

Ms Emma Wood  
Committee Manager  
Joint Select Committee on Sydney's Night Time Economy  
Legislative Assembly  
Parliament House  
Macquarie Street SYDNEY 2000

Email: [NightTimeEconomy@parliament.nsw.gov.au](mailto:NightTimeEconomy@parliament.nsw.gov.au)

Ref EAP19/6430

Dear Ms Wood

## Responses to Questions on Notice

Thank you for your correspondence of 24 July 2019 regarding Questions on Notice to the Department of Communities and Justice (the Department) from the Joint Select Committee on Sydney's Night Time Economy (the Committee).

As your questions were asked of the Department, the answers below do not take into account advice from separate statutory agencies or office holders within the Stronger Communities Cluster, such as the NSW Police Force, who may have a role in addressing alcohol related violence.

Reducing and preventing alcohol related violence requires the involvement and efforts of agencies across the NSW Government. If the Committee has not already done so, it may be of benefit to seek input from the Department of Premier and Cabinet who have previously coordinated whole of government efforts in this area.

Please find responses to the questions from the Committee below.

### **What role does the Department of Justice have in providing education regarding alcohol-related violence?**

Within the Department, the Bureau of Crime Statistics and Research analyses statistics on the prevalence and nature of alcohol related violence and evaluates programs designed to reduce alcohol-related violence. This work is released publicly on the Bureau's website and both educates the public about trends and risks associated with alcohol related violence, and informs future policy development.

Youth Justice includes AOD related psycho-education for young people in contact with the criminal justice system through a cognitive change intervention called Changing Habits and Reaching Targets. Given a large number of young people in Youth Justice have used alcohol or other substances all young people receive the psycho-education. This module is also delivered to young people who participate in the Youth on Track early intervention scheme.

Within Youth Justice centres, teaching staff in the schools deliver occasional drug and alcohol lessons as part of the Personal Development, Health and Physical Education curriculum and Justice Health and Forensic Mental Health Network deliver health lessons including workshops on illicit drugs.

### **Does the Department of Justice have any policies or strategies that target alcohol related violence, or excessive alcohol consumption?**

*Supporting the Attorney General and Minister for Police to ensure an effective legal framework to deter alcohol related violence*

The Department supports the Attorney General and Minister for Police to ensure there is an effective legal framework in place to act as a deterrent to alcohol related violence.

Department of Communities and Justice

Postal address: Locked Bag 10, Strawberry Hills NSW 2012

W [www.facs.nsw.gov.au](http://www.facs.nsw.gov.au) | [www.justice.nsw.gov.au](http://www.justice.nsw.gov.au)

T (02) 9377 6000 | TTY (02) 8270 2167

ABN 36 433 875 185

In 2014, the NSW Government introduced a package of legislative amendments to deter alcohol related violence. The amendments included:

- a new offence in section 25A of the *Crimes Act 1900* (the Act) of assault causing death punishable by a maximum penalty of 25 years imprisonment if intoxicated and 20 years imprisonment if not intoxicated
- a mandatory minimum sentence of eight years imprisonment in section 25B of the Act for persons who commit assault causing death while intoxicated, and
- a new rule in section 21A(5AA) of the *Crimes (Sentencing Procedure) Act 1999* to prevent self-induced intoxication being taken into account as a mitigating factor on sentence for any offence.

In 2017, a statutory review of sections 25A and 25B of the Act was conducted on behalf of the Attorney General and the Minister for Police.

The review concluded that the policy objectives of the amendments to the Act remain valid.

The review recommended that a further review be conducted as soon as practicable after 31 January 2020 to provide the Government the opportunity to consider in detail the operation of the offences under section 25A of the Act, and the mandatory minimum sentence under section 25B of the Act.

#### *Safer Community Compact Grants*

Local Government Councils with Safer Community Compacts are able to apply for crime prevention project funding under a grants scheme. Funding of up to \$75,000 can be provided for each project. In recent years, the following Wollongong City Council and Byron Shire Council have been awarded funding under this program for projects with an identified alcohol related violence focus. The Department has also funded youth diversionary programs which have health lifestyles components, this includes drug and alcohol education.

#### *Safe Space – Thomas Kelly Youth Foundation*

The Department has provided funding to the Thomas Kelly Youth Foundation to run the Safe Space program. Safe Space is an alcohol and other drug harm reduction program. It operates a secure location and mobile services providing assistance to vulnerable intoxicated persons and operates at Town Hall, Darling Harbour, and Kings Cross. The program is guided by a Steering Group that discusses operational issues. The Department is represented on this group.

A funding agreement for 2019-2020 was recently signed by the Secretary between the Department and the Thomas Kelly Youth Foundation. In addition, the Department is funding an evaluation of the program by the National Drug and Alcohol Research Centre.

#### *Relevant committees and working groups*

The Department is represented on working groups relevant to elements of the Sydney CBD Entertainment Precinct Plan of Management, particularly public utility, safety, transport, licence compliance and issues, operational issues and research.

While responsibility for the NSW Government response to the Callinan review rests with another NSW Government agency, the Department will continue to ensure that safety, particularly relating to alcohol and other drug anti-social behaviour and violence is a core consideration.

#### *Magistrates Early Referral Into Treatment (MERIT)*

MERIT is a program available in most Local Courts in New South Wales that provides the opportunity for adult defendants with substance abuse problems to work, on a voluntary basis, towards rehabilitation as part of the bail process.

MERIT teams, based in NSW Health or non-government organisations, conduct an assessment after which the defendant may be accepted into MERIT to receive targeted drug or alcohol treatment (at selected courts, the MERIT Program is available to defendants with a primary alcohol issue). A MERIT treatment plan is developed to match the defendant's individual needs.

Defendants are closely case-managed by the MERIT team throughout the Program and the Magistrate receives regular reports on the participant and able to consider the defendant's progress in treatment as part of final sentencing.

*Programs provided by Corrective Services NSW (CSNSW)*

Corrective Services New South Wales (CSNSW) provides group rehabilitation programs to offenders both in custody and the community based on strong research evidence that appropriate programs can reduce the rates of re-offending.

Programs offered by CSNSW include:

- EQUIPS Addiction: Addresses addictive behaviour and provides participants with a pathway to support services;
- Criminal Conduct and Substance Abuse – Pathways to Responsible Living: Delivered as the core program at the Compulsory Drug Treatment Correctional Centre and Intensive Drug and Alcohol Treatment Program this is a high intensity cognitive behavioural therapy intervention;
- Intensive Drug and Alcohol Treatment Program for men;
- Yallul Kaliarna (Intensive Drug and Alcohol Treatment Program for women);
- Intensive Drug and Alcohol Treatment Program Access: Intensive alcohol and drug treatment program for those with low cognitive functioning and/or intellectual disability;
- Intensive Drug and Alcohol Treatment Program Throughcare: A community reintegration service to enable offenders to prepare for their re-entry to the community;
- Sober Driver Program: Assists offenders to understand the consequences of drink driving and helps them to formulate strategies to avoid drink driving in future;
- Remand Addiction: Modified version of EQUIPS Addiction.

*Programs provided by Youth Justice*

Youth Justice provides evidence-based programs to address alcohol and other drug issues including:

- The alcohol and other drugs module within Changing Habits and Reaching Targets (CHART): A cognitive-behaviour intervention delivered to all young people in community and custody as well as for young people in the Youth on Track early intervention scheme;
- X-Roads: An interactive cognitive-behavioural model of intervention for young people with significant substance misuse issues;
- Dthina Yuwali: An Aboriginal specific, staged AOD program based on the relationship between substance abuse and pathways to offending; and
- The Rural Residential Rehabilitation Adolescent Alcohol and Other Drugs Services: Offers an intensive program in a residential setting to address young people's alcohol and other drug misuse connected with their offending behaviour. Operates in Dubbo and Coffs Harbour for young people in contact with Youth Justice and Youth on Track across NSW.

I trust these responses are of use to the Committee.

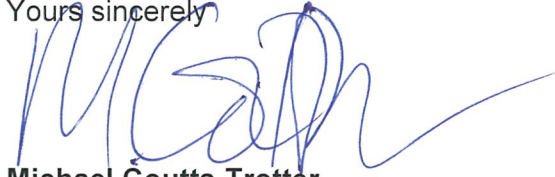
**Invitation to appear on 12 August 2019**

I thank you for the invitation to send witnesses from the Department to appear at a public hearing on 12 August 2019. As you will note from the responses provided above, the Department does not have lead strategic or policy role in relation to alcohol-related violence, but rather delivers a variety of programs and grants that target alcohol-related offending generally. Accordingly, I have determined that it is not appropriate to send any witnesses from the Department.

I note that you have directly approached the Bureau of Crime Statistics and Research with a list of questions, which they will provide answers to separately. I understand that they have also offered to appear at the hearing.

[REDACTED]

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Coutts-Trotter', with a long, sweeping horizontal line extending to the right.

**Michael Coutts-Trotter**  
**Secretary**