

Submission to the Attorney-General, the  
Honourable Bradley Hazzard, MP

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**Establishment of a Drug Court in the Illawarra,  
NSW Region**

**Prepared by**

**The Illawarra Drug Court Steering Committee**

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## 1. Introduction

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### 1.1. Proposal

It is proposed that the Attorney General's Department fund the establishment of a Drug Court servicing the Illawarra Region of NSW and located in the city of Wollongong. It is argued below that Drug Courts in general result in reduced recidivism, operate at less cost than imprisonment, and maintain offender health and social connection leading to broader community benefit.

### 1.2 About the Illawarra Drug Court Steering Committee

In 2013, the Illawarra Drug Court Steering Committee was formed in response to growing evidence on the success of NSW Drug Courts and the strong need for a Drug Court in the Illawarra region. The committee comprises:

- *President of the Wollongong and Districts Law Society* David Potts
- *Associate Professor and Clinical and Forensic Psychologist* from University of Wollongong's Faculty of Social Sciences Dr Mitch Byrne
- *Solicitor from Carter Ferguson* Renata Matyear
- *Professor* from University of Wollongong's School of Law Dr Elena Marchetti

The committee has received growing recognition and support from key stakeholders following the committee's organisation of a public forum on Drug Courts held at the University of Wollongong on Saturday 30 November 2013. The forum, which was sponsored by the Faculty of Law, Humanities and the Arts, the Faculty of Social Sciences, the Legal Intersections Research Centre and the Wollongong & District Law Society, attracted more than 100 people from the health and legal professions, as well as interested community members. Speakers at the public forum and supporters of the establishment of a Drug Court in the Illawarra include:

- *Shadow Attorney-General* Paul Lynch
- *Senior Judge, Drug Court of NSW* Judge Roger Dive
- *Director NSW Bureau of Crime Statistics and Research* Dr Don Weatherburn
- *Associate Justice of the Hualapai Court of Appeals* Judge Joseph Thomas Flies-Away
- *Member for Castle Hill* Dominic Perrottet
- *Drug Court Prosecutor, Parramatta and Downing Centre* Amanda Clarke
- *Nowra Circle Court and Care Circle Co-ordinator* Gail Wallace

## 2. Statement of Need

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The repeated offenses committed by drug dependent offenders are a costly and significant drain on state and community resources. Conventional criminal justice responses to drug dependent offenders have proved to be relatively ineffective, as they do not address the root cause of the offending behaviour. Research has shown that dependent drug users frequently commit theft and robbery offences in order to fund their drug purchases.<sup>1</sup> There is a strong need to tackle the underlying cause of involvement in crime for drug dependent offenders in the Illawarra region of NSW. Responses to this need range from initial contact with police, through pre- and post-sentencing stages in court, to a specialised custodial facility.<sup>2</sup>

Evidence derived from other jurisdictions where Drug Courts have been in operation suggests that the establishment of a Drug Court in the Illawarra region is the best solution to dealing with regional drug dependent offenders. The efficacy of Drug Courts has been demonstrated in criminogenic terms (i.e. in the application of most effective rehabilitation), in financial terms (i.e. in that Drug Court participation is less expensive than incarceration), and in social terms (that is, the model allows for continued engagement with community and family responsibilities).

Australia's Drug Courts are modelled on the USA Drug Courts, with some modifications. The first Drug Court in Australia was established in late 1999 and had the aim of reducing the level of criminal activity that results from drug dependency.<sup>3</sup> Drug Courts achieve this aim through referring drug dependent offenders to an intensive treatment program rather than prison. This alternative sentencing integrates: drug treatment services; access to a range of additional support services, including assistance in obtaining accommodation, financial advice and health care; intensive judicial supervision including frequent urinalysis; and a system of graduated sanctions and rewards in response to compliance. The program runs for at least twelve months and targets serious high-end offenders who are facing a likely term of imprisonment (or who, in the case of the post-sentencing courts operating in NSW, Victoria and Queensland, have actually had a custodial sentence imposed as a pre-condition of their entry to the program).<sup>4</sup>

In NSW, Drug Courts have been successfully established in Toronto near Newcastle, Parramatta and Sydney. These Drug Courts have provided a cost effective solution to dealing with drug dependent offenders; benefiting the community through achieving long

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<sup>1</sup> M. Chilvers and D. Weatherburn, *The impact of heroin dependence on long-term robbery trends*, Crime and Justice Bulletin, No.79, NSW Bureau of Crime Statistics and Research, 2003.

<sup>2</sup> J. Wundersitz, *Criminal justice responses to drug and drug related offending: are they working? Technical and Background Paper No.25*, Australian Institute of Criminology, Canberra, 2007.

<sup>3</sup> *Drug Court Act 1998* (NSW), s 3.

<sup>4</sup> D. Weatherburn, *et al.*, *The NSW Drug Court: A re-evaluation of its effectiveness*, Crime and Justice Bulletin 121, 2008.

term reduction in recidivism.<sup>5</sup> While Drug Courts have proved to be an efficacious approach to dealing with drug dependent offenders, the model is only available for those that lie within the catchment area. That is, to access the Drug Court, an offender must be referred by a Local Court within the Local Government Area (LGA) jurisdiction of the Drug Court. The level of need and the availability of lay and professional community support argues strongly in favour of the establishment of the next Drug Court in the Illawarra region of NSW.

The Illawarra region is the prime location for the establishment of a new Drug Court, as it has been ranked the third highest for the largest number of criminal offences, after Sydney and Newcastle.<sup>6</sup> Furthermore, the current refurbishment of the Wollongong court makes now the prime time to include a Drug Court in the new refurbishment. Given that the Shadow Attorney-General has given public support to the establishment of an Illawarra Drug Court, any government action in this regard is likely to have bipartisan support.

### 3. Illawarra Profile

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#### 3.1 Demographics

The Illawarra region is comprised of five LGAs: Wollongong, Kiama, Shellharbour, Shoalhaven and Wingecarribee. Table 1 presents the basic demographic characteristics of the Illawarra Region based on the 2011 Census data<sup>7</sup>. According to the Census, the population of the Illawarra is 413 216. The NSW Department of Planning<sup>8</sup> forecast a steady population increase of 47 600 residents in the Illawarra region by 2031. Unemployment in the Wollongong (7%), Shellharbour (6.7%) and Shoalhaven (7.6%) LGAs was higher than the state average (5.9%), adding impetus to the social justice argument of making available additional community resources, such as a Drug Court.

The overall Indigenous population in the Illawarra region (2.8%) is higher than the state average (2.5%). The Indigenous population is significantly overrepresented in prisons, making up almost one quarter (23%) of the prison population in NSW,<sup>9</sup> despite comprising a small percentage (2.5%) of the NSW population. Addressing the overrepresentation of Indigenous people in the Justice system is a key priority included in the National Indigenous Drug and Alcohol Committee's (NIDAC) ongoing Strategic Plan<sup>10</sup>. Circle Sentencing aims to reduce Indigenous contact with the court system through collaboration between the court

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<sup>5</sup> Weatherburn, *et al.*, *The NSW Drug Court*.

<sup>6</sup> P. Lynch, In "Drug Court promised", *Illawarra Mercury*, written by L. Wachsmuth, December 2, 2013.

<sup>7</sup> Australian Bureau of Statistics, *2011 Census Quickstats*, 2014, <http://www.abs.gov.au/> [date of visit 29 July 2014].

<sup>8</sup> NSW Department of Planning, *Illawarra Regional Strategy*, NSW Department of Planning, NSW, 2007, p. 1.

<sup>9</sup> Australian Bureau of Statistics, *Prisoners in Australia*, Cat. No. 4517.0, Canberra: Australian Bureau of Statistics, 2013.

<sup>10</sup> National Indigenous Drug and Alcohol Committee, *Bridges and Barriers: Addressing Indigenous Incarceration and Health*, Revised edition, Australian National Council on Drugs, ACT, 2013.

and the local Aboriginal community. Circle Sentencing was piloted by the Local Court in Nowra, NSW in February 2002, and achieved considerable success in empowering Aboriginal communities in the sentencing process.<sup>11</sup> Gail Wallace, the Nowra Circle Court Aboriginal Project Officer, states that '[o]ften Aboriginal people use alcohol and drugs as an anaesthetic for the pain, fear and loss of cultural identity they are experiencing', with many of the offenders appearing in Circle Sentencing Courts having both a substance abuse problem and consequential mental health problem.<sup>12</sup> Circle Sentencing can assist with the rehabilitation of the offenders with such problems by referring them to appropriate post-sentence programs. Establishing a Drug Court in the Illawarra region provides an opportunity to integrate the circle court and Drug Court. This potential innovation may see further reduction in recidivism for the Indigenous population. Furthermore, the strong connection between the Illawarra Drug Court Steering Committee and the University of Wollongong would allow for ground-up, ongoing research on the effectiveness of integrating Circle Sentencing and the Drug Court.

Table 1: Demographic profile of the Illawarra Region (Census 2011)

	<b>Wollongong LGA</b>	<b>Kiama LGA</b>	<b>Shellharbour LGA</b>	<b>Shoalhaven LGA</b>	<b>Wingecarribee LGA</b>	<b>NSW</b>
	<b>N (%)</b>	<b>N (%)</b>	<b>N (%)</b>	<b>N (%)</b>	<b>N (%)</b>	<b>N (%)</b>
	192,418	19,986	63,605	92,812	44,395	6,917,658
<b>Gender</b>						
Male	95,249 (49.5)	9,971 (49)	31,158 (49)	45,712 (49.3)	21,271 (47.9)	3,408,878 (49.3)
Female	97,169 (50.7)	10,195 (51)	32,447 (51)	47,100 (50.7)	23,124 (52.1)	3,508,780 (50.7)
<b>Young population</b>	35,671 (18.6)	3,511 (17)	13,561 (21.3)	16,406 (17.7)	8,611 (19.4)	1,332,512 (19.2)
Young people (<15)						
<b>Indigenous population</b>	4,227 (2.2)	285 (1.4)	1,929 (3.0)	4,317 (4.7)	801 (1.8)	172,621 (2.5)
Number (%)						

<sup>11</sup> I. Potas, J. Smart, G. Brignell, B. Thomas and R. Lawrie, *Circle Sentencing in New South Wales: A review and evaluation*, NSW Judicial Commission Monograph (No. 22), Sydney, NSW Judicial Commission, 2003.

<sup>12</sup> G. Wallace, 'What can circle sentencing courts tell us about drug and alcohol problems affecting Aboriginal communities?', *The Medical Journal of Australia*, Volume 200, No.1, 2014, p.675.

<b>Language spoken at home</b>	14,489 (20.2)	393 (5.3)	3,258 (14.5)	1,849 (5.1)	1,027 (6.2)	604,562 (24.5)
Other than English						
<b>Unemployment</b>	6,198 (7.0)	417 (4.3)	1,983 (6.7)	2,798 (7.6)	844 (4.2)	196,525 (5.9)
Number of people unemployed						

### 3.1 Drug use

From the period of January 2013 to December 2013, Shellharbour LGA's use/possess amphetamine incident rate was 110.6 per 100,000, above the state average of 70.0 per 100,000. Wingecarribee scored a use/possess rate of 72.4 per 100,000, while Wollongong recorded a rate of 94.8 per 100,000. Wollongong LGA's use/possess narcotics incident rate was 14.7 per 100,000, above the state average of 13.1 per 100,000, while Shellharbour LGA's use/possess cannabis was 324.5 per 100,000, significantly higher than the state average of 292.0 per 100,000.<sup>13</sup>

### 3.2 Drug related crime

Drug dependent offenders frequently commit property crimes and fraud to obtain money to buy drugs.<sup>14,15</sup> According to the most recent Bureau of Crime Statistics and Research (BOCSAR) annual report<sup>16</sup>, the Illawarra region has experienced a slight increase (1.5%) in property offences during the two years to December 2013. This increase is in contrast to the majority of NSW statistical areas which are either falling or stable in this category. During the two years to December 2013, the Shellharbour LGA recorded a 60 per cent increase in stealing from retail stores and a 46 per cent increase in stealing from homes.

## 4. Literature Review on Efficacy of the Drug Court

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Possible responses for drug dependent offenders that are facing criminal convictions include prison, police diversion, intermediate court-based diversion programs, compulsory drug

<sup>13</sup> NSW Bureau of Crime Statistics and Research, *NSW Crime Tool 2014*, <http://crimetool.bocsar.nsw.gov.au/bocsar/> [date of visit 30 July 2014].

<sup>14</sup> H. Johnson, *Drugs and crime: a study of incarcerated female offenders*, Australian Institute of Criminology, Canberra, 2004.

<sup>15</sup> T. Makkai and J. Payne, *Drugs and crime: a study of incarcerated male offenders*, Australian Institute of Criminology, Research and Public Policy Series, No. 52, 2003.

<sup>16</sup> D. Goh and J. Homes, *New South Wales Recorded Crime Statistics 2013*, NSW Bureau of Crime Statistics and Research, Sydney, 2014, p.25.

treatment correctional centres, or Drug Courts.<sup>17</sup> This section of the submission will examine the efficacy of each response in relation to impact on drug use, impact on criminal behaviour, impact on health and wellbeing, and cost savings.

#### 4.1 Prison

Three major drawbacks to imprisoning drug dependent offenders are its ineffectiveness in addressing the root cause of the behaviour, the high-cost of imprisonment<sup>18</sup> and the rapid growth in the NSW prison population.<sup>19</sup> For drug dependent offenders, imprisonment does not tackle the underlying cause of involvement in crime i.e. drug dependence or abuse. Therefore, while imprisonment means that for a period of time the offender cannot commit a crime; once they are released, the likelihood of reconviction remains. In comparison to alternative sentencing options such as a Drug Court program, prison is more expensive and less effective in reducing the risk of recidivism among drug dependent offenders.<sup>20</sup>

Alternate sentencing options also need to be explored to curb the rapidly increasing growth in the NSW prison population. Between late September 2012 and late March 2014, the NSW prison population rose by 13 per cent, reaching a record high in March this year of 10,917. It has been forecasted that this rapid increase will continue to rise by another 17 per cent by the end of March 2015, thus reaching about 12,500 inmates (see Figure 1). This rapid increase is of concern given the number of risks that can result from rapid prison population growth, including disrupting the provision of rehabilitation programs and services and in extreme cases, prison unrest.<sup>21</sup>

#### 4.2 Police Diversion

There are a number of police-based diversions targeted at first or second time offenders detected in possession of cannabis and/or other illegal drugs. However there is some evidence to suggest that the diversion programs deal with more entrenched offenders than originally intended. One of the drawbacks of police diversions is that they do not target individuals charged with non-drug offences even if that offending is linked to their drug use. There is also limited data to report on the effectiveness of police diversions in reducing drug use and related offending behaviour. Given the short duration of police diversions (generally one-off interventions), it is highly unlikely that these interventions will be effective in reducing recidivism among offenders who have long histories of drug dependence and abuse.<sup>22</sup>

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<sup>17</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

<sup>18</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

<sup>19</sup> D. Weatherburn, W. Wan and S. Corben, 'Why is the NSW prison population growing?', *Crime and Justice Statistics, Bureau Brief, No. 95, 2014*.

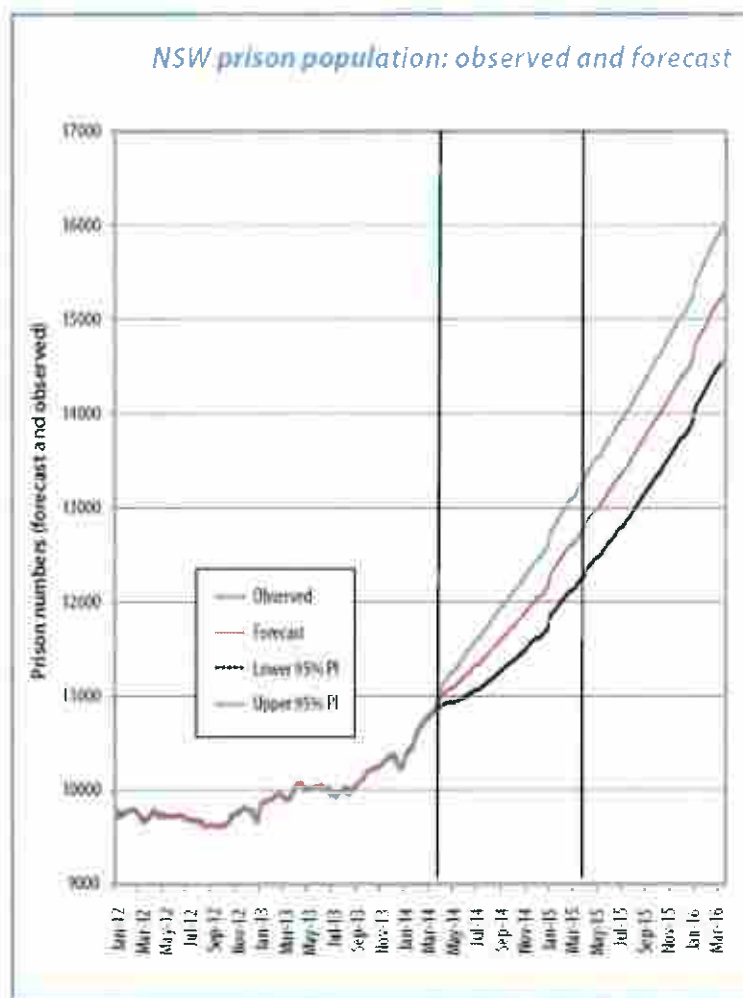
<sup>20</sup> Weatherburn, *et al.*, *The NSW Drug Court*.

<sup>21</sup> Weatherburn, Wan and Corben, 'Why is the NSW prison population growing?'

<sup>22</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.



Figure 1. NSW prison population: observed and forecast<sup>23</sup>



#### 4.3 Intermediate court-based diversion programs

Examples of intermediate court-based diversion programs include Victoria’s Court Referral and Evaluation for Drug Treatment (CREDIT) program and the NSW Magistrates Early Referral Into Treatment (MERIT) program which are extended state-wide. Similar to Drug Courts, the majority of intermediate court-based diversion programs are targeted at adults whose current offending is linked in some way to their use of illicit drugs, including property, driving, fraud or good order offences, however excludes those who have a mental impairment if it is likely to impact on their success in the program. In most jurisdictions, referral to the program can come from a variety of sources, including magistrates, lawyers, police and even the defendants themselves.<sup>24</sup>

In contrast to Drug Courts, intermediate court-based programs are shorter in duration (generally three to four months) and the intensity of the supervision and support received is

<sup>23</sup> Weatherburn, Wan and Corben, ‘Why is the NSW prison population growing?’, p.6.

<sup>24</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

lower. Current findings in relation to offending are inconclusive.<sup>25</sup> The two evaluations that compared program participants with either non-participants (CREDIT)<sup>26</sup> or matched comparison groups (WA's BIR)<sup>27</sup> did not find any significant differences between them. However an evaluation<sup>28</sup> of MERIT found that program completion led to a significant reduction in reoffending levels following program commencement, even when certain other factors were controlled for. There was not enough evidence to draw conclusions in terms of reduced drug use and cost saving for intermediate court-based diversion programs.<sup>29</sup>

#### 4.4 Compulsory drug treatment correctional centres

Offenders within the NSW Drug Court can be ordered to serve a period of compulsory drug treatment detention, ranging from 18 months to three years, as part of its sentencing options. The aim of compulsory drug treatment correctional centres is to provide drug dependent offenders with a more conducive environment for comprehensive rehabilitation which is separate from mainstream prisoners. However an aspect of the service to investigate is the comparatively low referral rates for Indigenous offenders and their low completion rates following referral.<sup>30</sup> A drawback to compulsory drug treatment correctional centres is the high cost, given the expense of both treatment and imprisonment and the long duration of the offender's stay. Another drawback is the removal of the offender from the community, which can impact upon stabilising family relationships and employment status.

#### 4.5 Drug Court

The above review of sentencing options for drug dependent offenders, namely prison, police diversions, intermediate court-based diversion programs and compulsory drug treatment correctional centres, indicates a number of disadvantages. The two most significant drawbacks to these sentencing options are the high cost of running the prison/diversions and their ineffectiveness in addressing the root problem. Drug dependent offenders usually have long spanning criminal records of repeated crime and these individuals are simply unable to change their behaviour without significant intervention. Research provides evidence for the cost-benefit of Drug Courts and their success in reducing recidivism. In comparison to other sentencing alternatives for drug dependent offenders, the Drug Courts have undergone the most rigorous outcome-based evaluations.<sup>31</sup> Most

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<sup>25</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

<sup>26</sup> P. Heale and E. Lang, *Court Referral and Evaluation for Drug Intervention and Treatment (CREDIT): final evaluation report*, Turning Point Alcohol and Drug Centre, Melbourne, 1999.

<sup>27</sup> Crime Research Centre, *Evaluation of the Perth Drug Court pilot project: final report*, Crime Research Centre, University of Western Australia, Perth, 2003.

<sup>28</sup> M. Passey, *Evaluation of the Lismore MERIT Pilot Program: final report*, (2<sup>nd</sup> edition), Sydney Attorney General's Department, 2003.

<sup>29</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

<sup>30</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

<sup>31</sup> Wundersitz, *Criminal justice responses to drug and drug related offending*.

notable, is the Bureau of Crime Statistics and Research (BOSCAR) evaluation<sup>32</sup> of the NSW Drug Court program using a randomized control trial; the gold standard in evaluation research.

Based on the research, below are the key benefits of establishing a Drug Court in comparison to alternative sentencing options:

**a) A multidisciplinary approach**

- I. A unique feature of Drug Courts is the collaboration that exists between the judicial officer, the prosecution and the defence lawyers. This collaboration is unheard of in the traditional court system, however emphasises the high importance that is placed on rehabilitating the client. Drug Courts also have a multidisciplinary team of specialists from justice and health care systems working together on each case to provide comprehensive support and accountability for the offender. The interdisciplinary team includes the Director of Public Prosecutions, Legal Aid Commission, Probation and Parole, Police, Clinical Psychologists and Case Managers whose responsibilities range from initial assessment, development of individualised treatment programs, brokering access to external treatment agencies, monitoring client progress and regularly reporting back to the court.
- II. Unlike a traditional court, offenders in a Drug Court program make regular appearances before the magistrate or judge for regular reviews. These regular appearances, along with frequent and random urinalysis for drug use, ensure high accountability for the offender participating in the Drug Court program. The intensive supervision that is received by the offender is effective in reducing early-phase substance use and sanction accrual rates.<sup>33</sup>
- III. While Drug Courts provide a supportive and collaborative environment to rehabilitate drug dependent offenders, it is important to emphasise that the Drug Court program is not an “easier” or “softer” sentencing option for the offender. The Drug Court program is an extremely challenging alternative for the drug dependent offender.

**b) Long term reduction in recidivism**

- I. A meta-analysis<sup>34</sup> of Drug Courts found that Drug Court participants have lower recidivism than non-participants and these results are sustained up to three years post-Drug Court entry (the average effect of participation is

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<sup>32</sup> B. Lind, D. Weatherburn and S. Chen, *New South Wales Drug Court evaluation: cost-effectiveness*, NSW Bureau of Crime Statistics and Research, Sydney, 2002.

<sup>33</sup> C.G.A. Jones, 'Early-Phase Outcomes from a Randomized Trial of Intensive Judicial Supervision in an Australian Drug Court', *Criminal Justice and Behaviour*, Volume 40, No.4, 2013, pp.453 – 468.

<sup>34</sup> O. Mitchell, *et al.*, 'Assessing the effectiveness of Drug Courts on recidivism: A meta-analytic review of traditional and non-traditional Drug Courts', *Journal of Criminal Justice*, Volume 40, 2012, pp.60-71.

equivalent to a reduction in general recidivism from 50% to approximately 38% and a reduction in drug-related recidivism from 50% to approximately 37%).

- II. A reduction in recidivism was also demonstrated in BOSCAR's evaluation<sup>35</sup> of the NSW Drug Court program for all four outcomes (time to reconviction for any offence, time to reconviction for an offence against the person, time to reconviction for a property offence and time to reconviction for an illicit drug offence). This long term reduction in recidivism is not surprising, given the intensive, multidisciplinary approach that the Drug Court programs take in addressing the problem behaviour.

**c) Improvement in the health and well-being of participants**

- I. The Health, Well-being and Participant satisfaction Evaluation of 2002<sup>36</sup> found that offenders who participated in the Drug Court program achieved improved and sustained outcomes on health, social functioning and reduced drug use. The participants also experienced significant improvements in all but one of the health dimensions examined. After twelve months on the program, male participants' health was rated as high as or higher than the Australian population norms for each of the health dimensions examined. Finally, social functioning significantly improved within the first four months, and further improvements by eight months.

**d) Cost benefit**

- I. Given the long term reduction in recidivism that is achieved, Drug Courts are more cost effective than a community order or prison. A study<sup>37</sup> conducted on the costs of the NSW Drug Court established that in comparison to conventional incarceration, the Drug Court program achieves a net saving of \$1.758 million per annum.
- II. Furthermore, BOCSAR's evaluation<sup>38</sup> of the NSW Drug Court found that those who participated in the Drug Court program took longer to their first court appearance for shop-stealing and their first drug offence in comparison to the control group who did not participate in the Drug Court program. Those who participated in the Drug Court program also performed better than the control group in terms of the fewer number of new court appearances for drug offences.

Wollongong is the prime location for the establishment of a new Drug Court for the following reasons:

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<sup>35</sup> Lind, Weatherburn and Chen, *New South Wales Drug Court evaluation*.

<sup>36</sup> K. Freeman, *NSW Drug Court Evaluation: Health, Well-being and Participant Satisfaction*, NSW Bureau of Crime Statistics and Research, Sydney, 2002.

<sup>37</sup> S. Goodall, M. Haas, and R. Norman, 'The costs of NSW Drug Court', *Crime and Justice Bulletin*, 122, 2008.

<sup>38</sup> Lind, Weatherburn and Chen, *New South Wales Drug Court evaluation*.

**a) Access to justice and reduction in overall levels of crime**

- I. Establishing a Drug Court in the Illawarra region will increase access to justice for offenders. Drug Courts are available in Newcastle, Parramatta and Sydney, but the offender has to live in those areas to participate in the program. The Illawarra region is defined by increasing urbanisation and has experienced an increase in property offences in recent years, including a significant increase in stealing from retail stores and stealing from homes in the Shellharbour LGA.<sup>39</sup> As argued in a regional analysis of property crime<sup>40</sup>, to reduce the overall levels of crime (as it is in the NSW State Plan), it makes sense to focus resources on urban areas with large populations (and high crime volumes) than on rural areas with small populations (and low crime volumes) even if the overall rate of crime (viz. number of crimes per head of population) in rural areas were higher than in urban areas.

**b) Availability of resources and services**

- I. The Illawarra region has access to a range of services and stakeholders necessary for the operation of a Drug Court (see Appendix A for a list of available services). Furthermore, with the current refurbishment of the Wollongong local court, now is the prime time to include a Drug Court in the refurbishment plans.
- II. Connections with the Nowra Circle Court stakeholders and Elders can be utilised to develop a culturally appropriate and modified version of Drug Court for Indigenous offenders whose offending behaviour is drug related.

**c) Opportunity for ground-up, ongoing research**

- I. Given the strong connection between the Illawarra Drug Court Steering Committee and the University of Wollongong, the establishment of a Drug Court in the Illawarra region would allow for ground-up, ongoing research on the effectiveness of the Drug Court and broader rehabilitative advancements.
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## **5. Conclusion**

In this submission, the Illawarra Drug Court Steering Committee recommends that a Drug Court is established in the Illawarra region of NSW in order to reduce overall crime rates. It is worth spending money on a justice program which is proven by research, and the Illawarra region already offers the services and stakeholders that are needed to support a Drug Court. The committee believes that the establishment of a Drug Court will be a cost-benefit to the Illawarra community and will be effective in reducing overall crime rates.

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<sup>39</sup> Goh and Homes, *New South Wales Recorded Crime Statistics 2013*, p.25

<sup>40</sup> D. Weatherburn and J. Holmes, 'The Great Property Crime Drop: A regional analysis', *Crime and Justice Statistics*, No. 88, 2013, p.8.

## 6. References

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- Australian Bureau of Statistics, *Prisoners in Australia*, Cat. No. 4517.0, Canberra: Australian Bureau of Statistics, 2013.
- Australian Bureau of Statistics, *2011 Census Quickstats*, 2014, <http://www.abs.gov.au/> [date of visit 7 July 2014].
- M. Chilvers and D. Weatherburn, *The impact of heroin dependence on long-term robbery trends*, Crime and Justice Bulletin, No.79, NSW Bureau of Crime Statistics and Research, 2003.
- Crime Research Centre, *Evaluation of the Perth Drug Court pilot project: final report*. Perth: Crime Research Centre, University of Western Australia, Perth, 2003.
- Freeman, K., *NSW Drug Court Evaluation: Health, Well-being and Participant Satisfaction*, NSW Bureau of Crime Statistics and Research, Sydney, 2002.
- Goh, D., and Homes, J., *New South Wales Recorded Crime Statistics 2013*, NSW Bureau of Crime Statistics and Research, Sydney, 2014.
- Goodall, S., Haas, M., and Norman, R, 'The costs of NSW Drug Court', *Crime and Justice Bulletin*, 122, 2008.
- Heale, P., and Lang, E., *Court Referral and Evaluation for Drug Intervention and Treatment (CREDIT): final evaluation report*, Turning Point Alcohol and Drug Centre, Melbourne, 1999.
- Johnson, H. *Drugs and crime: a study of incarcerated female offenders*, Australian Institute of Criminology, Canberra, 2004.
- Jones, C.G.A., 'Early-Phase Outcomes from a Randomized Trial of Intensive Judicial Supervision in an Australian Drug Court', *Criminal Justice and Behaviour*, Volume 40, No.4, 2013, pp.453 – 468.
- Lind, B., Weatherburn, D., and Chen, S, *New South Wales Drug Court evaluation: cost-effectiveness*, NSW Bureau of Crime Statistics and Research, Sydney, 2002.
- Makkai, T., and J. Payne, J. *Drugs and crime: a study of incarcerated male offenders*, Australian Institute of Criminology, Research and Public Policy Series, No. 52, 2003.
- Mitchell, O., Wilson, D. B., Eggers, A., and MacKenzie, D. L., 'Assessing the effectiveness of Drug Courts on recidivism: A meta-analytic review of traditional and non-traditional Drug Courts', *Journal of Criminal Justice*, Volume 40, 2012, pp.60-71.

National Indigenous Drug and Alcohol Committee, *Bridges and Barriers: Addressing Indigenous Incarceration and Health*, Revised edition, Australian National Council on Drugs, ACT, 2013.

NSW Bureau of Crime Statistics and Research, *NSW Crime Tool 2014*, <http://crimetool.bocsar.nsw.gov.au/bocsar/> [date of visit 30 July 2014].

NSW Department of Planning, *Illawarra Regional Strategy*, NSW Department of Planning, NSW, 2007.

*NSW Drug Court Act 1998 No. 150*, s.3, <http://www.austlii.edu.au/> [date of visit 23 June 2014].

Passey, M. *Evaluation of the Lismore MERIT Pilot Program: final report*, (2<sup>nd</sup> edition), Sydney Attorney General's Department.

Potas, I., Smart, J., Brignell, G., Thomas, B., and Lawrie, R., 'Circle Sentencing in New South Wales: A review and evaluation', *NSW Judicial Commission Monograph (No. 22)*, Sydney, NSW Judicial Commission, 2003.

Wallace, D., 'What can circle sentencing courts tell us about drug and alcohol problems affecting Aboriginal communities?', *The Medical Journal of Australia*, Volume 200, No.1, 2014, p.675.

Weatherburn, D., and Holmes, J., 'The Great Property Crime Drop: A regional analysis', *Crime and Justice Statistics*, No. 88, 2013, p.8.

Weatherburn, D., Jones, C., Snowball, L., and Hua, J., *The NSW Drug Court: A re-evaluation of its effectiveness*, *Crime and Justice Bulletin*, No. 121, 2008.

Weatherburn, D., Wan, W., and Corben, S., 'Why is the NSW prison population growing?', *Crime and Justice Statistics, Bureau Brief*, No. 95, 2014.

Wundersitz, J., *Criminal justice responses to drug and drug related offending: are they working? Technical and Background Paper No.25*, Australian Institute of Criminology, Canberra, 2007.

## Appendix A

### Resources needed for the establishment of a Drug Court in the Illawarra Region

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The multi-disciplinary nature of the Drug Court means that a variety of services are needed for its operation. An analysis of the services currently available in the Illawarra region indicates the capacity to support the establishment and maintenance of a Drug Court in the region. Below is a description of the services required and available for a Drug Court in the Illawarra region.

#### **Illawarra Area Health Service**

When the Drug Court participant leaves the rehabilitation service, the counselling/psychology is transferred to area health.

Ph: 02 4275 5111

Address: 33 Five Islands Rd, Port Kembla 2505

#### **Illawarra Drug and Alcohol Services Manager**

Manager David Hedger

Ph: 42 238341

Address: RMO Building, Level 1, Port Kembla Hospital, Cowper Street, Warrawong 2502

#### **Life skills services**

- **Mission Australia – Creditworthy** provides budgeting assistance and support, counselling, referral for financial counselling and rehabilitation and other services as required.

Ph: 02 42294711

#### **Rehabilitation Services**

There are a number of rehabilitation treatment day programs available in the Illawarra region, including:

- **Kedesh Rehabilitation Services** for males and females aged 16 and over.

Ph: 4222 1800

Address: 35 Carr Parade, Unanderra NSW 2526



- **Wollongong Crisis Centre – Watershed** drug detox and short term rehabilitation program.  
Ph: 02 4272 3000  
Address: Post office box 25, Berkeley NSW 2506
- **Illawarra Drug and Alcohol Service – iDAS Burelli Centre** outpatient withdrawal management, youth and adult counselling and consultation and liaison  
Ph: 42 542700  
Address: Suite 3, First Floor, “Diamond Plaza” 65-67 Burelli St, Wollongong NSW 2500
- **Shoalhaven Drug and Alcohol Service** home and outpatient withdrawal management, adult counselling and consultation and liaison  
Ph: 4422 9662  
Address: 47 Berry Street Nowra NSW 2541

### **Wollongong Court House**

Ph: 1300 679 272

Address: Cnr Market and Church Streets, Wollongong NSW 2500

### **Wollongong Legal Aid Office**

Each Drug Court participant is assigned a Legal Aid representative to assist in all Drug Court Legal matters and can refer the client to Civil Legal Aid if required.

Ph: 02 42288299

Address: Graovac House, 73 Church Street, Wollongong 2500

### **Wollongong Police Station**

Police representatives assist the Drug Court by ensuring the dissemination of information to police officers who come in contact with Drug Court participants. They also assist with executing of Drug Court warrants and provide information to the Drug Court on prospective participants’ criminal histories.

Ph: 02 4226 7899

Address: Corner of Church and Market Streets, Wollongong 2500

**Wollongong Regional DPP Office**

Solicitors working with the DPP have the role of ensuring that the Crown (or State) is represented in dealing with Drug Court participants under the relevant legislation.

Ph: (02) 4224 7111

Address: Level 2, 166 Keira Street, Wollongong NSW 2500

## Media Sample

15 April 2013	Hopes up for drug court	Illawarra Mercury
1 November 2013	PM backs special Illawarra drug court	Illawarra Mercury
22 November 2013	Local forum to explore need for Drug Court in Wollongong	Illawarra ABC radio -
27 November 2013	Push for Illawarra drug court grows	Illawarra Mercury
28 November 2013	ABC 702 interview: Chief Judge Joseph Flies Away – special guest speaker: UOW Drug Court Forum	ABC Sydney 702
28 November 2013	Interview: Chief Judge Joseph Flies Away – special guest speaker: UOW Drug Court Forum	ABC Illawarra
29 November 2013	Judge Makes Case for Illawarra Drug Court	Illawarra Mercury
2 December 2013	Drug Court Promised	Illawarra Mercury
8 February 2014	Video police Smash Shoalhaven and Illawarra Drug ring	South Coast Register
14 August 2014	Disturbing rate of drug-driving found	Illawarra Mercury
1 September 2014	Use of the drug ice reaches epidemic proportions	Radio 2ST Shoalhaven News
1 September 2014	The icy grip of creeping death: Deadly drug labs plaguing Sydney	Daily Telegraph
9 September 2014	Drug ice destroying lives, national approach need: police	Kiama Independent
3 October 2014	Rise in assault, drugs in Illawarra schools	Illawarra Mercury
17 October 2014	Ice epidemic in rural NSW, health service facing crisis	Sydney Morning Herald
31 October 2014	Drug offences recorded in NSW council area	Summit Sun
3 November 2014	Use of Drug rises but fears 'overstated'	Illawarra Mercury
12 November 2014	Meeting called to discuss Shoalhaven's ice epidemic	Power 94.9 Radio
20 November 2014	Methamphetamine information Forum at Nowra School of Arts	South Coast Register
23 November 2014	It's time for another NSW drug summit	Sydney Morning Herald
24 November 2014	Video: Local Salvos say ice use up 415 per cent	Illawarra Mercury
24 November 2014	Drug use soars 415per cent in four years: Salvos	Illawarra Mercury

24 November 2014	Push for drugs summit as those seeking help for ice addiction grows 122 per cent	Sydney Morning Herald
24 November 2014	Wayside chapel chief Graham Long calls on NSW Premier Mike Baird to hose first drug summit in 15 years	Daily Telegraph
26 November 2014	Ice increase likely within six months	Milton Ulladulla Times
7 February 2015	Justice done differently: how the NSW drug court transforms lives	The Guardian
9 February 2015	Inside the Drug Court – episode 1 – Last Chance	ABC Radio National
13 February 2015	Beating the ice curse and finding salvation	ABC Illawarra Radio
16 February 2015	Inside the Drug Court – Episode 2 – the struggle to stay clean	ABC Radio National
23 February 2015	Inside the Drug Court – Episode 3 - the road to heaven	ABC Radio National