

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

Organisation: South Eastern Sydney and Illawarra Area Health Service - MERIT
Name: Mr Terry Clout
Position: Chief Executive Officer

Legislative Council Standing Committee on Social Issues
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Committee

Re: Inquiry Into Closing the Gap – Overcoming Indigenous Disadvantage

Thank you for requesting a submission in relation to the Inquiry. We appreciate the opportunity to provide information about the Magistrates Early Referral into Treatment, (MERIT), Program and why we believe our specialist service works well with indigenous clients.

MERIT is a specialist program based in Local Courts that provides the opportunity for adult defendants with drug problems to work, on a voluntary basis, towards rehabilitation as part of the bail process. MERIT is funded by the Commonwealth Government and began with a pilot program based in Lismore in July 2000. The evaluation of this pilot indicated a reduction in recidivism rates as well as an improvement in the overall health and welfare of the program participants. The MERIT program has now been extended to 61 of the 148 local courts in NSW (6 of which are in the Illawarra/Shoalhaven catchment area). The program was officially launched in Wollongong in February 2001 and in Nowra in December of that year.

The Illawarra/Shoalhaven MERIT program is staffed by a manager with qualifications in psychology who also carries a small caseload, 2 job share administration officers, 5 full-time counsellors and 1 counsellor working 1 day per week. The counselling team consists of an intern psychologist, 2 psychologists, 1 specialist Aboriginal Counsellor with postgraduate qualifications in Social Health and 2 generalist counsellors. Most of the counselling staff has had extensive experience in the drug and alcohol field.

Referrals to the MERIT program are accepted from services that include the Magistrates, solicitors, police, Legal Aid and the defendants themselves. Following a comprehensive assessment the participant may be accepted into the MERIT program to receive targeted drug treatment or referred to a more appropriate service.

The MERIT treatment program is developed to match the defendant's individual needs and the Court will make the defendant's involvement in MERIT a condition of bail. Defendants are closely case-managed by the MERIT Team throughout the program and the Magistrate receives regular reports on the participants' progress. The final hearing and sentence generally, but not always, coincide with the completion of the program. Magistrates are then able to consider the defendant's progress in treatment as part of final sentencing.

The MERIT program allows defendants to focus on treating their drug problem in isolation from their legal matters. Therefore, the program is designed so that agreement to become involved in the MERIT program is not an admission of guilt for the offence(s). Treatment generally commences prior to any pleas being entered.

Eligibility Criteria

- Suitable for release on bail
- An adult with a demonstrable illicit drug problem (excluding alcohol as the primary presenting problem)
- Deemed suitable for drug treatment
- Approved to participate in the program by the Magistrate
- Willing to consent to a drug treatment program

Exclusion Criteria

- Involved in offences related to significant violence or sexual assault, or matters that will be heard in the District Court
- Alcohol as initial drug of choice

The treatments available to participants of the MERIT program include;

- Detoxification (mostly in an inpatient facility, but at times home detoxification is considered a viable treatment option.)
- Methadone, Buprenorphine and other pharmacotherapies
- Residential rehabilitation
- Individual and group counselling (The Illawarra/Shoalhaven MERIT program is establishing specific group programs including a women's group, a relaxation group and several other groups to be identified after an investigation of client needs is completed). One clinician is at present jointly facilitating an aboriginal men's and youth group in the Nowra area.
- Case management and welfare support and assistance (this includes assisting with advocacy to address housing needs, educational needs, crisis accommodation in cases of domestic violence as well as areas identified as specific to the client in the assessment process.)

During the bail period participants will;

- Undertake the drug treatment program as agreed between the Caseworker, the Magistrate and the participant.
- Abide by all conditions of bail and the MERIT program undertaking.
- Have the support and guidance of their MERIT Caseworker.
- Appear before the Magistrate to provide an update on treatment progress.

If bail conditions are not met in that the participant fails to attend two or more appointments, commits further offences or does not comply with any other bail conditions, the situation will first be considered by the Caseworker and discussed with the client and then the court will be notified.

The completion of the treatment program usually coincides with the hearing or sentencing of the outstanding court matter(s). Failure to respond to the MERIT drug treatment program will **not** be dealt with by punitive measures. If convicted of the offence(s) as charged, any penalty will relate to that offence only and not to any failure to respond to treatment.

During the 12 week program, the presiding Magistrate is provided with an initial assessment report stating whether the client meets the suitability criteria to enter the program and a preliminary treatment plan which is continually reviewed throughout the treatment phase. The client's matters are then adjourned, usually for 4 weeks, and treatment begins. At the end of that period another progress report is submitted and another 4 week adjournment is sought from the magistrate.

At this stage treatment's focus is on disengagement, progress is evaluated and aftercare options are discussed. Following this period a final report is presented to the court. This final report is a comprehensive document outlining the client's presenting issues and drug use, the treatment plan and the progress made towards that plan. The Magistrate is also provided with aftercare options that may assist the participant.

Aboriginal and Torres Strait Islander client participation in the MERIT program

During 2006 a study into Aboriginal participation in the MERIT program, (compiled by Michael Cain and published by Crime Prevention Division, NSW Attorney Generals Department), indicated that between 2nd July 2000 and 21st October 2004 around 13.7% (853) of all people referred to the MERIT program identified as Aboriginal or Torres Strait Islander. 122 of the indigenous people participating in MERIT at this time were in the Illawarra/Shoalhaven.

The Mental Health and Drug & Alcohol Office, NSW Health has provided funding to the Aboriginal Health & Medical Research Council for a two year project to address lower completion rates of MERIT programs by Aboriginal participants. The AH&MRC are working in consultation with identified Aboriginal communities, MERIT program staff and the broader community to develop a 'best practice' model to better engage and retain Aboriginal offenders in the program.

There are a few factors that we believe makes the Illawarra/Shoalhaven MERIT program more accessible for indigenous people. One of the major contributing factors is the advantage of having a highly educated and experienced Aboriginal Drug & Alcohol clinician working from our Shoalhaven office. This designated position is beneficial in providing clients with an indigenous worker from their local

community who they can trust and feel comfortable in the knowledge that he understands first hand the plethora of issues that affect the Aboriginal community in the Shoalhaven. This clinician also assists in providing culturally appropriate information to the community and other services regarding the MERIT program and its benefits to participants.

The Aboriginal Drug & Alcohol clinician has also implemented a cultural understanding training program within the service which has given all other staff the opportunity to learn about the significant issues surrounding working with indigenous clients and practical skills to assist them in their clinical work. This position has also given the Illawarra/Shoalhaven MERIT program the advantage of having an indigenous client specialist available to consult with should any indigenous specific issues arise.

Another factor we believe has contributed to the Illawarra/Shoalhaven MERIT program's success to date, (particularly in terms of indigenous referrals), is the strong working partnership the program has with local Aboriginal services.

Shoalhaven staff work closely with Aboriginal Legal Services and Circle Sentencing co-ordinators to assist in streamlining the referral process for Aboriginal clients attempting to enter the MERIT program. The MERIT program has a strong partnership with the Aboriginal Legal Service which has the added benefit of providing continued support for existing clients to assist them to successfully complete the 12 week treatment phase.

Maintaining close working alliances with services such as Probation and Parole, Mental Health Court Liaison, the Aboriginal Medical Services, and other drug and alcohol services, assists this program in providing clear pathways and access to treatment for indigenous defendants.

The MERIT program also maintains good working relationships with local residential rehabilitation programs such as Oolong House, Kedesh Rehabilitation Services and the Wollongong Crisis Centre, all of whom have funding for dedicated MERIT beds.

This again has the benefit of streamlining the referral process, treatment, and aftercare.

Future Areas of Interest for the MERIT program in the Illawarra/Shoalhaven Area

Rural Alcohol and Drug Program (RAD)

A pilot program commenced in Orange in 2004 and Bathurst in 2005 based on the general operating principles of the existing MERIT program, with an inclusion of individuals with alcohol as the initial drug of choice.

The Illawarra/Shoalhaven MERIT program looks forward to the outcomes of the pilot study with a view to a possible expansion of services that can be offered to prospective participants.

The development of a group program that includes relaxation training and women's and men's process groups is currently one of the major focuses devoted to improvement of the Illawarra/Shoalhaven MERIT Program.

We appreciate the time given to us to introduce the MERIT program to the Committee and to identify the strengths we believe enable us to attract and retain indigenous clients in the service. The MERIT program remains committed to continuous assessment and improvement to achieve the best possible outcomes for the participants and the community at large.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T Clout', with a stylized flourish at the end.

Terry Clout
Chief Executive

Date: 12/3/08