



WELCOME AND OPENING ADDRESS
QUEENSLAND DRUG COURTS SHAREHOLDERS'
WORKSHOP

BARDON CONFERENCE CENTRE
390 SIMPSONS ROAD, BARDON

Wednesday 14 November 2007

9.00am

Judge Marshall Irwin
Chief Magistrate

Over the past seven years the Drug Court has moved from pilot to permanent.

The effectiveness of the court in breaking the illicit drugs-crime-imprisonment cycle has been recognised by:

- The Australian Institute of Criminology (AIC) report published in July 2003
- Justice Atkinson in the Queensland Court of Appeal decision of *R v Muller [2005] QCA 417*
- Winning the Innovation and Creativity section of the Premier's Awards in 2005
- The Queensland Government in making it a permanent sentencing option with the commencement of the *Drug Court Act 2000* on 3 July 2006
- The Drug Court participants themselves.

The independent AIC evaluation showed that:

- Recidivism is significantly reduced for those who successfully complete the Drug Court Program
- Graduates of the Drug Court are significantly less likely to offend compared with those who were not offered the program and were sentenced to prison – and those graduates who did subsequently offend had reduced the seriousness of their offending.

This was emphasised by Justice Atkinson who said of the Intensive Drug Rehabilitation Order in the case of *Muller*:

“Had such an order not been made, there seems little reason to doubt that the applicant would have continued to commit offences with the same relentless persistence that he demonstrated prior to the making of that order on 22 June 2004. He has not offended since 10 August 2004 – the longest period of his adult life when he has not offended whilst not in custody. Not surprisingly that has coincided with the time in which he has been drug-free as monitored by fortnightly urine testing. His life is almost a text book case of the direct link between illegal drug usage and addiction and criminal offending and the difficulties and set backs faced by those who attempt to rehabilitate themselves.

There is no doubt that the community has benefited by the cessation in his criminal activity. So has the applicant. He now has a job, a partner, and has purchased a house. He is living a stable, productive life.”

Consistently with these remarks the submission for the Premier’s Award observed that the cost savings to the Government and the community of breaking the cycle of crime and drug addiction cannot be measured purely in the terms of the cost of the Drug Court versus imprisonment but also in terms of the ‘intangible’ cost savings, which can not be accurately measured. These savings include – crimes that are not committed, prison terms that are not served, families that are not splintered into foster care, improved health and avoidance of medical costs, and financial self-sustainability gained from continuous employment.

The 2006-2007 Queensland Magistrates Courts Annual Report includes the journal entries of two Drug court participants demonstrating the insights they have gained and the positive futures they are planning. One of those participants said:

“I feel that all of my hard work has paid off and that if you set yourself goals and stay committed dreams can come true.

I have learnt that you are never too old to learn - the secret is commitment and support from those close to you.

I can put this new learning into practice by staying focused on my apprenticeship. I have the ability to become a tradesman which can bring me a whole new range of opportunities.

My main goal for next week is to move in to my own place on the weekend, stay clean and live life to the fullest.”

In that report Magistrate Stephanie Tonkin also describes the journey of one Townsville graduate to transformation through the Drug Court.

I am also sure that magistrates who have been involved in such journeys with the participants have also undergone a transformation from scepticism about the processes of the court and its prospects of success to supporting the concept and processes which will continue to evolve.

As Magistrate Tonkin also reflects in her article:

“An exciting consequence to the practice of judicial officers sitting in the ordinary criminal jurisdiction is the flow-on effect of the philosophy of these courts – a greater understand of the insidious nature of addiction as well as practical evidence of the value and possibility of rehabilitation.”

I have no doubt that this success is the result of the collaborative *Teamwork* approach which is adopted by Drug Court. Appropriately “Teamwork: Fostering an open, effective and interdisciplinary approach in the Drug Court” is one of the themes of this workshop.

I have come firmly to the view from my involvement with the Drug Court and the other Courts Innovation Programs operating in the Magistrates Court that an integrated, holistic team based approach in which each participating agency is properly funded is essential to the success of any such problem solving or therapeutic justice program.

It is therefore pleasing to see this whole-of-government approach demonstrated here today through representatives of the seven public sector partners – I consider that “partners” is a better description than “stakeholders” – and also of the non-government agencies that provide essential services to the Drug Court program.

An important development since the establishment of the permanent Drug Court has been the signing by all government partners – the Department of Justice, Health, Corrections, Police, Housing and Communities, and Legal Aid Queensland – of an interdepartmental Memorandum of Understanding (MOU) recommitting to the program and confirming their agreed roles in it.

Of course you know all this – I am undoubtedly preaching to the converted.

However I have decided that this is an important time to reflect on the successes and the effectiveness of the Drug Court because this is a crucial time in its development.

This is emphasised by the other theme of this workshop – *Traction*. The program defines this as “appropriate steps to retain participants in rehabilitation.” I also regard it as emphasising that it is essential at this time to take appropriate steps to ensure the *sustainability of the Drug Court*.

As the Drug Courts move into their initial ‘permanent’ phase, all partners must be mindful to guard against the tendency of successful ‘pilots’ to lose their potency when they advance into the ‘mainstream’. It is therefore more important than ever at this point that each partner continues to contribute to the fullest extent in the program consistent with the commitment in the interdepartmental MOU.

This workshop provides an excellent opportunity to address this issue, and in particular any concerns that may exist about a diminution in the services being provided to the Drug Court by any program partner in this permanent phase of the program.

Such a full and frank discussion involving program partners will be important to ensure that the change from pilot to permanent does not result in negative outcomes for the challenging co-hort of Drug Court participants.

I have no doubt that a sharing of perspectives over the next two days will be an important step in ensuring the continued potency of the Drug Court.

I therefore wish you well in your deliberations – and have much pleasure in declaring this workshop to be open.