



Development of the Blueprint for Youth Justice  
Office for Children, Youth and Family Support  
Community Services Directorate – ACT Government  
[csd@act.gov.au](mailto:csd@act.gov.au)

### **Submission to the Development of the Blueprint for Youth Justice**

To Whom It May Concern:

The Alcohol Tobacco and Other Drug Association ACT (ATODA) is the peak body representing the alcohol, tobacco and other drug (ATOD) sector in the Australian Capital Territory (ACT).

ATODA welcomes the opportunity from the Community Services Directorate (CSD) – ACT Government to make a submission to the *Development of a Youth Justice Blueprint* (the Blueprint) consultation. In 2011 ATODA made a submission to the Discussion Paper Towards a Diversionary Framework for the ACT consultation<sup>1</sup> and believes that submission may help to guide CSD in the development of the Blueprint.

ATODA acknowledges that the Blueprint could have significant positive impacts on young people, families and the community in the ACT affected by ATOD issues.

Please don't hesitate to contact ATODA for further information regarding ATOD treatment services or alcohol and drug diversion in the ACT. We look forward to continuing to engage with the ACT Government and other stakeholders on this important area of work.

Sincerely,

A handwritten signature in black ink that reads 'Carrie Fowlie'. The signature is written in a cursive, flowing style.

Carrie Fowlie  
Executive Officer  
Alcohol Tobacco and Other Drug Association ACT  
[carrie@atoda.org.au](mailto:carrie@atoda.org.au)  
(02) 6255 4070

30 March 2012

## ATODA's Submission to the Development of the Blueprint for Youth Justice

### 1. General Comments

#### 1.1 Context

In Australia, there has been a preference to divert minor drug users to drug education and/or treatment instead of applying the traditional criminal justice response. In recent years, such a response has become more mainstream particularly after the adoption of the Council of Australian Governments - Illicit Drug Diversion Initiative, a national agreement to divert minor drug users. Drug diversion is a cornerstone of the ATOD sector. There is much evidence about its efficacy; and as an example, we refer you to the work of the Drug Policy Modelling Program at the National Drug and Alcohol Research Centre regarding this.<sup>2</sup>

The National Illicit Drug Diversion Initiative (IDDI) is part of the national approach to early intervention and prevention of illicit drug use. This national approach on illicit drug use has been agreed by all Australian States and Territories and has resulted in the police and courts being able to divert drug users to education and assessment or treatment.

The primary objective of the IDDI is to increase incentives within the community for drug users to identify and treat their illicit drug use early. It also aims to decrease the social impact of illicit drug use and to prevent a new generation of drug users from committing drug related crime, thereby leading to safer communities across Australia.<sup>3</sup>

It is important that the Blueprint reflect this aspect of diversion within the context of the ACT's youth justice system.

#### Recent ATOD reform within the youth justice system

ATODA wishes to acknowledge recent reforms to the Youth Justice System that relate to addressing alcohol, tobacco and other drug (ATOD) problems among children and young people involved in the Youth Justice System, including:

- Implementing a single case management framework;
- Developing of the protocol for Community Youth Justice, Bimberi and alcohol and other drug services working with young people; and
- Establishing the Youth Drug and Alcohol Court.

#### Engagement with existing health and ATOD services

ATODA recommends that CSD consider greater use of available programs, such as the Court Alcohol and Drug Assessment Service (CADAS) who provide evidence-based assessment and referral as well as monitoring of young people's compliance and engagement with services.

ATODA also recommends that greater engagement with stakeholders outside CSD be a priority throughout reform to the Youth Justice System. That several consultation aimed at reforming the Youth Justice system have been undertaken without much improvement is indicative of the need to utilise the skills and expertise available outside CSD.

### Stakeholder analysis and articulation

Clearly, the CSD is a key stakeholder regarding this initiative; however, there are a range of other key ACT Government stakeholders, such as the Health Directorate, Justice and Community Safety and the Education and Training Directorate. The same applies to non-government service providers. It is essential that the Blueprint reflects cross-sectoral and diverse stakeholders. A full stakeholder analysis and description would be helpful as part of the Blueprint.

Under each profile within the *ACT Alcohol, Tobacco and Other Drug Services Directory* each ATOD treatment service funded by the Health Directorate describes the services they provide through Bimberi.<sup>4</sup> ATODA can provide further information regarding this upon request.

### Linkages with other reviews and sector reforms

ATODA acknowledges the range of consultative and review processes that are currently being undertaken in regards to young people and detention in the ACT, including:

- Review of Bimberi Youth Justice Centre by the Human Rights Commission;
- Establishment of a Youth Justice Reference Group by the Youth Coalition of the ACT;
- Inquiry into the Bimberi Youth Justice Centre by DHCS; and,
- Consultations on the establishment of a Diversionary Framework by CSD April 2011.

Further there is a current review being undertaken by the Health Directorate into ATOD residential services in the ACT.<sup>5</sup> This includes, but is not limited to, the only youth ATOD residential service in the ACT.

Additionally, ATODA is aware of the significant reforms occurring within the broader children, youth and family support program funded by the CSD, including a great focus on out-reach and the closure of youth centres. ATODA understands that these changes are still in progress and therefore the Blueprint would need to be flexible to encapsulate both the opportunities and the gaps that emerge from these broader youth sector reforms.

It will be important that the CSD link the findings from each of these processes to ensure these are reflected as part of the Blueprint where appropriate.

### Evaluation and monitoring

It is important that evaluation is embedded within the Blueprint. ATODA notes that there is a current evaluation taking place of the ACT's alcohol and drug diversion programs. It will be important that different aspects of youth justice system are evaluated against their objectives (such as those related to alcohol and drug diversion) and that funding is allocated to undertake this work. It would also be useful if the Blueprint included strategies on how its successes and challenges would be monitored by the range of stakeholders involved.

## Aboriginal and Torres Strait Islander young people and communities

In the ACT, as with all Australian Jurisdictions, Aboriginal and Torres Strait Islander children and young people are over-represented in the care and protection and youth justice systems. Consequently, it is fundamental that this over-representation is addressed throughout the reforms to the ACT's Youth Justice System.

ATOD problems are known to be a major contributor to high rates of involvement with the criminal justice system among Aboriginal and Torres Strait Islander adults throughout Australia. It is not known why there is such a high over-representation in the ACT's Youth Justice System, although ATOD use by young people and their families are likely to be substantial contributors. ATODA refers CSD to a research paper published by the Australian National Council on Drugs entitled *Diversion of Aboriginal and Torres Strait Islander Youth from juvenile detention*<sup>6</sup> for guidance on ways to divert young Indigenous people from custody.

## **2. Specific comments**

ATODA has provided comments to some of the themes provided in the Blueprint consultation paper below.

### 2.1 What should be included in the vision for youth justice in the ACT?

ATODA generally agrees that the examples from other jurisdictions provided in the consultation paper are appropriate. Consideration should be given to ensuring that the vision is achievable and consistent with ACT Government policies and priorities.

The ACT Alcohol, Tobacco and Other Drug Strategy 2010-2014<sup>7</sup> makes reference to the ACT Government's vision articulated in the *Canberra Plan: Towards our Second Century*.<sup>8</sup> These priorities can inform a vision for youth justice in the ACT.

### 2.2 What principles should be reflected in the Blueprint?

ATODA believes that the principles provided in the consultation paper are generally desirable. It may be prudent to ensure that the number of principles are kept to a minimum, but reflect a broad range of issues and ideas. For example, a commitment to human rights would cover the breadth of human rights found in the International Covenant on Civil and Political Rights (largely operationalised in the ACT Human Rights Act) and the International Covenant on Economic, Social, and Cultural Rights - included within these rights is the right to the highest attainable standard of health. We refer you to the ACTCOSS' led submission for further details.<sup>9</sup>

ATODA refers CSD to the *ACT Alcohol, Tobacco, and Other Drugs Strategy 2010 - 2014*,<sup>10</sup> which included guiding principles:

- Harm minimisation
- Applying evidence-informed practice
- Enhancing health promotion, early intervention and resilience building
- Recognition of the social determinant of health and well-being
- Increasing access to services, and
- Strengthening partnerships, collaboration and ownership.

ATODA believes that these principles can help to guide the ACT's youth justice system throughout the upcoming periods of reform.

### 2.3 What outcomes (or changes) should be achieved for children, young people, and their families at risk/ involved in the youth justice system?

ATODA believes that ATOD use by children, young people, and families involved or at risk of being involved in the youth justice system is a substantial contributor to offending. Addressing the ATOD use of individuals and families should be considered an appropriate outcome for a reformed youth justice system.

Cessation of ATOD use, reduction in ATOD use, management of ATOD use, access to and engagement with appropriate services should be considered meaningful and appropriate outcomes for individuals and families engaged in the Youth Justice System.

ATODA refers the CSD to *A Blueprint for Juvenile Justice Reform*, released in 2006 by the Youth Transition Funders Group, as we believe these principles could also be useful in the Blueprint:<sup>11</sup>

- Reduce Institutionalisation
- Reduce Racial Disparity
- Ensure access to quality counsel
- Create a range of community-based programs
- Recognise and work with young people with specialised needs, including alcohol, tobacco and other drug issues
- Improve aftercare and throughcare
- Maximise participation of young people, families and communities
- Keep young people out of adult prisons

The first ACT Inmate Health Survey identified that 42% of respondents had a previous history of juvenile detention.<sup>12</sup> This indicates that a life of criminal justice involvement often commences in adolescence. Adult offending should be considered an important outcome in a reformed youth justice system. Consequently, ATODA believes it is necessary for the ACT's youth justice system to work more collaboratively with the adult justice system to ensure continuity of strategies, interventions, and support for young people if continued offending is to be effectively managed.

### 2.4 What broad strategies are needed to achieve these outcomes?

ATODA believes that a strong and comprehensive workforce development strategy is essential for an effective reform of the youth Justice System

A Workforce Development Strategy is "...a multi-faceted approach which addresses the range of factors impacting on the ability of the workforce to function with maximum effectiveness in responding to alcohol and other drug related problems. Workforce development should have a systems focus. Unlike traditional approaches, this is broad and comprehensive, targeting individual, organisational and structural factors, rather than just addressing education and training of individual mainstream workers".<sup>13</sup>

ATODA believes that a workforce development strategy should pay particular attention to the need for serving Indigenous and female clients.

## 2.5 How should early intervention, prevention, and diversion from the youth justice system be prioritised in the Blueprint?

At present, an evaluation of the ACT's drug diversion programs, including the Early Intervention Pilot Program and the Youth Drug and Alcohol Court Program is underway. ATODA believes that the findings of this evaluation may assist CSD to identify an appropriate manner of distributing resources among prevention, early intervention, and diversion of young people experiencing ATOD-related problems.

ATODA refers CSD to work undertaken by former United States Deputy Director, Office for National Drug Control policy which outlined an approach to providing a mix of prevention, early intervention, and treatment strategies. A video presentation is available on line at:

<http://www.youtube.com/watch?v=9Wlo4fqpwKo&feature=related>

---

### References

<sup>1</sup> See: Alcohol Tobacco and Other Drug Association ACT (July 2011) *ATODA Submission to the Discussion Paper Towards a Diversionary Framework for the ACT*. Available from [www.atoda.org.au](http://www.atoda.org.au)

<sup>2</sup> Hughes, C., and Ritter, A. (2008). Monograph No. 16: A summary of diversion programs for drug and drug-related offenders in Australia. *DPMP Monograph Series*. Sydney: National Drug and Alcohol Research Centre.

<sup>3</sup> For further information about the IDDI see:

- Department of Health and Ageing media release regarding funding at [www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr07-cp-pyn108.htm](http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr07-cp-pyn108.htm)
- A brief summary of the IDDI is also provided at: [www.health.nt.gov.au/Alcohol\\_and\\_Other\\_Drugs/Other\\_Substances/index.aspx](http://www.health.nt.gov.au/Alcohol_and_Other_Drugs/Other_Substances/index.aspx).
- Additionally a summary of the IDDI is provided in the background section of Australian Institute of Health and Welfare. (2008). *The effectiveness of the Illicit Drug Diversion Initiative in rural and remote Australia*. [www.aihw.gov.au/search/?q=Illicit+Drug+Diversion+Initiative](http://www.aihw.gov.au/search/?q=Illicit+Drug+Diversion+Initiative)

<sup>4</sup> Alcohol Tobacco and Other Drug Association ACT. (2011). *ACT Alcohol, Tobacco and Other Drug Services Directory (Version 7)*. [www.atoda.org.au/directory](http://www.atoda.org.au/directory)

<sup>5</sup> link to ATODA's website

<sup>6</sup> Siggins Miller Consultants and Spooner, C. (2003). *Diversion of Aboriginal and Torres Strait Islander Youth from juvenile detention*. Research Paper 6. Canberra: Australian National Council on Drugs. Available online at: <http://www.ancd.org.au/publications-and-reports/research-papers.html>

<sup>7</sup> ACT Government (2010) *ACT Alcohol, Tobacco and Other Drug Strategy 2010 – 2014*.

<sup>8</sup> ACT Government (XXXX) *The Canberra Social Plan*.

<sup>9</sup> ACTCOSS, ATODA, MHCC, Advocacy for Inclusion, ACT Mental Health Consumer Network, Care Financial Counselling Service, Consumer Law Centre, People with Disabilities ACT (August 2011) *Economic, Social and Cultural Rights – A good idea for the ACT?* [http://www.actcoss.org.au/publications/Publications\\_2011/1311SUB.pdf](http://www.actcoss.org.au/publications/Publications_2011/1311SUB.pdf)

<sup>10</sup> ACT Government (2010) *ACT Alcohol, Tobacco and Other Drug Strategy 2010 – 2014*.

<sup>11</sup> Youth Transition Funders Group. (2006) *A Blueprint for Juvenile Justice Reform* [http://www.ytfg.org/documents/Platform\\_Juvenile\\_Justice.pdf](http://www.ytfg.org/documents/Platform_Juvenile_Justice.pdf)

<sup>12</sup> Epidemiology Branch, ACT Government Health Directorate (2011), ACT Inmate Health Survey 2010: Summary results, ACT Government, Canberra, ACT. Available online at:

<http://www.health.act.gov.au/c/health?a=sendfile&ft=p&fid=1326242352&sid=>

<sup>13</sup> National Centre for Education and Training on Addiction website:

[http://nceta.flinders.edu.au/workforce/what\\_is\\_workforce\\_development/](http://nceta.flinders.edu.au/workforce/what_is_workforce_development/)