



The Hon. Mark Speakman, SC MP
Attorney General, and Minister for the Prevention of Domestic Violence
52 Martin Place
Sydney NSW 2000

22nd December 2020

Dear Attorney General

I am writing to you concerning the recent ABC's 7:30 Report story on the NSW courts sending offenders to non-accredited rehabilitation centres rather than prison.

Harm Reduction Australia (HRA) is a national organisation committed to reducing the health, social and economic harms potentially associated with drug use. Our members are primarily people working in the health, welfare, and law enforcement sectors, but also include concerned family members, consumers, students, and other individuals wanting to advocate for the continuation and expansion of harm reduction policies in Australia of which the MERIT and Drug Court diversion programs make a significant contribution.

In essence, HRA aims to ensure that drug policies in Australia first and foremost do no harm and provide real benefit to Australian society through evidence-based and humane responses to drug use.

While there may not be a Government system in place to regulate rehabilitation programs, the Judiciary and the Government are ethically bound to assess the authenticity and efficacy of any rehabilitation program to which offenders may be directed.

Guidance on services can be provided through NSW Health Department, experts in the alcohol and other drug (AOD) field, and the [Australasian Therapeutic Communities Association](#) (ACTA), where members must demonstrate:

- Evidence based practice - services are consistent with current best practice and the organisation undertakes evidence-based AOD prevention and treatment as outlined in current publications.

- Staff qualifications - the service ensures that all counselling and treatment is delivered by appropriately trained and /or experienced staff.
- Aboriginal and Torres Strait Island / Maori Cultural Security - the service agrees to acknowledge and respect the history, cultural rights, values, beliefs and diversity of Indigenous people and work towards embedding the principle of cultural security into service delivery.
- Cultural competency - the service considers the needs of clients from culturally and linguistically diverse backgrounds and provides a culturally competent service.

While we support your stated desire to reduce recidivism among drug dependent people with complex needs and where appropriate provide the opportunity for rehabilitation in the community, allowing people to be sent to a rehabilitation centre without first undertaking a due diligence process of the facilities and programs on offer, is contradictory to your stated desire.

In closing, we are heartened by the fact you have asked your Department of Communities and Justice to consider the allegations identified in the ABC 7:30 Report story and look forward to learning of how this situation has been resolved for the women affected, particularly those that have been sent to prison for not staying at the inappropriate program to which they were directed.

We also look forward to learning about the systems that will be put in place to ensure that no offenders in the future are placed in such a deplorable situation.

Yours sincerely

Authorised by:

Julie Bates AO

On behalf of

[Harm Reduction Australia Advocates](#)