

## **DRAFT SECOND READING SPEECH**

**HON GUY BARNETT MP**

### ***Sentencing Amendment (Alcohol Treatment Order) Bill 2024***

*\*check Hansard for delivery\**

Madam Speaker, I move that the Bill now be read a second time.

The Sentencing Amendment (Alcohol Treatment Order) Bill 2024 (the Bill) amends the *Sentencing Act 1997* (the Act) so that a court may make a treatment order where an offender has a demonstrated history of alcohol dependence, which is linked to their offending.

Drug Treatment Orders were introduced in 2007 as an intensive community-based sentence, to help address the cycle of drug and crime for offenders with illicit substance dependence issues.

In 2017 further reforms were made and the Government noted that it intended to introduce legislation to further extend Drug Treatment Orders to cover offenders whose offending was linked to alcohol abuse.

The Government is expanding access to services and treatment to address drug and alcohol issues that contribute to recidivism and relapse. The Bill expands the use of Drug Treatment Orders under the Court Mandated Diversion program and will open this sentencing pathway to offenders who are not currently eligible.

Under the current legislative framework, a drug treatment order assessment report considers an offender's medical, psychological, psychiatric history and condition, including details of any treatment for drug or alcohol dependency. However, Drug Treatment Orders cannot be made for offenders who present with a history of alcohol dependence only.

The Bill addresses this limitation by providing that a court may order a Drug and Alcohol Treatment Order, where the offender has a demonstrable history of alcohol dependence, where the offending is linked to alcohol dependence, subject to existing limitations on the making of Drug Treatment Orders. The Bill amends the Act to provide for the name of the new order (*drug and alcohol treatment order*), to provide for appropriate management of alcohol dependence and testing of alcohol use.

Drug and Alcohol Treatment Orders include a custodial component, and a treatment and supervision component. The custodial component can be activated by contravention of the treatment and supervision requirements.

Drug and Alcohol Treatment Orders use therapeutic interventions and the support of the court to ensure that offenders access the services and treatment necessary to address the issues that contribute to recidivism and relapse. The treatment orders provide an important alternative sentencing option that allows offenders to remain in the community, where they are engaged with services to treat their underlying issues, while reducing the negative impact on themselves, their families, and the broader Tasmanian community.

The Sentencing Act provides restrictions around the granting of a Drug Treatment Order, which will continue to apply to Drug and Alcohol Treatment Orders. Treatment orders are not available for offenders guilty of sexual offences or offences involving the infliction of actual bodily harm (that was not minor harm). These orders are only available for adult offenders and are not made for persons under 18 years of age.

In developing the legislation, the Government has considered the approaches taken in other jurisdictions that provide for drug and alcohol treatment orders and Tasmania's existing Drug Treatment Orders in the Sentencing Act; as well as submissions received as part of community consultation that occurred during September and October 2023.

Submissions received were overwhelmingly supportive of the legislative reform and indeed these amendments will make changes previously recommended by the Sentencing Advisory Council and the Tasmania Law Reform Institute.

Looking at the Bill in more detail, the Bill amends the Act to provide for the change in the name of the order, from Drug Treatment Order to *drug and alcohol treatment order*. This has resulted in a large number of simple amendments to insert the words 'and alcohol' where required, mostly to Part 3A of the Act.

The Bill makes other amendments to refer to alcohol dependency where necessary, to update provisions to provide for alcohol testing and update relevant definitions.

The Bill inserts a new program condition. The Act contains a range of program conditions and in making a drug and alcohol treatment order, a court may attach one or more of the conditions to the treatment and supervision part of the order. The new program condition provides that the offender must not visit, enter or remain at locations or classes of locations specified in the order. This will enable the court to craft orders with conditions that would prevent an offender from visiting licenced premises. This amendment was made following the public and targeted stakeholder consultation period and will be beneficial to achieving the goals of the legislative reform.

The Bill inserts new section 104B into the Act to provide savings and transitional provisions. These provisions clarify the transition from the existing scheme to the new drug and alcohol treatment orders, enabling a seamless transition.

The Bill is to commence on a day to be proclaimed. This will enable the finalisation of necessary treatment programs for this new cohort, prior to the commencement of drug and alcohol treatment orders.

Madam Speaker, this is an important Bill that stands for better justice outcomes.

This is a Bill that was initiated by the former Attorney-General. I know that the former Attorney-General saw enormous benefit in the Court Mandated Diversion program and I too recognise the important role the program has in breaking the cycle of addiction and offending, and the many other positive impacts undertaking and completing the course has on all aspects of life.

I recognise the enormous benefit the program has delivered for many Tasmanians and now look forward to the program becoming available to offenders with a history of alcohol dependence.

Madam Speaker, I commend the Bill to the House.