



Consultation on the draft Model of Care for Phase 1 of Youth Treatment Orders December 2020

YACSA is the peak body in South Australia representing the interests of young people, youth workers, organisations and networks throughout the non-government youth sector. Policy positions are independent and not aligned with any political party or movement. YACSA supports the fundamental right of all young people to participate in and contribute to all aspects of community life, particularly the decision-making processes that impact them.

YACSA welcomes the opportunity to respond to the Draft Model of Care for Youth Treatment Orders consultation. YACSA acknowledges that the issue of crystal methamphetamine use in our community continues to receive a great deal of media attention and is most often characterised as a “crisis”¹. This creates concern and passionate responses from the community and government that often includes calls for tighter laws, prison sentences and mandatory treatment. This is despite the numbers of individuals using crystal methamphetamine in the general population remaining steady over the last three years, and the use of illicit drugs amongst young people under 30 reducing significantly since 2001².

As such, YACSA maintains that measures such as mandatory detention and treatment is not commensurate with the risk in the community and that reductions in illicit drug use can be achieved through more effective prevention and early intervention processes and accessible treatment models.

If this model, as the consultation background paper suggests, is rolled-out to the wider community, the human rights implications cannot be overstated. Article 9 of the United Nations Universal Declaration of Human Rights is clear in prohibiting the arbitrary detention of individuals³. Similarly, the Convention on the Rights of the Child states that the detainment of children and young people should only be for the most serious of offences and should be undertaken as the measure of last resort⁴. A proposal to detain individuals who have not been charged with a crime against their will is without precedent and is a measure that should not be taken lightly.

In addition, available evidence does not support the model which is expected given its magnitude and risk of potential harms. Research demonstrates that mandatory drug treatment is ineffective in reducing drug related harms and researchers have recommended that voluntary treatment models be prioritised by policymakers due to the potential for human rights abuses within compulsory treatment settings⁵.

¹ Rawstone, P., O'Connor, R., Cohn, A., Fredrickson, A., Jayasinha, R., Hayen, A., Lancaster, K., Nathan, S. (2020). Australian news media reporting of methamphetamine: an analysis of print media 2014–2016. *Australian and New Zealand Journal of Public Health*. Online; doi: 10.1111/1753-6405.13030. Viewed 1 December 2020, <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1753-6405.13030>

² Australian Institute of Health and Welfare (2020). National Drug Strategy Household Survey 2019. Drug Statistics series no. 32. PHE 270. Canberra AIHW. Viewed, 1 December 2020, <https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey-2019/contents/table-of-contents>

³ The United Nations (1948). Universal Declaration of Human Rights. Viewed 7 December 2020, <https://www.un.org/en/universal-declaration-human-rights/index.html>

⁴ United Nations Human Rights: Office of the High Commissioner (1990). Convention on the Rights of the Child. Viewed 7 December 2020, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁵ Werb, D., Kamarulzaman, A., Meacham, M. C., Rafful, C., Fischer, B., Strathdee, S. A., & Wood, E. (2016). The effectiveness of compulsory drug treatment: A systematic review. *The International journal on drug policy*, 28, 1–9. Viewed 3 December 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4752879/pdf/nihms751135.pdf>

Similarly, the Victorian Review of the Severe Substance Dependence Treatment Act 2010 report that was attached to the background paper from the 2018 consultation, makes clear that individuals must be active participants in the treatment process to achieve positive outcomes and are more likely to succeed in overcoming drug issues when offered choice through the provision of a range of treatment options⁶.

As outlined in our submission to the SA Health Consultation on Mandatory Assessment for Substance Dependence in 2018, YACSA is a strong advocate for an emphasis on personal safety, social responsibility, harm minimisation and informed choices as the most practical and effective approach to illicit drug use amongst young people and the wider community. We particularly encourage the use of harm minimisation approaches to illicit drug use, especially the provision of a range of peer supports, mentoring and education models to assist in reducing drug related harm. We also support the use of diversionary measures used by the police and the courts to prevent introducing young people into the justice system.

Evidence-based prevention interventions, before the need for treatment, are vital because they can prevent either early use of illicit substances or stop the progression from casual to problematic user⁷. Prevention and early intervention programs assist in addressing the personal, familial, social and systemic drivers of illicit drug use and will have a much greater and longer-term impact for people who use illicit drugs than a short-term mandatory treatment program.

As such, and with the potential for the rights of individuals to be denied based on their illicit drug use, YACSA does not support the use of mandatory treatment as an effective or appropriate measure to reduce illicit drug related harm.

⁶ State Government of Victoria (2015). Review of the Severe Substance Dependence Treatment Act 2010 Victorian Government Report and Response 2015. Viewed 3 December 2020, <https://www2.health.vic.gov.au/about/publications/ResearchAndReports/government-response-review-severe-substance-dependence-treatment-act2010>

⁷ Substance Abuse and Mental Health Services Administration (US); Office of the Surgeon General (US). Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health [Internet]. Washington (DC): US Department of Health and Human Services; 2016 Nov. Chapter 3, Prevention Programs and Policies. Viewed 7 December 2020, <https://pubmed.ncbi.nlm.nih.gov/28252892/>



GPO Box 2117
ADELAIDE SA 5001
T: 08 8211 7546
E: yacsa@yacsa.com.au
W: yacsa.com.au



@TeamYACSA



YouthAffairsCouncilofSA



teamyacsa



Youth Affairs Council of SA