



Compulsory Drug Treatment Correctional Centre Bill.

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [11.16 a.m.]: I move:

That this bill be now read a second time.

I am very pleased to introduce this significant Government initiative, which was announced by the Premier in March 2003. The bill provides a comprehensive legal basis for Australia's first compulsory drug treatment correctional centre, which the Government plans to establish by the end of 2005. The Compulsory Drug Treatment Correctional Centre will target a hard-core group of offenders with long-term drug addiction and an associated life of crime and constant imprisonment. It is for offenders who have failed to enter or complete other voluntary or court-based treatment programs.

The program sits at the end of the continuum of drug diversion programs in New South Wales aimed at breaking the drug-crime cycle. Eligible offenders to the program will be sent to a special correctional facility dedicated to abstinence-based treatment, rehabilitation and education. There will be intensive judicial case management of these offenders, in close partnership with the correctional authorities as well as health and other service providers. The compulsory drug treatment program will build on the productive justice and health system linkages already established for programs such as the Drug Court program. Offenders will be gradually reintegrated back into the community and targeted with support after completion of their program and even beyond parole. The aim is to achieve better outcomes for the State's most desperately entrenched criminal addicts by assisting them to become drug free and crime free, to take personal responsibility, and to achieve a more productive lifestyle.

Earlier this year the Premier released the bill as draft exposure legislation for a period of public consultation. The bill was advertised in the press and on the Internet and was sent to 48 targeted individuals and organisations. I am pleased to advise the House that the consultation process indicated general support for the bill. Fifteen submissions were received, including many constructive comments from the Director of Public Prosecutions, the Chief Magistrate of the Local Court, the NSW Ombudsman, the Legal Aid Commission, the Law Society of New South Wales and the Acting Privacy Commissioner. A number of refinements were made to the bill in response to the submissions.

The Chief Magistrate advised that he supports the introduction of the legislation as an important crime prevention measure that will supplement rehabilitation initiatives already introduced, that is, the Cannabis QUIT program, the Magistrates Early Referral into Treatment program and the present Drug Court regime. The Chief Executive Officer of the Enough is Enough Anti-Violence Movement advised that members of his organisation "totally support this forward thinking approach". The Network of Alcohol and other Drugs Agencies also indicated its support for the bill.

The Government has been pleased to draw on the experience and expertise of the Drug Court during the drafting of the bill. There has been strong personal involvement from senior Drug Court Judge Neil Milson, who travelled to the United States of America last year and looked at similar programs operating there. I also acknowledge the contribution of Emeritus Professor Ian Webster, chair of the New South Wales Expert Advisory Group on Drugs, who has given significant advice on the proposals. Professor Webster is participating on the interagency Compulsory Treatment Task Force, which was formed to undertake detailed planning for the New South Wales program.

Initially, the New South Wales compulsory drug treatment program will deal with one hundred adult male offenders. After two years, if successful, the program will be extended to female offenders. The proposal is being modelled on similar programs in America and the Netherlands. Overseas experience suggests that compulsory treatment is an effective way to deal with repeat drug offenders. The Government has committed \$6 million in funding over two years for the initial operation of the compulsory drug treatment program. The new correctional centre will be established by modifying an existing stand-alone secure wing at the Parklea Correctional Centre. Capital funding of \$1.5 million has been set aside for this purpose. Offenders in the program will be kept separate from other inmates in the correctional system. I will now outline the key features of the bill.

Schedule 1 amends the Drug Court Act to provide for certain eligible convicted offenders to be referred to the Drug Court of New South Wales for assessment for the compulsory drug treatment program. To be eligible for the program, an offender must appear to have a long-term drug dependency, must have been convicted of and sentenced to imprisonment for an offence related to the offender's drug dependency and lifestyle, and must have been convicted of at least three other offences in the previous five years. The offender's sentence must be long enough for an eighteen month to three-year compulsory drug treatment detention program.

Serious offenders convicted, at any time, of offences such as murder, manslaughter, sexual assault, firearms-related

offences or commercial drug trafficking will be excluded from the program. Offenders with a serious or violent mental condition, illness or disorder which could prevent or restrict the person's active participation in the program will also be excluded. Offenders with mental disorders or illnesses co-existing with drug dependency problems may, however, be included in the program if they do not come within this exclusion. Their mental health needs will be addressed as part of the program. The Drug Court will have the power to order an offender who is assessed as eligible and suitable to serve his or her sentence on the compulsory drug treatment program, or the Drug Court may decline to make such an order in view of the circumstances of a particular case.

Schedule 2 amends the Crimes (Sentencing Procedure) Act to include compulsory drug treatment detention as a new form of custodial sentence that may be imposed on an offender. Schedule 3 amends the Crimes (Administration of Sentences) Act. The objects of compulsory drug treatment detention are specified and focus on effectively treating offenders' drug dependency, reintegrating offenders into the community, and preventing and reducing crime.

The bill provides for compulsory drug treatment detention to consist of three stages: stage one, closed detention, where inmates will be incarcerated in the Compulsory Drug Treatment Correctional Centre for intensive drug treatment and rehabilitation; stage two, semi-open detention, where offenders will live at the centre but spend time outside in employment, training or other approved programs; and stage three, community custody, which is similar to home detention. During this stage, the offender will move to semi-open independent living but remain under intensive supervision, including electronic monitoring.

Under the bill, a compulsory drug treatment personal plan will be drawn up to provide the basis of each offender's treatment and rehabilitation program. In addition to drug treatment, inmates will be taught, inter alia, social skills, preparation for the job market, management of debt, and management of leisure time. The Drug Court will order an offender's progression to the next stage of the program after a minimum of six months if they have complied with their personal plan; or they may be ordered back to an earlier stage if they fail to comply.

The Drug Court will be responsible for the approval of leave for offenders from the centre during stage two, semi-open detention, and stage three, community custody, and will make orders for their intensive community supervision during those stages. The Commissioner for Corrective Services will have the power to order the removal of an offender from the program or their return to earlier stages if any security or other concerns arise that need to be addressed quickly. The Drug Court will be required to review those orders within 21 days, or such further time as the Drug Court considers appropriate. In doing so, the Drug Court must give substantial weight to any recommendations of the commissioner.

There is a scheme of rewards for compliance with the program, and tough sanctions for breaches of it. Serious breaches could see the offender returned to the regular prison system, and this may be taken into account by the Parole Board when the offender comes up for parole. Persons involved in administering the program, for example health professionals, will have certain obligations and protections in respect of providing information about offenders to the Drug Court and others.

The bill provides the basis for a drug-free program through its power to make regulations which will cover stringent search procedures, random and periodic drug testing, and restrictions on physical contact visits during stage one. It also provides the power to make regulations about providing offenders with post-release case management services and other services upon their release from the compulsory drug treatment program. This will include ongoing mentoring and linkages to housing and employment. Overseas experience suggests that this type of post-release support is extremely important for offenders to prevent them returning to drugs and crime. The bill requires a review of the program to be conducted during its first four years of operation, consistent with the Government's evidence-based approach to drug policy.

The enactment of this legislation is a high priority this year to help facilitate planning for the new centre, as well as for the comprehensive program of treatment and rehabilitation which will be provided to offenders. The development of regulations providing the basis for the administration of the program will be part of this planning process. There will be another public consultation process with regard to the regulations before they are made. I commend the bill to the House.

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