

VAADA response to ADDP Act

VAADA invited its membership to contribute their opinions and views to help inform VAADA's response to the review of the *Alcoholics and Drug-dependent Persons Act 1968* (ADDP Act). VAADA received a number of written contributions and participated in discussions with its membership. The position formed by VAADA, does not reflect any one individual response – but rather is an analysis of the broader sector response to the ADDP Act.

In particular VAADA's response addresses the issues of civil committal, the legislative framework of AOD services and the monitoring of agencies that provide treatment to those individuals civilly committed.

The stated objectives of the Act as defined in the Discussion Paper prepared by DHS (to inform the review) are to:

- establish the legislative framework for the provision of public drug treatment services, by government or through arrangements with contractors
- monitor the provision of other drug treatment services
- authorize and regulate the detention of some alcoholics and drug-dependent persons for the purposes of assessment and treatment

VAADA felt that although the Discussion Paper raises the possibility of the repeal of the Act – that it does not fully cover the implications of repealing all Sections of the Act.

The focus in the Discussion Paper, relates particularly to the system of authorising and regulating the detention of those with perceived substance dependencies for 'treatment' and the monitoring of those services that provide such treatment.

VAADA's submission addresses the issues relating to civil committal: when and why is it used?; is existing legislation the best mechanism

to respond to the circumstances where civil committal is deemed the only option?; and are there alternatives?

Section 4 of the Act, establishes the legislative framework for the provision of public drug treatment services. Notably this has not been addressed in the Discussion Paper. VAADA's submission touched upon the issue of the legislative basis for the AOD sector – and questions what implications the repeal of the Act may have.

Key concerns raised by VAADA's constituents in regard to the Act include:

- the Act's contemporary relevance to the current frameworks that underlie responses to people experiencing issues with their substance use
- the current inability to define an 'alcoholic' or a 'drug dependent person'
- potential abuses of the civil rights of individuals who fall under the provisions of the Act
- the capacity for the service system to comply with the legislative requirements of the Act
- agency capacity to provide workplaces that don't put employees at risk of committing an offence under the Act

This submission argues for the repeal of the Act – but on the grounds that there are measures put in place to improve the responses to the small yet extremely vulnerable population group, where civil committal is at times deemed necessary. Usually this applies to individuals who misuse substances, are considered temporarily or permanently cognitively impaired and incapable of making important decisions about risks to life.

While the legislation itself may appear archaic and outdated – the complexity of the issues experienced by the vulnerable group that tend to fall within the provisions of the current Act continue to affect these individuals and to provide challenges to those responding to their needs. A copy of the submission can be found under publications at www.vaada.org.au

Month in Review

Suspended Sentencing Briefing

VAADA attended a briefing on the Sentencing Advisory Council's (SAC) interim report on suspended sentences.

The report arose out of a request by the Victorian Attorney-General Rob Hulls to the SAC, in August 2004, to examine the current practices around using suspended sentences and whether these practices could be improved.

A discussion paper was released in April 2005 after which the SAC undertook a state-wide consultation process, which included community forums, focus groups with victims of crime and a series of roundtables. Out of these consultations a provisional report has been released with a final report due at the end of 2005.

A key finding in the interim report was that any reforms to suspended sentences would in all likelihood fail to remedy more fundamental problems with these and other intermediate sentencing orders. The SAC believe that more widespread reforms are required to address issues that currently surround such orders.

The SAC noted that it had received strong support for the retention and reform of suspended sentences in the consultations it had conducted and the submissions it had received.

Despite this support the SAC has made an interim recommendation that, "suspended sentences should be abolished as a sentencing option in Victoria and a new range of intermediate sentencing orders introduced."

It has been proposed by the SAC that combined-custody and treatment orders (CCTOs) be replaced by an imprisonment plus release order (IRO). An IRO would consist of up to 12 months in prison and a period under supervision and conditions in the community for up to 3 years.

The interim report also recommended that home detention, intensive correction orders (ICOs) and community based orders (CBOs) be placed under a single conditional order.

The new order, 'a correction and supervision order (CSO)', would allow courts to blend restraints on liberty, supervision, work conditions, treatment and program conditions for part of, or up to the maximum duration of the order, 3 years.

It is also proposed that a youth CSO be introduced that would be designed around the needs and circumstances of 18 to 25 year olds.

It is also envisaged that pre-sentence reports be used as a mechanism to assist courts in applying IROs and CSOs to situations where they are most applicable and facilitate delivering treatment and other programs to where they are most needed.

Other recommendations include:

- The introduction of guidelines for the operation of these new orders
- Extending the ability to defer sentences to higher courts
- Removing age restrictions around sentence deferral
- Extending the maximum deferral period from 6 to 12 months

The complete interim report can be found at <http://www.sentencingcouncil.vic.gov.au>

VAADA will be making a submission to the SAC on the recommendations contained in the interim report. In view of the tight timeline to respond to the interim report (11 November 2005) VAADA will not undertake extensive consultation on the report. Those members wishing to help inform VAADA's response to these issues may express their views by contacting VAADA on 03 9416 0899.

VAADA Board

Three new members have been co-opted to fill vacancies on the VAADA Board. VAADA would like to welcome new board members Kieran Connolly (ordinary metro-member), Mark Powell (ordinary non metro-member) and Ros Winkler (ordinary metro-member).

VAADA Conference

VAADA's conference 06 will be held in Melbourne on 7 and 8 February 2006 at Rydges Riverwalk Richmond. The conference will look beyond the alcohol & other drugs (AOD) sector to the matrix of partnerships that are central in responding to the harms associated with alcohol and other drugs.

A key focus will be on diversity, integration and partnerships – how do we effectively work within this diversity and move beyond the rhetoric of intersectoral collaboration into partnerships that serve the community? Please find enclosed a call for abstracts.

YOUR SAY

Alcohol and work – what everyone should know

Sue Pennicuik - *alcoholandwork*

Project Officer Australian Drug Foundation

Alcohol has long been a part of Australian community life, and even a part of working life in some industries. Drinking after work each day or at the end of the working week is a common feature of many industries and workplaces.

Three-quarters of Australians accept the regular use of alcohol by adults, and around half of Australians to believe that getting drunk occasionally is acceptable.

We are surrounded by advertising messages which promote the consumption of alcohol. The alcohol industry spends over one hundred million dollars each year marketing and promoting their products and alcohol companies invest millions of dollars each year in sponsorship of national sports teams and sports events in Australia.

Drinking alcohol at harmful levels can have negative impacts on our health and on our work. When we talk about alcohol and work, we are talking about the whole working population, including workers and those in employer and management roles.

Health and work performance

A person may never be actually under the influence of alcohol at work but, due to having a hangover or due to the effects of alcohol on their general health, they can still affect the workplace in other ways, such as increased absences from work, decreased work performance and/or “poor” relationships with co-workers.

Stress and other workplace effects

The contribution of the workplace to alcohol and drug use is often overlooked. Work factors that may affect drug and alcohol consumption include long working hours, poorly managed shift work, stress, workplace conflicts, negative managerial styles, bullying, harassment, peer pressure and corporate entertaining. Other factors might include boring work, working in isolated areas, workplace culture and ease of access to alcohol and/or drugs at work.

Workplace deaths and injuries

If anyone in a workplace—the boss, manager/supervisor or a worker—is affected by alcohol at work, then the risk of an incident causing injury increases.

However, there have been few studies on the relationship between alcohol and non-fatal work-related injuries, so reliable statistics are not available.

Research in Australia and the United States of America indicates that alcohol may be a factor in about 5 per cent of work-related fatalities.

What is being done?

As part of the Victorian Government’s Alcohol Strategy, the Australian Drug Foundation is setting up a website: *alcohol and work ~ what everyone should know*, which is devoted to providing the information that everyone should know about alcohol and work.

The goals of the *alcohol and work* project and website, are to:

- provide people with information and advice to prevent alcohol problems at work and to resolve alcohol-related issues in an ethical and legal manner
- use the workplace as an environment to raise awareness about alcohol issues and to help to reduce alcohol-related harm in the community
- promote the use of existing alcohol and drug treatment services in Victoria.

The *alcohol and work* website features general information about the health, social and economic impacts of alcohol and how alcohol can affect work. It also has separate sections containing information specifically tailored for workers, employers and for managers and supervisors.

For more information, go to:
www.alcoholandwork.adf.org.au

Calendar of Events

November 6-9	Science, practice, experience – APSAD 2005 The 2005 APSAD conference promises to be an exciting and dynamic event with a full program of keynote speakers, symposia, clinical workshops and abstract-driven oral and poster sessions. Held at the Hilton on the Park in Melbourne during the second week of November, the conference will bring together Australian and overseas students, researchers, health professionals and advocates from the drug and alcohol sector with an interest in science, practice and experience. To register please go to http://www.apsadconference.com.au/
November 8	Panic Disorder and Agoraphobia: Definitions, Diagnosis and Treatment using Cognitive Behavioural Therapy TRANX/PADA To be held between 9.30am-4.00pm at Darebin Arts and Entertainment Centre. Costs for workshops are: \$88 inc GST for a half day workshops; full day workshops \$192.50 inc GST. Workshops will include morning tea, lunch and afternoon tea. TRANX/PADA members will receive a 10% discount as will agencies enrolling more than three staff members. For further information call TRANX on 9886 0955
November 11	From Grief to Action: Families Influencing Drug Policy Presented by Nichola Hall, Chair, From Grief to Action, Vancouver, Canada from 1-2 pm, at the Turning Point Training Room, 142 Gertrude St Fitzroy, bookings essential. Call Turning Point on 8413 8413.
November 16	Cognitive Behavioural Therapy for anxiety and depression TRANX/PADA To be held between 9.30am-4.00pm. Session to be held in Geelong. Costs for workshops are: \$88 including GST for a half day workshops; full day workshops \$192.50 inc GST. Workshops will include morning tea, lunch and afternoon tea. TRANX/PADA members will receive a 10% discount as will agencies enrolling more than three staff members. For further information call TRANX on 9886 0955
November 17	Alcohol and drug facilitated sexual assault – Level 2 CASA House This half day workshop will provide and = opportunity for professionals, including health and welfare workers, counsellors and medical practitioners to enhance their skills and understanding of sexual assaults that occur when the victim is alcohol and/or drug affected and will be held between 9.30am – 1.00pm. The workshop will be held at the Conference Room, 4 th Floor, Queen Victoria Women’s Centre, 210 Lonsdale Street Melbourne. Cost is \$30.00 and attendance is by booking only and limited to 20 places. Registration forms are available by contacting CASA House on 9347 3066
November 19-20 & 26-27	‘Stepping Stones to Success’ Family Drug Help and Family Drug Support are combining to run, a structured support program for families at Mary of the Cross in Fitzroy over 2 weekends in November – 19/20 and 26/7. The is a valuable course for family members that runs over the 4 days from 10am to 4 pm. Cost is \$100. Please pass on the information below about this course to family members involved within your service. For further details contact Alan Murnane at Family Drug Help on 95731706.
November 24	Therapeutic skills for 1 to 1 counselling: case planning and structured treatment with an expanded tool kit. TRANX/PADA To be held between 9.30am-4.00pm at Darebin Arts and Entertainment Centre. Costs for workshops are: \$88 inc GST for a half day workshops; full day workshops \$192.50 including GST. Workshops will include morning tea, lunch and afternoon tea. TRANX/PADA members will receive a 10% discount as will agencies enrolling more than three staff members. For further information call TRANX on 9886 0955
November 29	Safer Injecting - At home or on the street. Practical Harm Reduction strategies for IDU. Presented by Danny Jeffcott from North Yarra Community Health the presentation will focus on Needle and Syringe Programs - Harm reduction re: safe injection/drug use and overcoming the boundaries to safe using practices. The seminar will be held Friday 29th November from 12.30-1.30pm at Moreland Hall, 26 Jessie Street, Moreland. For information or to register to attend please phone 9386 2876