



Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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**POLICE POWERS AND RESPONSIBILITIES AND OTHER LEGISLATION
AMENDMENT BILL 2022; POLICE POWERS AND RESPONSIBILITIES AND
OTHER LEGISLATION AMENDMENT BILL 2023**

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (4.55 pm): I rise to speak in support of the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023. This government has a demonstrated record on strengthening our laws where it counts. Increasing the penalty for the offence of trafficking to life imprisonment brings Queensland broadly into line with other jurisdictions and is consistent with the offence of aggravated supply of dangerous drugs. The bill also expands the diversionary response to low-level drug offending. The expanded police drug diversion program will amend the eligibility criteria to eliminate barriers around participation, expand the definition of 'minor drug offence' to include different drug types and offences and introduce a tiered approach to drug diversion. The evidence clearly demonstrates that providing a health response to this type of offending instead of a criminal justice response is vital to reducing reoffending and has many social, criminogenic and economic benefits.

There are many underlying factors that can contribute to low-level drug offending including victimisation and trauma history, including domestic family and sexual violence, mental health issues, poverty and homelessness. Drug use can often lead to a pathway of further offending, at times escalating to result in a sentence of imprisonment. In 2021 the Palaszczuk government established the independent Women's Safety and Justice Taskforce which brought together experts from various fields and was led by the Hon. Margaret McMurdo. The task force heard from hundreds of women and girls about their experience within the criminal justice system and I want to acknowledge and thank the many women who spoke out about using drugs to cope with or forget about other traumas in their life, particularly domestic and family violence. To divert women from offending behaviour and ultimately from custody, the task force in its second report recommended increasing the use of adult cautions and police drug diversion and the expansion of diversion for small amounts of illicit drugs in addition to cannabis. In implementing these recommendations, both types of diversion are included in the new three-tiered diversionary response. We are also taking action to establish a legal advice hotline to support the expanded adult diversion options which was also recommended by the task force.

Diversionary programs also play an important part in reducing the number of Aboriginal and Torres Strait Islander peoples entering the justice system. The Australian Human Rights Commission's Wiyi Yani U Thangani report, led by Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar AO, recommended expanding diversionary options at the earliest contact with police. Commissioner Oscar spoke to over 2,000 women and girls from over 50 locations around the country and emphasised the importance of diverting women from the criminal justice system. One woman told the commissioner—

But what they should look at doing, because they are mostly minor offences ... those women then losing their kids and their homes and everything. Look at alternative pathways to dealing with our women rather than putting them in prison for these minor offences.

The Palaszczuk government is committed to breaking the cycle of reoffending by increasing the health response to what is primarily a health issue. The call for the expansion of the police drug diversion program has also been strongly advocated for by the Australian Medical Association Queensland, and the government has listened. The AMAQ called for this expansion to treat substance use as a health issue, address the underlying causes of substance use, encourage help-seeking behaviours and increase contact with the health system.

The AMAQ's position is informed by the insights and experiences of a multidisciplinary team of experts on the Queensland Drug Law Reform Roundtable. In 2019 the Queensland Productivity Commission found that diversionary options were being underutilised in Queensland. It found that imprisonment is an expensive response to crime. It is estimated that each diversion done by way of warning saves over \$2,000 and each diversion done by way of treatment saves around \$9,200 in criminal justice costs.

The Palaszczuk government is committed to delivering innovative projects that reduce demand on the criminal justice system. It is why we have established the Criminal Justice Innovation Office to identify, develop, implement and support initiatives to address the increasing imprisonment rate in Queensland. This bill strikes the appropriate balance between holding serious drug offenders to account and ensuring that individuals who would more appropriately be diverted away from our criminal justice system are provided with the treatment that they need. I commend the bill to the House.