



Criminal Lawyers Association of the Northern Territory (CLANT)

Submission to the Select Committee on a Northern Territory harm Reduction Strategy for Addictive Behaviours

1. Harm resulting from addictive behaviours merges government policy on health reform and the criminal justice system; however plainly addiction is a health issue.
2. There needs to be a therapeutic approach, wherever possible and appropriate, to addiction issues that impact upon offending conduct and resultant harm. This will require a change to legislation, policy, policing practices and the approach taken by the courts to drug offenders.
3. Mandatory sentencing does not assist in achieving the appropriate balance between community protection and rehabilitation. Any policy response focused on harm reduction must recognise that the punitive approach to illegal drug policy including mandatory sentencing has moreover resulted in the incarceration, criminalisation and stigmatisation of vast numbers of the population that would otherwise not have become involved with the criminal justice system, as well as the flow-on effects for their families.
4. Policies that promote treatment for pervasive health issues that result from addiction must be a primary focus. The decades long 'tough on drugs' approach has been an unmitigated and expensive failure. It cannot be said that drug use and supply have been reduced by this approach.
5. We support the decriminalisation of all illegal drugs that are possessed for personal use. We view decriminalisation as an indispensable part of any meaningful, long-term harm reduction strategy; yet accept that there needs to be other policy reform to assist in treatment and rehabilitation for addicts.
6. We urge the government to look to other jurisdictions and countries, such as Portugal, and consider evidence based outcomes regarding harm reduction in drug policy reform.
7. Investment in residential drug and alcohol rehabilitation centres in larger remote communities and urban centres must be a priority in reducing harm both to the individual and to the community.

8. The *Alcohol Harm Reduction Act 2017* (NT) requires urgent review. Anecdotal evidence suggests a measurable increase in property offending as a result of the current banned drinker regime. The process surrounding the issuing of banned drinker orders (BDOs) as well as the content of those BDOs requires reform. BDOs should include information regarding rehabilitation programs and be capable of forming a referral to residential rehabilitation. Persons the subject of BDOs should be encouraged to engage in rehabilitation and address their addiction issues, rather than simply handed a piece of paper banning them from drinking and placing them on the banned drinker register. Incentives such as a reduction in the length of the BDO and removal from the banned drinker register or similar incentives may assist in engagement in rehabilitation. Such reform should improve health outcomes and hopefully reduce property offending.
9. We urge the government to consider re-introducing therapeutic courts such as the now defunct Alcohol Court/ SMART Court and CREDIT/ bail diversion program, noting such a course was supported in recommendations 4.2.1 and 4.2.2 of the Riley review. Therapeutic Courts and associated programmes are a valuable tool in assisting persons who commit offences as a direct result of addictive health issues. Court driven assistance to engage in long-term health based programmes promote minimisation or elimination of criminogenic risk factors whilst producing better health outcomes for successful participants.

Marty Aust
President
27 September 2018