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Dear Ms Leonard

Access to justice review

The Victorian Alcohol and Drug Association (VAADA) welcomes the opportunity to contribute to the *Access to Justice Review*. This provides an important opportunity to reflect on the challenges which many individuals face in appropriating the necessary assistance to deal with legal matters. These challenges are exacerbated when the defendant is experiencing disadvantage, including alcohol and other drug (AOD) dependency and associated harms.

We note the broad range of items contained in the Terms of Reference. Our response will, however, only target elements related to AOD as per our remit as peak body for the Victorian AOD sector. Many individuals experiencing AOD related issues, including dependency, will be required to navigate the justice system with an Australian Institute of Criminology (AIC) study identifying that 45 percent of incarcerated people attributing their offending to AOD (Payne and Gaffney 2012). These individuals will be experiencing a number of AOD related harms necessitating a broad range of interventions, with some experiencing dependency and others involved in problematic use. There is a need to ensure that the most effective response from the justice system is readily available to these individuals to maximize community safety and to ensure that these individuals can readily access the necessary legal assistance. It is paramount that the justice system is adequately flexible to link up and tailor sentencing options to the needs of offenders.

With this in mind, the following programs should be further expanded and enhanced:

- The Victorian Drug Court (currently only one court operates in Dandenong)
- The Neighborhood Justice Centre (currently only one 'centre' operates in the City of Yarra)
- Drug outreach legal programs (currently operating from both Fitzroy and St Kilda Legal Services)

Expansion of the Victorian Drug Court

Drug Courts provide a cost effective alternative to prison for individuals through the application of a Drug Treatment Order. Research indicates that the Victorian Drug Court provides a return on investment of \$5.81 for every \$1 spent (Acumen Alliance 2006) and a 34 percent reduction in reoffending among participants over a two year period when compared with a comparison group (KPMG 2014). Currently the Drug Court operates in the South East Region of Melbourne which broadly demarcates its' catchment and maintains a caseload of approximately 60 individuals.

In light of the significant AOD related harms impacting upon Victoria, DTO's should be expanded to ensure that equitable access to this sentencing option across the state. This would provide an alternative sentencing option and pathway through the justice system which would greatly enhance access and positive justice related outcomes for highly vulnerable Victorians.

Expansion of the Neighbourhood Justice Centre

Victoria's only Neighbourhood Justice Centre (NJC) is located in the City of Yarra and consists of a 'multi-jurisdictional court' with a range of support services and other community based endeavours (Victorian Government 2016). Recent evaluations highlight that the recidivism rate for individuals attending the NJC experience is reduced by 25 percent in comparison to individuals sentenced in the Magistrates' Court (Ross 2015).

The model of service delivery within the NJC maximizes access to justice by providing for a range of services to support individuals experiencing disadvantage throughout the Court process and beyond sentencing. This model facilitates a joined up service model with capacity to action local endeavours to respond to emerging problems. The NJC model should be accessible across the state.

Expansion of the Drug Outreach lawyer program

There are currently two community legal services which provide a drug outreach legal service within Victoria. This model provides crucial assistance to a highly vulnerable cohort of individuals, whose experience of disadvantage is exacerbated by AOD harms which creates challenges in accessing standard legal assistance (Fitzroy Legal Service 2016).

Drug outreach legal services are unique in that they are provided in locations which are viewed as secure for vulnerable clients and in a flexible manner consistent with catering for the specific issues evident with this client group. Without this service, many individuals either may not have otherwise accessed legal assistance, or would secured counsel at a later date, allowing for the specific legal issue(s) to become more entrenched and complex. By way of example, the Fitzroy Legal Service (2014) notes that a client had been assisted by their Drug Outreach Lawyer in addressing long outstanding fines associated with traffic infringements; the client had also lost access to their children. The Drug Outreach Lawyer assisted in having the outstanding infringements converted into community service and provided linkages to a number of services, including financial counsellors. Without the assistance

of the Drug Outreach Lawyer, this client would have likely been 'lost in the system', creating further disadvantage.

This program should be rolled out statewide, creating greater access to justice for highly disadvantaged and AOD affected cohorts.

Expanding these three endeavours so as to create state wide access would greatly enhance access to justice and maximise the effectiveness of the justice system in achieving positive outcomes for the community.

Should you wish to discuss any of these endeavours in further detail, please contact the undersigned.



Sam Biondo
Executive Officer
Victorian Alcohol and Drug Association

References

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KPMG 2014, *Evaluation of the Drug Court of Victoria, FINAL REPORT*, Magistrates Court of Victoria, viewed 17 April 2015, <http://www.magistratescourt.vic.gov.au/sites/default/files/141218%20Evaluation%20of%20the%20Drug%20Court%20of%20Victoria.pdf>

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