

NSW DRUG COURT CONFERENCE

Friday 6 February 2009

The Honourable John Hatzistergos

Attorney General of New South Wales

Allow me to begin by acknowledging the traditional Aboriginal custodians of this land and pay my respects to the Elders – both past and present.

Today it is my pleasure to join all of you in formally opening the 10th anniversary celebrations of the NSW Drug Court.

This conference is a chance for celebrating, reflecting and looking towards the future.

We have with us, representatives from the Court itself, from the justice sector in other Australian states, as well as staff and policy makers from the Court's partner agencies.

We are also joined by academics and researchers whose work enriches the Drug Court program. I welcome you all.

The Bureau of Crime Statistics and Research, headed by Dr Weatherburn, and UNSW's National Drug and Alcohol Research Centre, headed by Professor Richard Mattick, have been involved from the beginning in ensuring the Drug Court was established on a sound evidence base.

Theirs and other research has kept us on the right track by documenting and measuring the Court's success, and showing us where we could do better.

Through meticulous and meaningful research they continue to ensure that the Drug Court contributes to our understanding of how the justice system can better respond to offenders with drug problems.

When the Government announced the groundbreaking trial of the Drug Court 10 years ago it was just that: a trial.

The drug issue was complex and we needed to find out what worked and what didn't.

Only by engaging the most respected researchers to provide frank feedback could the Court and other drug programs expect to continue, develop and improve, and indeed, to influence policy in other States and even other countries.

We are reminded today that the Drug Court was not only established to assist offenders trapped in a cycle of drugs and crime but also to improve community safety.

Ten years ago Sydney was facing a terrifying increase in drug-related deaths and drug-related crime.

The community was concerned and quite rightly dissatisfied with traditional court processes that seemingly failed to bring about change.

Without appropriate Government intervention the drug problem was at risk of spiralling out of control.

The Drug Court, with its collaborative approach between all parts of the legal system aimed not only at improving the health and wellbeing of those caught up in the drug-crime cycle but also at reducing crime.

The personal stories of successful Drug Court participants are moving and inspirational.

But let us not overlook the broader benefits of the Court.

The Drug Court has been successful in providing both individual offenders and the wider Sydney community with much better outcomes.

For every individual assisted, families and communities are made safer and stronger.

Evaluations

The Drug Court, like many of the programs trialled by the NSW Government following the 1999 Drug Summit, was innovative and evidence-based but it needed to demonstrate its value to the community.

The Court has been continually reviewed and twice subject to major external evaluation.

An initial evaluation in 2002 showed positive signs but improvement was needed.

The legislation was solid, but operational arrangements needed to be fine-tuned and nussed out between the Court and its partner agencies.

And the Court rose to the challenge!

Increased investment was made in IT, in pharmacotherapy and in regular training for staff and others.

The Court listened to what its partners needed, and learnt from experience. According to a very recent study by Dr Weatherburn:

Drug Court participants are now 17% less likely to be convicted of any offence 30% less likely to be reconvicted of a violent offence, and

38% less likely to be reconvicted of a drug offence when compared with drug dependent offenders who go to gaol.

A separate report released late last year by the Centre for Health Economic Research and Evaluation confirms that the Drug Court has improved its efficiency and is a valuable investment by the community.

When compared to prison, the Drug Court saves the New South Wales taxpayer more than \$1.75 million a year.

So in case you we're wondering: it works!

Judiciary

In ten years there have been three Senior Drug Court Judges, and all have served the Court and the community with distinction.

Judge Helen Murrell was responsible for the Court in its early years.

She had the daunting task of taking a radical piece of legislation and a newly created network of services, and fashioning them into a unified, functioning program.

She did so effectively, establishing the culture of innovation and constant review that continues in the Court today.

She was followed by the late Judge Neil Milson, who combined a passion for the jurisdiction with an empathy and respect for the offenders undertaking the program.

Judge Milson worked tirelessly with partner agencies, with the Judicial Commission and with the Court's dedicated staff to consolidate the program within the justice system.

Judge Milson's death in 2004 was a great loss, but the philosophies he articulated and the practical systems he implemented have guided and served the Drug Court well.

Judge Roger Dive was appointed Senior Drug Court Judge in 2004 and has continued in the path set by Judges Murrell and Milson.

The Court's second positive evaluation, the consistent outcomes the program delivers and the strong attendance across all partner agencies here today testify to the efficient working culture of the Drug Court today under Judge Dive's leadership.

The judiciary's leadership has been fruitful; the Court has established itself as a centre of formidable renown.

Numerous delegations ranging from Queensland to Quebec have visited the Drug Court to learn from their experiences and share their wisdom.

The role of the Drug Court judge is certainly unique.

I'm sure the judges present have appreciated the opportunity the Court provides them to interact with defendants in a meaningful way.

They have all been privileged to contribute to and share in the Court's success and the individuals who have graduated from it.

I'm also sure that the opportunity to revel in success comes with the responsibility to grapple with disappointment and setback: problems that are almost inevitable in a program that touches the lives of such a vulnerable group of individuals.

I can also understand the enormous challenge you, the judiciary, have faced in ensuring that community safety and the administration of justice are paramount yet balanced with a genuine compassion for people whose struggles you witness first hand.

It is a special Court.

Feel proud of your contributions and be enriched by your involvement!

Staff/ Partners

As I mentioned earlier, the program is a genuine partnership, with the Departments of Health, Corrective Services and Attorney General's all playing their role.

Non-government residential rehabilitation providers including:

- Wayback,
- Adele House,
- Guthrie House
- and Jarrah House

are also crucial in providing high quality services tailored for the Court's needs.

The willingness of Justice Health to provide increasing levels of mental health support to Drug Court clients is acknowledged as a crucial part of the program's success.

The support given by DoCS, Housing and CentreLink is also gratefully acknowledged.

While individual staff across all agencies have played their role in the Court's success particular praise belongs to two nurses who have worked tirelessly in the program for several years.

Pat Mendham has been a key part of the registry team, and Sue Jeffries has provided expertise, humour and a tremendous compassion across the program.

Without individuals like Pat and Sue, the program would not have been as effective and offenders and their families would not have had the benefit of the Drug Court.

Legislation

The Drug Court Act is a profoundly complex piece of legislation and whilst subject to some tweaking and fine-tuning over the last 10 years it remains pretty much intact.

I never cease to be amazed by such a legislative achievement!

We are speaking of an Act drafted in under 6 months, and with no precedent in this country.

The Attorney General's Department, then and now, is made up of intelligent and committed legal minds and policy makers: people who are challenged to balance Government vision with attention to detail, innovative policy and practicality.

They have to consider legal implications, community rights and ensure consistency and integration with existing programs and policies.

And they do so with a level of skill and professionalism that should be acknowledged and admired.

The success of the Drug Court Act is a tribute to the staff of the Attorney General's Department – to hours of research drafting the right words in collaboration with Parliamentary Counsel, asking the right questions and staying focused on the outcomes to be achieved.

Conclusion

I thank and acknowledge all those involved with this innovative Court but I'm probably not the best person to sum up its achievements of the last 10 years.

It is only the 250 graduates of the program and their families who could hope to do that: the people given the help and support to move beyond a life of crime and drugs.

Only its graduates have a true understanding of its success.