




Speech By  
**Hon. Yvette D'Ath**

**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 24 October 2017

**PENALTIES AND SENTENCES (DRUG AND ALCOHOL TREATMENT ORDERS)  
AND OTHER LEGISLATION AMENDMENT BILL**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (4.55 pm), in reply: I thank the honourable members for their contributions to the debate on the Penalties and Sentences (Drug and Alcohol Treatment Orders) and Other Legislation Amendment Bill 2017. As I have indicated in earlier speeches, this bill delivers on the government's election commitment to reintroduce court diversionary processes and programs into Queensland's criminal justice system by facilitating the establishment of a drug and alcohol court. This bill continues to build upon this government's record of introducing criminal law reform that is evidence based and is the result of thorough consultation with relevant stakeholders.

The re-establishment of the drug and alcohol court, which is provided for in the bill, has been informed by a comprehensive review of best practice in special court and court diversionary approaches in Australia and internationally to address alcohol and other drug use associated with offending. The Drug and Specialist Courts Review was tabled in this Assembly on 13 June 2017.

The bill introduces a new sentencing order, the drug and alcohol treatment order, into the Penalties and Sentences Act 1992. That order will facilitate the rehabilitation of offenders by providing a judicially supervised, therapeutically orientated and integrated treatment regime with the aim of addressing an offender's severe substance use disorder, reducing their involvement in criminal activity and aiding their reintegration into the community.

The Criminal Code, the Drugs Misuse Act 1986 and the Justice and Other Information Disclosure Act 2008 are also amended in this bill in order to support the creation of the drug and alcohol treatment order. The bill also contains miscellaneous criminal law amendments that are not related to the drug and alcohol treatment order. Those amendments relate to the Criminal Law (Rehabilitation of Offenders) Act 1986, the Drugs Misuse Act 1986, the Evidence Act 1977, the Penalties and Sentences Act 1992 and the Police Powers and Responsibilities Act 2000.

I will now address some of the matters that were raised by honourable members during the course of this debate. I acknowledge the contribution of the Minister for Health, who referred to the hypocrisy of those opposite. I want to single out the member for Condamine and thank him for his contribution, because it was a genuine, heartfelt contribution. It showed that he truly understands the importance of investing in diversionary programs such as those contained in this bill.

The fake shock of those opposite to costs and delay in relation to establishing this Drug Court is absolutely extraordinary. The member for Mansfield in his contribution to the debate listed a number of drugs, including MDMA, and said that these drugs had been on the rise since 2012. That was when the LNP came to government. Yet, in his speech today, the member for Mansfield pointed to the increase in the use of these drugs during the time that the LNP was in government as justification for why this bill should have been introduced sooner, that we should have re-established the Drug Court sooner than now. That is extraordinary, because the only reason the parliamentary committee had to spend time travelling throughout this state taking evidence was that the LNP scrapped this court. The only

reason we are spending time in this chamber right now debating this bill is that the LNP, when it was in government, scrapped this court. In fact, on 5 June 2015, when the former attorney-general moved the amendments to repeal the former Drug Court Act, he stated that the decision to cease funding for the Drug Court was necessary to return Queensland to a stronger fiscal position. That shows the lack of understanding of LNP members, particularly the now Leader of the Opposition, who was treasurer at the time, and their obsession with short-term cost cutting.

The members opposite fail to understand that, when you scrap initiatives such as the Drug Court, when you scrap diversionary programs, when you scrap funding for community organisations, for women's shelters, for work programs, for training programs, for programs that help the most vulnerable and disadvantaged in the community, you are not saving money. You are costing money in the long term, you are costing government in the long term because, if you do not intervene, if you do not provide these supports, these people become entrenched in disadvantage.

Those people who will come to the drug and alcohol court will be entrenched in the criminal justice system, costing taxpayers much more in the long-term than any short-term savings by scrapping these sorts of courts. It is extraordinary to listen to those on the other side say that we have been dragging our feet, doing nothing—sitting on our hands apparently—for the last 2½ years. I feel sorry for the members of the Legal Affairs and Community Safety Committee who have had before them 30 pieces of legislation in my portfolio alone in this term of government plus other ministers' bills that have been referred to them. Apparently we have been sitting around doing absolutely nothing, sitting on our hands. Those on the opposite side talk about the costs already expended in undertaking a comprehensive review to re-establish this court—again costs that would not have had to be incurred if the Drug Court had not been scrapped in 2013 to begin with.

I want to explain to those on the other side—as just about all of them criticised this government for taking time to actually reintroduce this court—what we have been doing in all of this time. We have been re-establishing the Murri Court that was scrapped by the LNP; re-establishing the Special Circumstances Court; re-establishing court ordered youth justice conferencing; getting rid of VLAD; fixing up the issues in the judiciary and the legal profession; scrapping boot camps; bringing back independence to the Crime and Corruption Commission; bringing transparency back to political donations; fixing up civil partnerships and bringing back civil partnership ceremonies; bringing in seven domestic and family violence bills; and, finally, introducing the ID scanners that those opposite legislated for but never implemented. That is just to name a few of the things we have been doing.

We have heard the hypocrisy of those on the other side who want to play politics with domestic and family violence. If we want to go there, let us be honest: the only bill that the opposition debated when it was in government around domestic and family violence was a private member's bill brought forward by the member for Inala who was the Leader of the Opposition at the time. Those in government at the time, those sitting on that side criticising us today, opposed that private member's bill in full.

**Mr Watts** interjected.

**Mrs D'ATH:** I welcomed the task force. It was a joint task force. That was no excuse to reject the private member's bill that could have helped victims of domestic and family violence back then. LNP members walk into this chamber today and say it has taken us three years to do things when they chose not to introduce any legislation to provide any assistance when they were in government. That sort of hypocrisy has to be called out. It is absolutely appalling.

I want to address a very important issue that the member for Mansfield raised. He asked a question in relation to special witness protections and in relation to the changes that we are making where an accused who is self-represented could potentially cross-examine a complainant victim in those circumstances. Some on the other side appeared to make an imputation that in fact we had allowed for vulnerable witnesses to be put in this difficult position because we did not address this at the time we introduced the bill. I did not see the LNP raising this issue at the time either. The fact is that this was not identified at the time. Consequently, it was not in the bill. I can advise that on the issue of special witness protections the government has received advice from the Office of the Director of Public Prosecutions about the growing use of strangulation charges and the possible risk to witnesses. This government has done the right thing by taking responsible action and bringing in an amendment to address this potential risk.

In terms of the number of cases of the more than 1,100 charges involving section 315A, the DPP can advise of just two self-represented accused involved in cases of strangulation charges in a domestic setting. To the best of my knowledge, from the information I have been advised, these matters have not progressed to trial at this stage. The information I have received to this point is that we have not had this situation arise yet. We have the opportunity to rectify this this evening and we should do so. That is what good governments do. They listen, they identify where there may be gaps or loopholes in legislation and they address it as soon as they possibly can.

In conclusion, I once again thank all honourable members for their contribution during the debate. I thank the stakeholders who contributed to this process—the same stakeholders who I have no doubt whatsoever in 2013 told the government not to do this when the LNP was in power. They have not changed their views since 2013. There is no doubt they would have given those submissions at that time. I welcome that they have continued to stand by their submission and put it to the parliamentary committee in this process. I thank the experts who used their expertise to develop this strong model and the departmental officers of DJAG who have worked so hard for this positive outcome. I once again acknowledge the court workers, the police, the ambulance officers and the front-line health workers who have to deal with the consequences of people who are under the influence of drugs and alcohol. I thank the health minister for outlining what action he has already taken to deal with ice across my department and across the Police Service. This is a multiagency strategy because it is a whole-of-government and whole-of-society problem. Every single one of our communities are affected by drugs and alcohol. None of us are immune to it and we need to take whatever action we can to deal with it.

I am very proud of our government for not just bringing the Drug Court back, but the initiatives we are taking on all of these issues. I acknowledge again the member for Condamine who acknowledges that early intervention and these sorts of diversionary programs work and they are needed. In fact, it can be applied to so many areas of what this government is doing. There is criticism from those opposite on youth justice. Intervention of this type can change lives. So many lives are damaged and hurt because of drugs and alcohol and crime generally.

If we can implement initiatives such as early intervention diversionary programs that can turn people away from crime—and the younger the better—then we can actually make society better for everyone and make our communities safer. That is how to get real outcomes: not tough-on-crime rhetoric, but actual evidence based, smart policies on crime. This bill does that. This is another election commitment proudly delivered by the Palaszczuk Labor government. I commend the bill to the House.