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NSW Election: Legal profession seeks guarantee for minor drug offence diversion scheme

The peak bodies representing the NSW legal profession have called on both major parties to commit to introducing without delay a diversion scheme for people possessing small amounts of drugs and to improve diversion options for the vulnerable.

The President of the Law Society of NSW Cassandra Banks and NSW Bar Association President Gabrielle Bashir SC have reinforced the legal profession's view that the Government ought to have accepted and implemented the criminal justice recommendations of Professor Dan Howard's Ice Inquiry.

Ms Banks said the community had every right to be disappointed that almost three years to the day since Professor Howard's report was published, many of the recommendations, particularly those that relate to the criminal justice system, were only supported in principle.

"This includes the recommendation for the pre-court diversion scheme for minor drug offences. The scheme laid out by the Government adds a health intervention to the regime already in place for music festivals, so there is little excuse for further delay," Ms Banks said.

"In the absence of a commitment from all sides of politics to start the scheme as soon as practicable, we are concerned that waiting on advice on the proposal from the Police Commissioner and Chief Health Officer until months after the election could result in the scheme's indefinite delay and failure."

While the Law Society and Bar Association welcomed the significant investment in health responses provided in Government's long-awaited response to the Ice Inquiry in September last year, Ms Bashir urged the parties to act without delay to implement Professor Howard's recommendations, including with respect to young people.

"All sides of politics should accept the recommendation to reform the *Young Offenders Act* to remove arbitrary exclusions preventing young people from accessing the warning, caution and youth conferencing schemes it provides. Subjecting children to strip searches and drug detection dogs is not the answer," Ms Bashir said.

"The potentially lifelong consequences of criminalising young people before their minds have had the opportunity to mature are well known, as is the trauma that can occur for children subject to arrest and search processes. It is crucial to have fair and clear policies around police discretion to warn or caution a young person."

Both branches of the NSW legal profession urged all candidates to recognise that the present heavy-handed approach to drug offences is not working. Illicit drug use, possession of small quantities and dependence ought to be treated as a health problem.

The Law Society and Bar Association consider that any incoming government should implement the carefully thought through and evidence-based recommendations of the Ice Inquiry for diverting drug users into treatment wherever possible. Those who are at the mercy of their addictions should be provided every support to deal with their health problem and rebuild their lives.

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Read the Law Society's election platform [here](#) and the Bar Association's election statement [here](#).