Joint statement raising Human Rights Concerns with the Draft Model of Care for Phase 1 Mandatory Youth Treatment Orders

We the undersigned represent a range of researchers, community service organisations and advocacy groups that support communities throughout South Australia. We support an alcohol and other drug treatment system based on evidence and informed by best practice, drawing on research and the skills and knowledge of practitioners in the field. We are united in our concerns about the Draft Model of Care for Phase 1 Mandatory Youth Treatment Orders and its potential to cause harm to the communities we serve.

We respect the Government's objectives to improve health outcomes for vulnerable young South Australians, and we acknowledge the efforts of the Drug and Alcohol Services South Australia to seek the views of the South Australian community on the proposed Draft Model of Care for Phase 1 of the implementation of the scheme of mandatory youth treatment orders prescribed under the *Controlled Substances Act 1984* (SA). However, in our view, the approach to engaging with the community on this issue, limiting input to an online submission process and in particular the absence of a concerted effort to include the views and experience of the young people most likely to be subject to these mandatory orders, has been insufficient. **We strongly urge the Government to delay the commencement of this Phase until further consultation has occurred and revisit the design of the scheme to ensure the rights and interests of the children and young people subject to these orders are more robustly protected**. These processes would require the involvement of the relevant commissions (Children and Aboriginal Children) and the Guardian for Children and Young People in Care.

This Draft Model of Care envisages a scheme that will subject vulnerable children and young people who are detained within the Kurlana Tapa Youth Justice Centre (KTYJC) to coercive drug treatment programs, without their consent and on an experimental basis. This will occur prior to having established an evidence base that this form of mandatory treatment will be effective at improving their health outcomes. This gives rise to a range of significant human rights concerns, and in our view, is contrary to the principles set out in the *Convention on the Rights of the Child* and the United Nations Standard Minimum Rules for treatment of Prisoners. Moreover, the Draft Model of Care's strong focus on the coercive elements of mandatory drug treatment and an absence of a focus on building and supporting capacity to consent and to positively engage with treatment, undermines the key principles and research cited in the Consultation Paper and detracts markedly from best practice in the field of drug and alcohol treatment.

We also have concerns that the Draft Model of Care

1. Fails to have regard to the practical realities of implementing the Draft Model of Care within the Kurlana Tapa Youth Justice Centre (KTYJC) including those matters set out in the OGCYP's *Great Responsibilities Report*. These matters will have significant implications for how the Model of Care will work in practice, and the effectiveness of any treatment provided to young people under the scheme, in addition to having implications for the rights and interests of the young people subject to Youth Treatment Orders.
2. Lacks detail about the precise nature of the treatments that will be administered under the scheme, and their effectiveness at addressing drug dependency or substance abuse among young people – particularly in the context of the young people within the KTYTC who have complex needs and may be subject to a range of different restrictive orders.
3. Lacks detail about the support that will be provided to young people as they approach mandatory assessment, undertake assessment, are subject to treatment and leave the KTYTC – particularly

for those young people who may be subject to remand orders, residential care orders and those who will return to regional or remote areas.

4. Has not been independently assessed against cultural safety standards, which is particularly critical given the disproportionate impact the scheme will have on Aboriginal young people.
5. Lacks clarity in terms of the application of key legal tests within the legislation, including the concept of 'best interests of the child' and the relationship between this legislative regime and other related regimes, including child protection regimes.
6. Is framed as an intervention of last resort when there are currently insufficient resources to provide voluntary youth drug and alcohol treatment currently available in the community, or in Kurlana Tapa Youth Justice Centre (KTYJC). The model of care is also silent on how children and young people leaving the Youth Justice Centre will be engaged with ongoing support services. There is no indication of how these post incarceration supports will be funded or how they will be provided. The intervention is also focused on the child as the problem and does not address a family and community systems approach.

Signatories would be very willing to provide further information on request. Please contact Dr Sarah Moulds on sarah.moulds@unisa.edu.au or 0401132544 should you wish to arrange a meeting with signatories or access further information.

Signed by:

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