

LAW REFORM, DRUGS AND CRIME PREVENTION COMMITTEE
**Inquiry into the supply and use of methamphetamines, particularly ice,
in Victoria**

Traralgon — 28 January 2014

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Mr Clive Alsop, Regional Coordinating Magistrate, Latrobe Valley Magistrates Court.

The CHAIR—Welcome back. This is a joint parliamentary committee here in Traralgon this morning, taking evidence in relation to our inquiry into supply and use of methamphetamines, particularly ice, in Victoria. I did want to acknowledge the member for Morwell—he is not here—Russell Northe. He was here for this morning's activity.

We have here this morning Magistrate Clive Alsop, who is providing evidence to this committee in relation to the inquiry into methamphetamines and I thank Your Honour for your time this morning. We have allocated 11 o'clock till 11.45 for the session and you have provided some notes to the committee already, which I thank you for, and I will read you the conditions under which you are presenting here this morning.

Welcome to the public hearing of the Law Reform, Drugs and Crime Prevention Committee. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. It is important that you note that any comments you make outside the hearing, including effective repetition of what you have said in evidence, may not be afforded such privilege. I understand you have received and read the guide for witnesses presenting evidence at parliamentary committees?

Mr ALSOP—I have.

The CHAIR—Thank you. It is also important to note that any action which seeks to impede or hinder a witness or threaten a witness for the evidence they would give or have given may constitute and be punishable as contempt of parliament. We are recording the evidence and will provide a proof version of the *Hansard* transcript at the earliest opportunity so you can correct it as appropriate. Thank you, Mr Alsop. I invite you to make a submission.

Mr ALSOP—At the outset I indicate that the comments and remarks I am going to make are mine entirely. These are not put on behalf of the Magistrates Court of Victoria, the Chief Magistrate or any other magistrates. They are my own observations and I rely, in putting these submissions to you, on the fact that if I include my four years of articles I have been in the legal system coming up for 50 years in another three years and this is the worst crisis I have seen in all that time. That is why I am sitting here.

To put the local Magistrates Court into context, the jurisdiction of the Gippsland region starts at Phillip Island and goes through to Mallacoota, with courts at Wonthaggi, Korumburra, Morwell, Sale, Bairnsdale, Orbost and Omeo, and four magistrates cover that region.

Ms Cook was kind enough to provide me with some suggested questions and I will summarise the questions in brief because of the time constraints and then provide my responses. The first aspect is, 'Is the issue of methamphetamine becoming more serious?' The answer is yes. We had two forums, and you, Mr Chairman, referred to these briefly before. We had one in Warragul to which we had 300 people, and the fact that it was pouring with rain and freezing on that night and the place was absolutely packed was indicative of the need within the community to attend that forum. It was an information forum. It covered legal issues, it covered therapeutic issues and a number of other factors. We had another one in Traralgon which 600 people attended, and in relation to the growth of methamphetamine related matters, I actually wrote to your committee on 23 October and I set out some stats in that letter about increases in not only the coronial jurisdiction but within the Magistrates Court itself for amphetamine related offending.

Why is there an increase? There are a number of reasons from my own observations. One is the ease of supply. It is not always as expensive as it is made out to be. There are places, particularly in East Gippsland, where ice is being sold at half the cost of cannabis, which of course makes it directly attractive to young children. In one particular area there are kids of 12 who are starting to use ice because it is easier to get than ganja.

Gullibility is another aspect, and obviously the addictive aspects of the material itself, and that has been covered by the medical experts who were here before me. As I said before, I have never seen anything like the impact of this stuff that I am seeing now.

'Is it prevalent in particular towns and regions?' The problem exists through the whole of Gippsland. Drouin, Warragul, Morwell, Sale are referred to as being knee-deep in ice; to a serious but lesser degree, Moe, Bairnsdale, South Gippsland and Orbost. The Wonthaggi area has seen a decrease in the importation of ice since the closing of the desal plant, but that should not be taken as an indication that things are looking up. In a recent case in that particular area—and I will not identify specific people—there was one particular dealer who was turning over \$70,000 a week, and in the last two weeks there was observation made of people in a beer garden in a hotel in a resort area of South Gippsland who were openly smoking ice in the beer garden.

'Can you offer an explanation as to what might explain the regional and local differences?' No, I cannot. The only obvious ones are the fact that the more concentrated the population the higher the stats.

To the best of your knowledge, what are the channels of supply?' They are mainly small-time dealers. Much of the supply, we are told, comes from Pakenham, Springvale and that general area. Having said that, in the work that I do, in the last two years I have seen two or three large seizures involving large quantities of ice and cash—around the 50, 70, 80, 90, 100 thousand dollar mark. That is obviously part of a sophisticated supply line, bringing the material in from the east of the state. It has obviously come down the coast.

The most tragic channel of supply is from the point of view of the users who become traffickers. They have to support their habit. I am telling you to suck eggs by recounting the situation. 'Just have a little taste of this. You'll quite like it. Do you want another little taste?' By then the child is hooked. 'Do you want another one? Well, you're going to have to start selling some stuff.' We have kids in Warragul, in particular, who are trafficking ice to survive.

'What are the consequences for ice that the courts are experiencing?' The medical consequences we have already heard about: paranoia; hypervigilance; insomnia; an addiction to the point of blinkered, irrational behaviour. Exhibit A in that context is a person in a managerial position in a large business. He is one of three people with a key to the safe—needed some ice, went to the safe, took the money. He did it on three occasions. They only had three targets because only three people had the key. He was caught and he appeared before me recently. One of the abilities which disappears in the context of the use of ice is the ability to rationalise and think about the consequences of the actions.

Also family disintegration and family domestic violence is in epidemic proportions as a consequence of ice, and I will talk more about that in a moment. There is the additional consequence of the danger of accruing drug debts. I do not have to expand on that. It is pretty obvious what those dangers are, including loss of employment. Then last cab off the rank is the obvious criminal sanctions, particularly in relation to trafficking.

'What is the profile of offenders with problematic methamphet use?' They are mainly young—under 25—male, gullible, average to low intelligence. They have a lack of ability to see the consequences of their actions or to care about the consequences and a predisposition to family violence. Another matter that was mentioned in a radio broadcast that I heard on the way down from Metung this morning was the large number of tradies suddenly flash with funds and using methamphets, particularly in West Gippsland.

'What is the effect of methamphets on our Indigenous population?' One word: 'catastrophic'. A source that I have within a local health service was talking about some members of the Koori community spending \$150 to \$200 a day on ice or trafficking to pay for the ice, and of course that leads into the traps I talked about before. What is required to address that specific Indigenous issue? Koori-centred programs for rehabilitation. They are under-resourced. We require more funding, more staffing, more programs, more outreach and more programs for 16- to 18-year-olds, particularly amongst the Koori population.

'Are there aspects of rural and regional life in Gippsland that contribute to drug related offending?' I am not aware of any particular aspects. We all have our own ideas about where we live. I think I live in the most beautiful place in the world, but I cannot contribute in any valid way to that last question.

The question that really sparked my interest—and I did some research and I went back over some notes—was, 'What types of crime are you seeing coming before the court that have a relationship to ice?' Street violence; property offences; burglaries and thefts, particularly rural burglaries. We had a massive spate of rural burglaries between Warragul and Sale. Of course most farmhouses have guns, and that was one of the targets, and I will refer to that in a minute. There are some sophisticated thefts and frauds, but they are in the minority, and there has been a serious spike in domestic violence.

The most serious aspect that I have seen in my time in recent years is the proliferation of weapons. I have never seen so many sawn-off shotguns—sawn-off automatic 22 rifles. I used to have one of these when I was much younger and I could empty a 20-shot magazine in three seconds. A sawn-off automatic 22 rifle was found under the seat of a car being used by a courier. There are also edged weapons, and the ingenuity of those is amazing. Some of them look like extended cane-cutters' knives. You can take off an arm or a head or disembowel somebody with them very easily. There are swords, knives and machetes, but it is the sawn-off shotguns that really sparked my interest and I have made a practice of keeping photographs of some of these items. Of course, anybody who has ever handled firearms knows there is only one use for a sawn-off shotgun. You can easily hide it and you can make an awfully big hole in somebody's head using a sawn-off shotgun. I once asked a lawyer who was appearing for somebody who was found with a sawn-off 12 bore, 'What's the gun for?' He said, 'He likes shooting.' 'What does he shoot?' He said, 'Rabbits.' My reply was the ultimate sarcasm, 'He must be pretty good at creeping up,' because the barrels are this long.

There is a direct and palpable link between ice and domestic violence. In one region of Gippsland a major resource has been set aside for the assistance of women who have to leave home because of domestic violence. I had a discussion with someone last week, and I will not disclose this person's name, but 100 per cent of the people who are seeking services at this person's establishment are there because of ice related difficulties. The worst part of that story is that there are occasions when victims of domestic violence—and I have yet to do a case where a bloke has been a victim of domestic violence—are forced into prostitution to provide the funds for their 'partner's' habit.

'To what extent does an offender's drug history impact on the disposition of sentences that you hand down?' They are directly related in a couple of ways. One is the often-used practice of referring people with drug difficulties to the Court Integrated Services Program. You are probably all aware of that. It is a therapeutic program run by the Magistrates Court. There are three courts in Victoria that have them: Melbourne, Sunshine and, fortunately, us in our headquarters court in Morwell. Eighty-five per cent of their cases are ice related.

The other impact of ice on sentences is the actual disposition. Under the Sentencing Act magistrates and judges are required to take into account a number of factors, including the entitlement of an accused and the ability of a court to resort to therapeutic assistance to try and assist them in dealing with, particularly, addiction processes. So there can be an effect on the disposition that a magistrate or a judge imposes in which a person who is a regular user of ice may find that there is a heavier emphasis on the therapeutic aspect, because there may be a diminution of the actual culpability caused by addiction to ice which would warrant therapeutic approaches as opposed to serious punishment, including taking away somebody's liberty.

'What are the challenges facing the court in dealing with offenders?' The nature of the drug is probably the most serious. It makes the disposition choice difficult. For example, to put a person on an order that requires them to obey the law, and that includes not taking drugs or using drugs or selling drugs—in some cases of addiction it is heartbreaking to have to impose that sort of penalty, because you know very well that Little Johnny is not going to be able to comply because to say, 'Don't use ice,' or, 'Don't use drugs,' is a bit like saying, 'Would you mind not breathing for three months.' I am not trying to be flippant about it, but that is how hard it is for a lot of addicted users.

If people at large think it is easy to sit in judgement, as I do and my colleagues do every single day, and send young people to gaol while they and their families are crying their eyes out, it is not easy. I still sometimes have nightmares about it.

The next difficulty is the direct relationship between ice and domestic violence, ice and crime, and the limited catchment for the Drug Court. I know this committee has received submissions from my colleague Magistrate Parsons of the Drug Court. I read those submissions the other day and I will refer to those in passing. At the end of reading these materials to you I am going to put in a big plug for a serious expansion of the Drug Court; the jurisdictional limits of it and also the funding.

Also there is a need for increased resources for therapeutic programs. The people I referred to in the Court Integrated Services Program—and magistrates and court staff always just refer to it by the acronym CISP—I refer to them as 'the angels'. On a regular basis, at the end of each year, we think back over the cases that they have dealt with, where they deal with a person for over a three-month period pending final disposition by a magistrate. There are occasions when they actually save people's lives.

One of the workers in that industry where I work, normally in Morwell, has shown me some letters that have been written by users who have been 'cured' by that group. To read those letters, if you do not end up with tears in your eyes, you are dead or you have absolutely no soul. It is astonishing. Their sort of service and their sort of professionalism is something that needs to be expanded throughout the state, not just in limited ways. The Court Integrated Services Program and the bail—I will think of the other expression in a moment. There are a couple of programs that operate throughout the courts.

'What services are available for drug treatment in full or part serving of sentences?' One is the Court Integrated Services Program. The mechanics are simply that when the person is charged they come before the court. If they are assessed as suitable for the Court Integrated Services Program they are released on bail with a number of conditions but one of them is to attend the program as directed. Every month they come back with a report, and the reports are absolutely thorough and absolutely spot on. If there is noncompliance by the offender, that is referred to in the report.

At the end of three months they then come back for sentence with a report and it is quite common in my case—and I will not speak for other magistrates—that if a person has come in with an addiction problem and they have done something about it, something constructive, albeit with the spectre of having to face a criminal disposition at some stage in the future—if they have done something constructive and it has been to their benefit, I decrease the penalty.

The other resource we have, and it needs to be seriously addressed, is the Wulgunggo Ngalu establishment, which is down near Yarram. You are probably aware of that. It is purely and simply for Koori offenders and it deals with drug and alcohol problems. It also has an additional aspect where they specifically go back to cultural issues, cultural training, cultural discussion. It is an outstanding property. I have been there a number of times. If this committee has not been there, I would strongly recommend a visit. I know they would be delighted to see you.

'Are there sufficient services/facilities available to make alternative dispositions?' I took the obvious way out. There are never enough services. Nobody could ever provide enough services, partially because of the size of the region. I have already referred to the services that we have: the Drug Court, Wulgunggo Ngalu and the CISP. The CREDIT/Bail system was the other one I was trying to think of.

'Is the current legal/sentencing regime sufficient to address both offenders and victims when the crime is associated with ice? How could it be improved?' I come back again: more specific Koori based facilities, more Wulgunggo Ngalus, an expansion of the Drug Court. There is one political barrow that I will push and that is the options for sentencing in criminal cases. We have now effectively five options: an adjourned undertaking, which is what used to be called a good behaviour bond; a fine; a Community Corrections order; a suspended sentence; and direct gaol

term. Later this year we lose suspended sentences. That takes away 20 per cent of our available dispositions.

I rocketed to stardom a couple of years ago when I made some public remarks about the proposal to remove suspended sentences. I was deemed by one particular broadsheet to be the worst magistrate Victoria has ever seen, because I would not get tough on crime. It is part of my function to honour the oath I took all those years ago to administer justice without any fear or favour, and we need more dispositions available to us, not less, if we are going to not only impose the criminal sanctions and criminal justice on people but also do something constructive about getting people back into the human race, away from the infliction of the damage that this material does.

'Are you able to transfer offenders in Gippsland courts to the Drug Court or Koori Court?' We have Koori Courts sitting regularly now. The Koori Court sits regularly in Morwell and the four magistrates in the region alternate to sit in the Koori Court, and it also sits in Bairnsdale. It is a very active part of the jurisprudence that is applied within the Magistrates Court throughout Gippsland. It is actively supported by a group of absolutely outstanding elders and respected persons. It is actively encouraged by people providing advice and guidance to Koori communities to take part in the Koori Court, and it is no picnic. The Koori Court was criticised by people who had not bothered to go and have a look at it when it first came into existence. They were saying, 'It's a soft option for Kooris.' No soft option. I have sat there and I have listened to a number of elders and respected persons give what I would refer to as 'both barrels' to an offender. It is not easy.

The success rate within the Koori Court has to be measured by two things. One is the therapeutic advantage of having been able to put on Koori specific programs. The other is the reuniting of the Koori population with part of their culture. Those people who sit as respected persons and elders assisting the magistrate in the Koori Court do an outstanding job of contributing towards that.

I have already referred in passing to the idealistic expansion of the Drug Court. I know they are limited by funding and other issues to, I think, 60 drug treatment cases, but that is a system that works. I will comment about that again in a moment. 'Do you think Drug Courts are more effective in dealing with ice?' And I am paraphrasing the question. Yes, I do, in individual cases but there are limitations. To get in the door of the Drug Court and go on a drug treatment order, you must have committed an offence that warrants imprisonment. So the first-time minor dealer who is dealing because he or she has a habit they must feed does not get a foot in the door. That is not a criticism of the system because their spaces are limited and I have already referred to the fact that there are a limited number of drug treatment orders that a Drug Court can take on at any time.

Within those limitations the process is based entirely on drug treatment as a specific target as an alternative to incarceration. I sat in the Drug Court years ago when I worked in Dandenong. There is no greater joy than to see a person who was a hopeless addict—in those days it was all heroin—go through the process of the Drug Court and come out clean at the other end. It does not happen every time but, with the spectre of going straight back to gaol hanging over their heads, a lot of people who otherwise would not have made the effort do make the effort.

There is one aspect about the Drug Court that is not widely known. It is referred to in page 14 of Magistrate Parson's report and that is the fact that it returns 500 per cent on the capital investment, if you look at the services that it saves and the cost that it saves the community. That is based on American stats because it was based on the American systems in, I think, New York. The other aspect to the Drug Court is that whilst the offenders have to be sentenced to a term of imprisonment which is effectively suspended while they are on a drug treatment order and complying with their requirements, for a part of their sentence they are out of gaol and at the moment, as we all know, there is standing room only in the current prison system in this state.

The next question that I couldn't provide a detailed answer to is, 'Do you think it would be useful to have additional specialist and Drug Courts available in regional Victoria?' The answer is yes. I think the rationale is obvious.

'Are interventions, including education programs, aimed at amphetamine use better targeted to specific groups?' Yes. First of all—and I just jumped on the bandwagon that Dr Chan or one of his

colleagues raised—there needs to be a substantial rehabilitation centre, particularly for ice, built within the Gippsland area. I say that for this reasons: the concept of being sent away to a rehabilitation centre is absolutely terrifying for a lot of people, particularly members of the Koori community, because they are ripped out of their own environment and sent down to Melbourne. If there was a substantial rehabilitation centre in the Gippsland area, it would assist this process.

As to advertising, yes, but there must be specific target groups. There are a couple of local police officers who, with me, have done talks to local schoolkids on other topics. We have talked about road safety, we have talked at sexting and we have talked about all sorts of things. One of those people is a sergeant who is currently based at Traralgon. I think in the last five years—since I have been here—we have talked to somewhere between 3,000 and 5,000 kids about road safety. I cannot produce stats to say suddenly the road toll has gone down—of course I cannot—but this is real stuff. I am married to somebody who smashed herself up in a car crash, broke her spine and smashed her feet before I met her, and I have a real drive about the whole concept of road safety.

But there is the capacity to have specific target groups in schools—in trade schools, and that specifically targets one of the issues, as I said, raised by the chairman this morning on ABC radio. Tell the young blokes who are about to finish their apprenticeships, 'You're going to be out in the wide world. You'll be making more money than you've ever seen before in your life. These are the dangers you might fall into.' General awareness programs, Koori specific programs, but the planning and preparation of those programs must be done with elders and respected persons as part of the planning committee. There is no point in having somebody from the centre of Melbourne telling local Koori groups what they should be doing and what they should be learning about. You do not want city based idealists telling the local Indigenous communities what to do.

Bearing in mind the question that you asked the doctor, I only have one question to go. 'How effective are the legal systems in addressing methamphetamines?' I thought that question was put to me potentially as an ambush, because of what I do for a living, but I have to qualify my answer. If we take an objective look at the courts and the legal system in the context of our current resources, current facilities, the current throughput that we have of cases in the Magistrates Court, I reckon we do a pretty good job, and of course I am biased.

If you look at the volume of cases, the complexity of some of the cases, the massive explosion in some jurisdictions, particularly intervention orders, which are taking up a massive amount of our time, I think that we are doing a pretty good job. There could be room for the expansion of drug courts and the Court Integrated Services Program that I talked about and perhaps even very experienced rural outreach to address the localised small communities and perhaps also a bit of forward thinking.

In preparing these materials, I have discussed this with a lot of people. I discussed what I was going to do and what I was going to say, and there is a very experienced local detective—and I will not name him—for whom I have a very high regard who put a proposition to me to which I responded—and I will not go into the response because it is not relevant—about consideration of a statutory entitlement to a discounted penalty if you disclose the source of your ice. He refers to it as 'dob in a dealer'. We had a discussion about the ethics and the morality of it, and his response was, 'I don't care about the ethics or morality of it, because if you dob in the dealer and we can get the dealer, the source of supply dries up.' That is a very much shorthand explanation as to what he said.

That concludes the formal materials. I also heard you ask Dr Chan for his notes. I am more than happy for you to have mine. Good luck! They were put together over the last four or five days and are not terribly neat. Questions?

The CHAIR—They remind me of doctors' notes. I will invite the committee to ask questions. Mr Scheffer.

Mr SCHEFFER—Thank you very much for that presentation. It was extremely interesting. Could I go back to the beginning, when you talked about your experiences and your sharing with the committee the gravity of the ice issue.

Mr ALSOP—Yes.

Mr SCHEFFER—We talked with Dr Chan from the Latrobe Regional Hospital and also with other witnesses about data and how their data is brought together. How does your court, and Magistrates Courts in general, pull together data specifically related to offences relating to ice?

Mr ALSOP—The data can be extracted from the court's computer system. Every order that is made by a magistrate in the Magistrates Court in a criminal case—and that is what we are talking about—goes onto the court computer, and they can extract the stats. That is where I got the materials when I wrote to this committee back in October. I got them straight off the court records.

Mr SCHEFFER—Not being an expert in any of these areas at all—

Mr ALSOP—Neither am I.

Mr SCHEFFER—in relation to the identification of whether a person is using ice, the take-home message I have from it is that it is very difficult to ascertain. In the court setting, how do you know that a person is using ice? Is it because they have said so? Could you talk about that a bit.

Mr ALSOP—I will make this comment as an aside: the mums are the first to know. Mums are the first to spot that Little Johnny is not functioning properly. Secondly, how do I know? People do not come to me for any reason other than the fact, in the context of criminal cases associated with drugs, that they have been charged with a criminal offence. The vast majority of people who go to the Magistrates Court end up pleading guilty to either the charge they are facing or, if they are charged with a lot of offences, some will be withdrawn after negotiation with lawyers and they will plead guilty to other offences. Of course, people have the right to contest their proceedings, but that is a different issue.

Mr SCHEFFER—So they already come with that—

Mr ALSOP—They come with that documentation. That is the only way that I know what the background is. In what we call a plea hearing—someone has come along to plead guilty—I will hear a summary from the prosecutor as to what is alleged, and that has almost invariably been discussed between the offender's lawyer and the prosecutor. Sometimes there might be little bits left out and sometimes there might be a shorter summary. I hear a summary. I am only interested in the circumstances relating to the commission of the offence for which I am about to penalise a person.

I check with the offender's lawyer to ask, 'Is that summary accepted?' 'Yes, it is.' 'Is there any history, Mr Prosecutor?' That is jargon for, 'Has he been before a court before?' The response will either be, 'Yes, he has, and here's the prior history sheet'—sometimes there will be one entry and sometimes there will be pages and pages and pages—or, 'No, he hasn't.' Then I go to the offender's lawyer for information that they are going to have to plead and they will tell me what I need to know so that I can impose the penalty. So I am not doing any medical assessment. In most of these cases I am usually told, 'Yes, this is exactly what happened and the cause is ice.'

Mr SCHEFFER—You described that in your introduction. You said it is the worst crisis that you have seen and you said that some of the towns around here were knee-deep in ice.

Mr ALSOP—Yes.

Mr SCHEFFER—You said that, in relation to the Indigenous community, it was catastrophic.

Mr ALSOP—Yes.

Mr SCHEFFER—I am not in any way disputing the gravity of this, so do not misunderstand my question, but if that is your take on ice, what would your take be on alcohol?

Mr ALSOP—It is also a serious problem, but the impact of ice is greater than the impact of anything I have seen in all my years in the legal profession. I have been a magistrate now for nearly 19 years and I have never seen anything like it. I have been through the cannabis days, the heroin days, the upper echelons of the stuff they stick up their noses and all that sort of stuff. Nothing has had the sudden impact on the community at large that ice has had. That was the rationale behind making those comments.

Mr SCHEFFER—Okay.

The CHAIR—Mr McCurdy.

Mr McCURDY—It appears that a fair percentage of people who are ice users are employed. From where you sit—you are seeing it not at the end but right down that line—is there any evidence that better drug testing in the employment area would be of any use? Young people these days—not all of them will consider their health in the early days of using ice or other drugs, but if they are going to lose their jobs over it and they know that right from the word 'go' would that have any impact, do you think?

Mr ALSOP—I think back to my days when I was 17, 18, 19. I was bulletproof. I cannot see that that would have an impact. Perhaps specific employers may want to do drug testing. I do not even know if you can test people for ice, other than getting them to do a blood test. I do not know the mechanics of it. It would depend on the individual. I do not think it would have an overall impact. I referred to the issue of the young tradies, as did the chairman this morning, and houses are not falling down because young tradies are on ice. It is probably what they would term 'recreational use'. So I think the short answer to your question is no.

The CHAIR—Mr Carroll.

Mr CARROLL—Thank you, Clive, for your presentation. I wanted to ask you a bit more about the Court Integrated Services Program. Someone can be eligible for that.

Mr ALSOP—Yes.

Mr CARROLL—They get the assistance before their sentence.

Mr ALSOP—Yes.

Mr CARROLL—So that is a very useful service. What happens post sentencing?

Mr ALSOP—When a person is charged before a court and they seek some legal advice, the legal advice will often determine the fact that there is an issue with a substance—cannabis, whatever. When they come along to court on the first occasion they are required to appear, if it is assessed or if their lawyer thinks they should be assessed for possible involvement in the Courts Integrated Services Program, the case will be stood down while the offender is interviewed by a member of that program. It will then come back before the magistrate later in the day. If they are deemed to be suitable—it is pretty rare nowadays for them to be deemed unsuitable—the case is adjourned for one month, or they are actually remanded for a month and then released on bail, and the bail conditions could be residential, they could be curfew conditions, they could be all sorts of conditions, but they will specifically include a requirement to go to the Courts Integrated Services Program as directed.

The first time they come back in a month, there is a report accompanying them, quite commonly a three-page report, done by the Courts Integrated Services Program and it involves their domestic situation, work situation, health issues—their life story is completely laid bare; the need for therapeutic intervention, for specialist medical or drug counselling intervention. The person is then remanded for another month and again released. At the end of the second month they come back, there is another report, a progress report, and at the end of the third month they come back for final determination.

Usually during that process the court will inquire, 'Is this coming back as a guilty plea or is the person going to be pleading not guilty?' That is only done so that at the court an application can be slotted in at the appropriate time. If they are going to plead not guilty, then after they have been in the Courts Integrated Services Program they may have to hang around for two, three, four or five months until there is room in the court list for the case to be heard. If they are going to plead guilty, that can be done on the last day and the Courts Integrated Services Program material assists the court in then deciding ultimate disposition.

Lawyers keep using the word 'disposition'; that is penalty. After the penalty has been imposed by the court or when the court is considering it, there can be an assessment by the Office of Corrections, for example, for this person's suitability for a community corrections order, and on the scale of penalties I outlined before, a good behaviour bond is there—it is now called adjourned undertaking; there is a fine; there is a community corrections order, and there is jail.

So it is a disposition with serious teeth and there are a large number of courses and programs and training regimes that can be incorporated into a community corrections order, so they can then be switched over into that regime as opposed to the Courts Integrated Services Program because the CISP, as they are known, have then completed their work. Have I answered your question?

Mr CARROLL—Yes. CISP operates in the Latrobe Valley.

Mr ALSOP—Yes.

Mr CARROLL—It is great that it operates here, but an expansion of that—and we have seen it in Mildura, for example—around the state would be something—

Mr ALSOP—It would be an absolute godsend.

Mr CARROLL—Yes.

Mr ALSOP—It would be a godsend. These people are involved in therapeutic work. They are all absolutely dedicated—and they would have to be, based on the nature of the work that they do—and I think the previous Attorney-General actually had a cost analysis done of the program. I do not remember the specific figures, but my recollection is that the program itself saved something like \$4 million a year for state administered dispositions such as jail and the like, and people were actually being cured by it, and the then Attorney-General, and the current one as far as I am aware, certainly praised that because of the therapeutic advantage to the community alone.

Mr CARROLL—Thank you.

Mr SOUTHWICK—Clive, you spent a lot of time today—and thank you—around the use, and dealing with the rehabilitation. If you flip it on the other side in terms of the supply and looking at dealers, and not the small end but the bigger end of dealers and suppliers of ice, what could we be doing or what could we be recommending in terms of really being able to come up with some tough, firm recommendations to get working quickly? I bring the case in point of 12-year-old kids that are being hooked on these sorts of drugs as very much a business operation.

Mr ALSOP—There are two ways to answer your question. You have to differentiate. There is the very small-time supplier, the one who is selling to a couple of mates just to keep up his own funding. They are drug traffickers, and I say to them, 'You don't want to do this in countries to the north of Australia because you won't be coming home, mate. They hang you,' and you see this sort of white pallor suddenly come over their faces. In the small-time case, the smaller—and I will not call them traffickers; I prefer to call them dealers—there is room for therapeutic intervention.

In the serious dealing cases, I think the serious dispositions almost invariably have to be jail, because under the Sentencing Act, amongst other things that I must do—I have talked about the therapeutic use, trying to cure the person of ills; I did not express that well, but you know what I mean—I have to impose a disposition which will 'manifest the denunciation of the court for certain practices' and a couple of years in custody for serious trafficking—not necessarily at the

commercial level but serious trafficking—warrants jail. There is the room for therapeutic assistance in its various forms for the very minor dealers.

I made comment about this particular police officer who has proposed the Dob in a Dealer regime. I laughed when he told me. I laughed and I said, 'Well, good luck. You'll have an absolute outcry.' He said, 'Well, it's right. You think about the logic of it,' because if that course of action ended up in drying up a source, then it has worked.

Mr SOUTHWICK—If I could just narrow it down to dealing to a minor, dealing to a 12-year-old. Should we have some exclusion where you are dealing with children, who cannot have the same sort of decision capability as an adult?

Mr ALSOP—I think that there is enough room within the legislation as it currently exists to enable judicial officers to do that. I think the average judicial officer would probably be appalled by anybody who is selling ice to kids, and again I am not speaking on behalf of other magistrates, but my response would be that I would be looking at the top of the tree as far as penalties are concerned if somebody is selling ice to kids, because they have got a naive, seriously gullible market who they might end up killing.

Mr SOUTHWICK—Thank you.

The CHAIR—We are out of time. I appreciate your time and effort, and the considerable amount of effort in responding to our questions, and also the briefing that you gave us prior to this public meeting today. Thank you very much, Mr Alsop.

Mr ALSOP—Thank you, and thank you for the opportunity. Do you want my notes?

The CHAIR—I have seen your notes. They are very much like a doctor's prescription, but are you happy to give them to us?

Mr ALSOP—I am happy to give them to you, but good luck. I think I might be guessing who is going to be interpreting them. Ms Cook has my phone number and I have got copies of these at home, so I will just leave those for you. Thank you very much.

Witness withdrew.