mentioned. The Drug Court program locations have been chosen because of their access to available rehabilitation services. It should be appreciated that these services do not exist in all court locations.

The operational objective of the Drug Court is to combine the supervision of the judicial process with the resources and support services available through alcohol and drug treatment services. The Drug Court program is a coordinated service delivery program utilising partnerships between seven public sector organisations—that is, the departments of Health, Justice, Corrections, Police, Housing, Communities and Legal Aid Queensland and community based rehabilitation and support agencies to provide intensive and timely interventions to drug-addicted offenders.

The criteria for admission to the program include that the applicant should be an adult and resident in an area supported by a Drug Court program. Admission to the program is for serious offenders facing imprisonment who are drug dependant and who have committed offences because of that dependency. Violent and sexual offenders are not eligible for the program.

Australian Institute of Criminology evaluations of the drug courts indicate more favourable recidivism outcomes for graduates compared with non-participant groups. Even those participants who did re-offend did so at a significantly reduced level. A third evaluation, a recidivism study of the first 1,000 graduates over a two-year period since graduation, is currently being finalised by the institute.

The Drug Court program is expensive. There has been \$1.5 million allocated to the Department of Justice and Attorney-General for ongoing operations of the Drug Court for the 2007-08 financial year. The total amount allocated for the Drug Court is \$13.453 million. The Drug Court program delivers significant returns to the community such as reduced health risks for members of the community and a reduction in crime. However, the number of Drug Court participants on intensive drug rehabilitation orders is capped. These caps are necessary to maintain control, guarantee access to services and maintain service quality levels in the treatment of Drug Court participants. The Drug Court successfully operates in the Magistrates Court jurisdiction, avoiding the cost of sentences usually managed in the Supreme and District courts. The Drug Court also avoids the high cost of imprisonment by diverting suitable offenders into intensive community based supervision. For instance, for those who have graduated from the program, the combined total of sentences which were avoided by suspension of jail sentences and admission to rehabilitation is 4,057 months—that is, 338 prisoner years.

In summary, these changes are common-sense changes in relation to drug charges and I commend the bill to the House.