

Legislative Council

Hansard

Thursday 20 June 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

SENTENCING AMENDMENT (ALCOHOL TREATMENT ORDER) BILL 2024

(No. 7)

Second Reading

[3.30 p.m.]

Ms WEBB (Nelson) - Mr President, just a short contribution from me. Others have gone through in some detail and asked some excellent questions that I am keen to hear the answers to.

I am incredibly pleased to see this bill before us. It has been a long time coming. For a long time there has been an identified need to expand this therapeutic jurisprudence approach from beyond just the illicit drug side of things into also incorporating dependence on alcohol as a basis on which to access this form of response in our criminal justice system.

Therapeutic jurisprudence is valuable. We can be hard-headed about it and think of it in just pure economic terms. As the member for Hobart pointed out quite accurately, it is incredibly cheaper to support people in this way rather than incarcerating them in a prison. I would also prefer to think of it as more effective on a personal level for those involved. It is much more productive and effective, in a rehabilitative sense, to provide people with support to help manage and move past the issues they are having with drug or alcohol dependence which factor in their criminal behaviour, and to help them to repair that, rather than simply be punished for it in an incarcerated environment which will make it worse and put the community more at risk.

This is a win, win, win. It is an economic win but, much more importantly, it is an important win for the individuals involved and for our community more broadly. This is an excellent development. It is a simple thing. It is, quite frankly, puzzling that it has taken this long.

I will be very interested to see over time how effectively we implement it. The proof is in the pudding - when we can demonstrate, with confidence, that not only have we put this and the structures to deliver it in place, but that we are appropriately funding it; that we have the appropriate services that we can apply the funding to - to support the people who are involved.

Others have already discussed the places available within those capped spots across the state. I agree that it would be incredibly unfortunate to think that somebody might miss out because we have reached the cap. We certainly do not want that to happen.

I asked in the briefing, and I will put it on the record here, if there was any modelling done to inform us about what we might expect, particularly in this first couple of years of operation prior to a review being done. What might we expect to see in terms of numbers

coming through as a cohort under these new arrangements relating to alcohol? I would have thought, since we have had the TLRI and the Sentencing Advisory Council looking at this and advising us to go down this path for some time, we may have been monitoring the people who are coming through the courts and being sentenced currently in other ways when their criminal offence has related to alcohol dependence. We might have captured that data and have a good idea about how many to expect. That may not have occurred. It would be good to have it confirmed, whether we know what to expect.

I certainly imagined that one of the most likely cohorts who would be eligible for this arrangement would be people who have had repeated driving under the influence offences and, invariably at this point in time, have to end up being incarcerated for short periods of three months or six months. That is not helpful to anyone. Other than overtly putting them off roads for a while, they come out and then are back on roads. Nothing has been done to assist with their alcohol dependence and the situation that they went into prison with. If we are able to direct even just that cohort of people into a much more effective, much more compassionate, much cheaper option, then that is a positive for our state.

I note, and I believe others have mentioned as well, that we can have co-occurring issues for somebody whose criminal offending has been related to both drug and alcohol dependence and that is awkward. I was reassured though to hear that although one or the other would have to be identified as the primary basis on which to access a treatment order through this mechanism, the other aspect can also be accommodated in terms of the services and supports that are linked to and the requirements put in place. Hopefully, that works well. I imagine that will be something that we will learn a lot more about at the time of the review, three years down the track, so we can see the degree to which that has been a factor for people coming through the program and whether the current arrangements in place have accommodated that well or otherwise.

Mr President, that is probably the extent of my contribution. As I said, I am very pleased to support this bill. I am pleased about the amendment made in the other place to pop an independent review in there. There is nothing like an independent review to tell us how well we have done and whether we need to make further tweaks. It is never 'set and forget' for any legislation. For these sorts of programs that we are bringing in as new or adding into existing programs newly, we need to always be looking to how we can improve or tweak to make it more effective. Thank you to the staff for providing the briefing this morning and to the government for bringing this through and putting it in place.