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A Drug Court for the County Court

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MR MORRIS (Mornington) (18:06): It is a pleasure to join the debate this evening on the Justice Legislation Amendment (Drug Court and Other Matters) Bill 2020.

Of course the centrepiece of the bill is, and most of the debate has been about, the creation of a Drug Court within the County Court of Victoria. But of when a bill is entitled 'and other matters', there are a range of other matters that are related in the sense of the justice legislation but not particularly related to the issue of drugs.

They are: changes to the Charities Act 1978 with regard to providing the Attorney-General with an express power of delegation in respect to powers and functions under that act; changes to the Limitation of Actions Act 1958; changes to the Victorian Civil and Administrative Tribunal Act 1998; and—I think this is a very important one—changes with regard to confidentiality for proceedings under the Voluntary Assisted Dying Act 2017.

I think all members, regardless of their position on the original act, would probably be supportive of those changes. There are also some changes to the operation of the Youth Parole Board under the Children, Youth and Families Act 2005, particularly an expansion of the eligibility for the chair and, I believe, the creation of alternate chair positions or some flexibility with regard to that.

But of course the centrepiece, as I said, is the creation of a division of the County Court to deal with drug cases for a period of three years, to be evaluated after two years of operation—a specialised division targeted at offenders with complex needs, whether that be drugs in the common sense or alcohol, which of course we know is the drug that, despite the ravages of ice, still does the most harm in the Victorian community.

Those people are being targeted because we know that those who have a dependency on drugs and those who have a dependency on alcohol do have a higher risk of recidivism—not only recidivism but escalating levels of criminal behaviour, which if it is allowed to continue without intervention simply leads to a revolving door of crime and effectively a life entirely wasted and, under our system at least, spent mostly within the prison system. The aim of the bill is to intervene, and there are some figures around the success of that. I will come back to that in a minute.

I wanted to make some comment first about the apparent divide or the alleged divide in policy approaches between the two sides.

Certainly there is a difference of views between the opposition and the government on a range of matters when it comes to drug policy, but I think it is fair to say overall and for a very long period, while there might be differences at the edges, the approach is pretty much bipartisan. And the key point is that we all—and have historically from the days of certainly the Hamer government on, when drug policy started to become an issue—treat drug addiction in Victoria as a health problem. That is what it is.

The Minister for Corrections was talking about the approach in New Jersey and a range of other places and suggesting that there was something strange about the Republican Party actually being a proponent of the measures. I think the important thing is that many US states are now starting to realise that genuinely drug addiction is a health problem and you do not—and we recognised this early on—not solve the problem of addiction with incarceration.

If you look at the numbers of people that are in US prisons simply because of possession of drugs or because they have smoked a few joints, it is mind-boggling and it is scary. Certainly, there have been a number of initiatives in terms of developing a diversionary approach, which is quite different to the mainstream US approach.

One that I know has been particularly successful relates to defence veterans, who have a high preponderance of addiction, and literally thousands of veterans over the last few years have got their lives back on track and got themselves out of the justice system in the US because of the success of that diversionary program.

As I say, in Victoria we recognised the benefit of that approach a very long time ago, but when you go and see it in action, as I did some 13 years ago with the Drugs and Crime Prevention Committee in a number of US states, the difference in the approach is stark.

While it might be okay for the government to try to score a few debating points in here and have an argument around the edges, I would suggest that the general course on this policy has in fact been pretty much bipartisan. In fact I think the Minister for Corrections was making a claim that all the initiatives have come from the Labor side of the table—well, that is actually not true.

But if the majority has come from the Labor side, given the number of years Labor has been in government over the last two decades—

Mr Carroll: You were here for four years.

Mr MORRIS: Yes, we were there four years—you have been there 17 years, and if you look at the number of initiatives per term, I would say we are well in front.

I did want to just make the point about the introduction of the first family drug treatment centre in the last coalition government. That is a significant initiative which has worked very, very well.

Let us not suggest either that there is some great chasm in terms of policy or that all the good ideas come from one side, because neither of those arguments is true.

With regard to what is proposed with the Drug Court, I do not intend to go through the detail, but I did just want to make the point that the evaluation which was undertaken in 2014 by KPMG found that between July 2010 and June 2013 the program had been successful in reducing overall offending.

There are a couple of key findings: a 31 per cent lower rate of reoffending for the Drug Court of Victoria, the Magistrates Court, compared with the control cohort under that study, and a 34 per cent lower rate of reoffending. Those are good outcomes. You would like to think they could be better, but it is certainly worthwhile.

I guess the only concern I have frankly is that it has taken as long as it has to get from that evaluation in 2014 to the legislation in 2020. I would have liked to have seen the wheels of justice turning a little more hastily in this context.

There are some concerns with regard to the cost of administering drug courts.

If you look at them on a per offender basis, they are not cheap to operate. On the other hand, if you look at the cost to the community of having that higher rate of recidivism, that higher rate of incarceration, that is not cheap either.

lyou are talking about an estimated cost per offender of almost \$300 000, and that is up significantly—54 per cent in three years—so I think that is an issue. But in the context of the benefits there is no argument.

There are some issues around who is eligible; the member for Caulfield laid those out. But beyond that I think it is important that we recognise what we have in common when it comes to treating drugs and not try and score points on what might be minor variations.

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