

**Submission  
No 3**

**INQUIRY INTO THE PROVISION OF DRUG  
REHABILITATION SERVICES IN REGIONAL, RURAL AND  
REMOTE NEW SOUTH WALES**

**Organisation:** Orana Law Society

**Date received:** 4 December 2017

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**REGIONAL  
LAW SOCIETY**  
— recognised by —  
**THE LAW SOCIETY  
OF NEW SOUTH WALES**

**ORANA LAW SOCIETY**

28 November 2017

The Hon Greg Donnelly,  
Chair  
Portfolio Committee 2 – Health and Community Services  
Legislative Council  
Parliament of NSW

Dear Mr Donnelly,

**Submission to Legislative Council Inquiry into the Provision of Drug  
Rehabilitation Services in Regional, Rural and Remote NSW**

Orana Law Society is a regional law society of the Law Society of New South Wales, based in Dubbo and representing those involved in legal practice in this region. Nearly all lawyers practising in this region are members.

We welcome this inquiry and the opportunity to make these submissions.

We wish to do so against the following background that:

1. The NSW prison population is continuing to increase and the proportion of Aboriginal people in prison is increasing at an even greater rate;
2. Whilst deterrence remains a significant sentencing principle it is well recognised that the principle is not supported in logic or experience. See Chief Justice Bathurst's Keynote Speech to the 2012 Legal Aid NSW Criminal Law Conference (Annexure 1);
3. Alcohol in particular is a very significant driver of violent criminal behaviour and domestic violence in particular;
4. The use of prohibited drugs and notably Ice in recent years is a significant contributor to criminal activity in its use and distribution and also in the related criminal behaviours of users and addicts in order to obtain those substances;
5. The State devotes significant resources to the detection and policing of drugs and particularly Ice distribution by way of controlled operations but no resources in the provision of residential detoxification and rehabilitation facilities. The cost of and effectiveness of these policing activities need to be measured;

- 6 The costs to the Justice and Corrections systems in processing persons charged as a consequence of the above policing activities also need to be measured.

Against the above background the Orana Law Society makes the following points relating to the unavailability of bail and sentence options to persons in the criminal justice system in general and in regional, rural and remote NSW in particular.

1. There is no Drug Court in regional, rural and remote NSW and there are no detoxification or residential facilities or other infrastructure which would be necessary to support a Drug Court;
2. The Compulsory Drug Treatment Programme provided at the Parklea Correctional Centre pursuant to Part 2A Drug Court Act is unavailable to offenders who reside in regional, rural and remote NSW;
3. No intensive drug and alcohol treatment programs such as that available at the John Moroney Correctional Centre are available to offenders in regional, rural and remote correctional centres;
4. Outpatient treatment options are not adequate or appropriate for many persons charged with criminal offences. This is because of the level and nature of the crimes and drug and /or alcohol issues;
5. NSW Health does not provide detoxification facilities at major hospitals in regional, rural and remote NSW;
6. The MERIT Program is unavailable to persons in custody and persons charged with strictly indictable offences. We understand that the Department of Justice is currently reviewing the MERIT programme. In our view it is important that that the program be extended to include both persons in custody and persons charged with strictly indictable offences;
7. In the Orana region the MERIT program is available at Dubbo and Wellington only. In our submission the program should be available at all locations where the Local Court sits;
8. Corrective Services protocols and procedures fail to adequately facilitate assessment procedures for residential drug and alcohol facilities. See Corrective Services NSW, Policy for Processing Court Requests for Alcohol and Other Drug Residential Rehabilitation Reports, EDRMS D14/646055 (Annexure 2);
9. The Inquiry may be assisted by the comprehensive directory of services in NSW prepared by the MERIT program which is attached as Annexure 3 As far as we are aware this is the most complete and up to date list of services. The Inquiry will note that the only facilities in the Orana Region

are Orana Haven near Brewarrina (about 20 beds and only for men) and Mac River (less than 10 beds and for children aged 13 to 18);

10. Some service providers refuse to assess or accept persons from custodial environments and/or are the subject of Court mandated orders such as conditions of either bail or bonds. The Lyndon Community consistently refuses to assess or accept persons from Corrective Services custody into their programmes;

The Orana Law Society thanks the Committee for this opportunity to contribute to its Inquiry. We hope that your deliberations will lead to proper resourcing of residential facilities in our region to help the community address these issues.

Yours Sincerely,

Andrew Boog  
President