

The Victorian Government Response

To the recommendations of the Drugs and Crime Prevention Committee Inquiry into the Inhalation of the Volatile Substances

Consultation:

In the preparation of this response consultation occurred with the Department of Education and Training, Aboriginal Affairs Victoria, the Department of Justice (Legal Policy and Victoria Police) Department of Human Services (Community Care and Drugs Policy and Services). These departments have provided in principle support for the recommendations pertaining to their area of responsibility.

The response to the sixteen recommendations Recommendations for a National Response

1. The Committee recommends that a National Steering and Co-ordinating Committee be established to coordinate inhalant abuse prevention and treatment policy and activities.

Response: Support in principle. The Inquiry has identified the need for national coordination of this issue.

2. The Committee recommends to facilitate such a Committee, the Attorney General for the State of Victoria propose the establishment of such a Committee at the next National Conference of Australian Attorneys-General.

Response: Victoria recommends that the Ministerial Council on Drugs Strategy (MCDS) take up this issue and that the Interdepartmental Government Committee on Drugs be asked to establish a sub-committee. This Committee would report through the IGDC to the MCDS. It is thought that the MCDS and the IGDC would be a more appropriate forum to coordinate this issue given the prevention and treatment focus of the Health and Police portfolios, rather than the Attorney-General Department as proposed.

This recommendation from the Inquiry into the Inhalation of Volatile Substances has been placed on the Agenda for the next meeting of the Inter-Governmental Committee on Drugs to be held on 2 & 3 April 2003.

3. The Committee recommends that the role of the national body be primarily to co-ordinate national responses and strategies for addressing volatile substance abuse across all Australian states and territories as outlined in the Explanatory Memoranda attached to these recommendations.

Response: Support in principle.

Recommendations with regard to the law

4. The Committee does not recommend that volatile substance use be criminalised. The creation of an offence pertaining to volatile substance use is unlikely to be effective and could be counter-productive.

Response: Support in principle. The proposal to make inhalant use illegal has been rejected in most forums as it would likely be ineffective as a deterrent and may in fact make the practice more attractive.

5a. The Committee recommends that comprehensive legislation dealing with the civil apprehension and detention of intoxicated persons and related matters should be enacted. We recommend that the model outlined for a new Public Intoxication Act in this Committee's Final Report of the Inquiry into Public Drunkenness (June 2001) be adopted. The provisions for a new Public Intoxication Act are attached in Appendix 1. In particular, the definition of 'drug' in such an Act should include: 'a volatile substance capable of intoxicating a person'.

5b. The Committee recommends further that police be given power to seize and confiscate from an apprehended person

any intoxicant including a volatile substance product, and any instrument, article or receptacle associated with volatile substance abuse including, but not restricted to, plastic bags. A police officer should also be able to seize an intoxicant, including a volatile substance; and any instrument, article or receptacle associated with volatile substance abuse from a person who is not an apprehended person if in the judgement of the police officer the person is using or is likely to use the substance or product for a purpose of intoxication and/or graffiti.

5c. The Committee recommends

i) that a police officer may seize an intoxicant, including a volatile substance, and any instrument, article or receptacle associated with volatile substance abuse from a child who is in a public place if:

(a) the child is consuming or inhaling the intoxicant; or

(b) the officer reasonably suspects that the person or child is about to consume or inhale the intoxicant, and

(c) the officer reasonably suspects that the child is likely to become intoxicated if the intoxicant is not seized.

(d) the officer reasonably suspects the instrument, article or

receptacle is likely to be used for the purpose of volatile substance abuse

(ii) The intoxicant, instrument, article or receptacle may be seized even if the child is not intoxicated if the officer reasonably believes it is being used or will be used for the purpose of volatile substance abuse.

(iii) The officer may destroy the intoxicant.

(iv) This section does not prevent an intoxicant that has been seized from being seized under another written law or under a legal process.

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Response: The following summarises the response to recommendations 5a, 5b, & 5c. The Government supports in principle these recommendations. In developing an effective and fair response to the problem of inhalant abuse, the Government will have regard to the fact that the problem is of particular concern in the Indigenous community and among young people. This Government is committed to maximising Indigenous input into policies that impact on the Koori community and people. In giving further consideration to the issues raised by the recommendations, the Government will act in accordance with the principles of the Victorian Aboriginal Justice Agreement.

As with its response to the Committee's recommended apprehension and detention model in its Final Report of the Inquiry into Public Drunkenness, the Government will give further consideration to the model and what type of legislation best addresses the problems that arise with regard to civil apprehension and detention of persons intoxicated from inhalant use in particular. The Government recognises that any legislation that may have the effect of increasing the incidence of detention of Indigenous people must be developed in light of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The Government will also give further consideration to the proposed confiscation powers. There is a need to balance the right to possess legal substances against the need to protect the young and the vulnerable from harming themselves. The introduction of police powers in this area will be accompanied by guidelines to ensure that the powers are appropriately used.

Victorian Police will maintain a direct involvement in the development, and implementation of these recommendations.

The Department of Justice in consultation with the Department of Human Services has commenced the process for the drafting of legislation regarding the confiscation of inhalant equipment and the apprehension and detention of a person intoxicated through inhalant abuse.

Recommendation with regard to supply reduction

6. The weight of evidence received by the Committee does not support the introduction of age restrictions with regard to the sale of certain volatile substances particularly, spray paint cans. Nonetheless significant interest groups, including Victoria Police and sectors of the Indigenous community, did support point of sale restrictions. Some groups remain equivocal. They argue that such bans can only be one part of a multi faceted strategy to address volatile substance abuse. There are clearly strong and persuasive arguments on both sides of this debate that merit further consideration.

The Committee was therefore unable to reach a definitive position and awaits the results of the evaluation of South Australia's anti graffiti legislation which has prohibited the sale of spray paint cans to those under 18 years of age. The Committee recommends that the proposed National Steering and Coordinating Committee undertake further investigation into introducing mandatory age restrictions on the purchase of volatile substance products including cans of spray paint.

Response: Support in principle. The Victorian Government initiated a Retailers Campaign to support the responsible sale of volatile solvents in July 2002, and developed a Retailers Kit.

The basis of the Kit is a Voluntary Code to prevent the sale of solvents to young people who are likely to abuse. This initiative has been highly successful and

3,000 Retailers Kits have now been distributed state-wide.

The Code was developed with a range of retailers. On the Committee advising, were the Retailers Association of Victoria, Kmart, Mitre 10, Bunnings, and the Hardware Association. Victoria Police also participated on the Committee and endorsed the Kit and the introduction of the Code. The Code should be used as a basis for any issues pertaining to the sale of solvents for graffiti.

The Government believes this approach is the most effective method to deal with the inappropriate sale of solvents. The implementation of the voluntary code will continue to be monitored and assessed and by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a and the National Steering and Co-ordinating Committee as per recommendation 1.

Recommendations with regard to research and evaluation

7a. The Committee recommends that a research programme and agenda to address volatile substance abuse be developed. This should be undertaken by the proposed Coordinating Committee outlined in Rec 8a.

Response: Support in principle. Clearly there is a need for research in the area of volatile substances.

It is anticipated that further investigation into establishing and developing a research programme on inhalant abuse would be coordinated by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

7b. The Committee recommends that all publicly funded programmes that are established to address volatile substance abuse have a requirement for evaluation to determine their effectiveness.

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Response: Support in principle. There is a need to evaluate the initiatives and projects currently and recently established to address solvent abuse to determine future directions in this area.

That further investigation into establishing and developing an evaluation programme on inhalant abuse would be coordinated by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

Recommendations with regard to state-wide services

8a. The Committee recommends that a state committee, known as the Volatile Substance Abuse Coordinating Committee, be established.

8b. The Committee recommends that a person be appointed as a Volatile Substance Abuse Coordinator for the state of Victoria.

8c. The Committee recommends that an Emergency Services Protocol be developed by the State Coordinating Committee and should be implemented for use by police, ambulance services and the response network.

8d. The Committee recommends that the State Volatile Substance Abuse Coordinating Committee should at all times undertake its duties in coordination with the principles and guidelines established by the National Steering and Coordination Committee.

Response: Support in principle. State coordination of inhalant initiatives is required to further progress work on inhalant abuse. However, further consideration is required as to how best to integrate such a committee within the existing infrastructure.

It is further proposed that this recommendation be considered by the Inter-Departmental Committee on Drugs in their forthcoming meetings with regard to how best to establish, integrate and resource such a Committee and that this advice is provided to the Victorian Government within the next six months.

Recommendation with regard to local initiatives

9. The Committee recommends that local government in conjunction with local stakeholders be encouraged to develop a Youth Inhalant Response Network to respond to solvent-related issues. Such a network would be comprised of youth, health and drug and alcohol service workers who are specifically trained to deal with volatile substance abuse. The network should be based on a protocol agreed to by existing local community agencies. The Network should work in tandem with the Emergency Services Protocol recommended by this Committee (see Rec. 6c)

Response: Support in principle. The need for coordination of locally based activities was an issue identified by submission to the Inquiry. Currently a number of the local initiatives are not well supported or coordinated. A Youth Inhalant Response Network would provide support and expertise to local groups, however it will need focus and clear terms of reference.

The Youth Inhalant Response Network will be established initially through the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8.

Recommendations with regard to education

10a. The Committee recommends that teaching about volatile substances as drugs should not be included in the mainstream drug education curriculum. Rather, volatile solvent education should be provided in the preventative context of Occupational Health and Safety.

10b. The Committee recommends that specific education programmes to address volatile substance abuse may be appropriate and should be considered for young people who are already regular or chronic users of volatile substances. In the school context such education programs should be taught outside the general classroom and conducted by trained experts in the field.

Response: Support these recommendations in principle. The Education Department has developed a resource for schools 'Volatile Solvents - a resource for schools' that is well regarded in this area. Senior representatives of the Department of Education and Training have provided their support to this recommendation.

The recommendations about education on volatile substances are consistent with the earlier findings of the Inhalant Inquiry and best practice national and international research in this area.

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Recommendations with regard to information and training provision

11a. The Committee recommends that, for the most part, education training and information provision with regard to volatile substances are most usefully developed for groups other than children and adolescents.

These groups should include:

- Teachers and school support staff;
- Parents, and parent groups;
- Police, ambulance officers and other emergency personnel;
- Youth, social and community workers (including culturally appropriate education strategies for those from Indigenous groups);
- Drug and alcohol service workers;
- Residential care workers;
- Doctors, nurses and other health workers;
- Local government staff, particularly for those working in areas such as recreation, parks and gardens and amenities;
- Journalists and media representatives.

In particular, these groups and individuals need to be thoroughly informed of the nature and consequences of volatile substance abuse. They should also be trained or advised of appropriate ways of assisting a young person who appears to be intoxicated through volatile substance abuse.

Response: Support in principle. The Department of Human Services is engaged in a number of training and education initiatives on volatile substance abuse including:

- *Chroming Treatment and Management Guidelines* (developed by Turning Point Alcohol and Drug Service) for residential workers.

- *Funding to the Australian Drug Foundation to produce a pamphlet on solvents, providing general information (such as what are solvents, effects, what to do in an emergency) for parents and health professionals.*
- *Training on inhalant abuse was provided to all residential care workers who work with young people in February 2002.*

It is proposed that further consideration of the training needs on inhalant abuse be coordinated by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

11 b. The Committee recommends that relevant professional bodies should examine the adequacy of current training on volatile substance abuse and should determine the basic details of knowledge on volatile substance abuse appropriate to their professions.

Response: Support in principle.

It is proposed that further consideration of the training needs on inhalant abuse be coordinated by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

11c The Committee recommends that in-service and multi-disciplinary training on drug issues include volatile substance abuse. Within training and education programmes for personnel working in the field, instruction should be provided giving accurate and comprehensive knowledge of harm minimisation policy and practice.

Response: Support in principle.

The Government has developed Chroming Management Guidelines for personnel working in the field that covers all issues of management, treatment, and intervention of people with these issues. These guidelines will be used as a basis for future training and education in managing inhalant abuse. The guidelines are due for release and have been distributed to

Community Care, Drug and Alcohol Treatment and other related sectors in November 2002.

It is proposed that further consideration of the training needs on inhalant abuse be coordinated by the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

Recommendations with regard to tailoring responses for specific groups

12a. The Committee recommends the establishment of an Intensive Therapeutic Interventions Support Service.

Response: Support in principle. The Department of Human Services is already acting on this recommendation, based on outcomes from the 'When Care Is Not Enough' (2000) report that was commissioned by the Department of Human Services. Five million dollars has been allocated from the State budget to establish as part of the Intensive Therapeutic Service (ITS) project, specialist therapeutic and treatment services statewide. The ITS will target Child Protection clients aged 0 to 18 years who are at risk of developing severe emotional or behavioral disturbance or those who already exhibit these behaviors as a consequence of severe abuse or neglect. Some of these young people will be engaging in substance abuse including the inhalation of volatile substances.

12b. The Committee recommends the establishment of youth specific specialist substance abuse services, including residential treatment services.

Response: Support in principle. It has been recognised for some time that young people who are chronic inhalant abusers generally have a history of complex life difficulties that require intensive support. Consequently the Victorian Government

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has increased funding to Youth specific drug services including the Five Specialist Alcohol and Drug Treatment Worker positions to support young people with drug problems (including 'chomping') in residential care and substantial increases in youth outreach, withdrawal and rehabilitation services.

It is proposed that this issue will continue to be monitored by the State Volatile Substances Coordinating Committee.

12c. The Committee recommends that there be a Review of service provision for those young people who having turned eighteen years of age can no longer receive assistance or participate in programmes designed to assist them with their volatile substance abuse.

Response: *Support in principle. It should be noted that all young people with inhalant abuse issues are able to access youth treatment services up until the age of 21 years. Young people over 21 years of age with inhalant abuse issues are then able to access Drug Treatment adult services. In addition the Department of Human Services is currently coordinating service responses to complex care clients that will include this target group.*

It is proposed that this issue continue to be monitored by the proposed Volatile Substance Abuse Coordinating Committee.

Aboriginal and Torres Strait Islander specific recommendations

13a. The Committee recommends that specific culturally appropriate training and resources on solvent abuse issues be provided to Indigenous alcohol and drug workers.

13b The Committee recommends the need for Indigenous specific holistic healing centres to be funded to adequately cater for the specific cultural needs of

Indigenous communities with regard to substance abuse issues as described in this Report and this Committee's previous Report into Public Drunkenness.

13c In particular, the Committee recommends the urgent establishment of a holistic healing centre that specifically addresses the needs of and is established for Indigenous young people.

13d The Committee recommends that the development and funding of Indigenous specific leisure facilities, including youth, sport and recreational clubs and programmes, be extended in order to provide structured activities that will engage young people, enhance their self-esteem, promote Indigenous culture and tradition and develop a sense of community.

Response: *Support in principle these recommendations. The number of young Aboriginal people who abuse inhalants are disproportionately represented in drug treatment statistics.*

Progress has been made against recommendation 13a in the form of a highly successful training initiative for Koori Alcohol and Drugs workers, which will be repeated next year, and a resource for the Koori community to deal with solvent abuse issues which is currently being finalised.

With regards to Recommendation 13b and 13c a number of sectors have identified the need for Indigenous specific holistic healing centres including those who deal with family breakdown, family violence, youth offending and substance abuse issues. Responding to these concerns the government has announced the allocation of 2 million dollars for the establishment of a Koori Youth Residential Rehabilitation service. This will be the first service of this type catering for the specific needs of Koori Youth in Victoria. The service will support Koori Youth who are effected by

alcohol or drugs by addressing the physical, emotional & cultural aspects of health.

In respect to Recommendation 13d it should be noted that Aboriginal Affairs Victoria have recently funded Indigenous specific leisure facilities including capital funds for the redevelopment of sporting facilities for the Rumbalara Football and Netball Club in Shepparton and the relocation of the Fitzroy Allstars Gym to the Aborigines Advancement League in Thornbury.

It should also be noted that the Department of Human Services in September 2001 established a Koori Solvent Abuse Working Group and has also allocated 1 million dollars for a Koori Drug Strategy which will address the issue of solvent abuse among other drug use.

These recommendations are consistent with the policy and program direction of both the Koori Solvent Abuse Working Group and the initial work of the Koori Drug Strategy. There is a demonstrable need for recreational facilities, programs and structured activities for young Koori people.

It is proposed that these recommendations are considered as part of the Koori Drug Strategy currently being developed by the Department of Human Services in association with Koori organisations. Further these recommendations could form part of the work of the proposed Volatile Substance Abuse Coordinating Committee.

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Recommendation with regard to the media

14. The Committee recommends that a voluntary Protocol be developed on the reporting of volatile substance abuse modelled on the guidelines pertaining to media reporting of suicide outlined in the Committee's Report. The International Federation of Journalists (IFJ) guidelines on the reporting of children should also be taken into consideration.

Response: *Support in principle. It has long been recognised that the reporting of inhalant abuse is part of the problem and needs to be comprehensively addressed across the media industry.*

It is anticipated that this issue will form part of the work of the proposed Volatile Substance Abuse Coordinating Committee as per recommendation 8a.

Recommendation with regard to product development and modification

15. The Committee recommends that government and private industry continue to explore the possibilities for the development of safer spray paint products. In particular, it recommends that the Victorian Government through its Solvent Modification Feasibility Study liaises with private industry and the Australian Paint Manufacturer's Association to facilitate and expedite any proposals and projects associated with reducing the harmful effects and consequences of volatile substance abuse through the inhalation of paint products.

Response: *Support in principle. The Department of Human Services is currently in the process of finalising a contract with the CSIRO, to conduct a Solvent Modification Feasibility Study to investigate using bittering agents in*

volatile substances. The final report and recommendations from the Study will be provided to government by 30 June 2003.

Recommendations with regard to funding

16a. For an all of community response to address volatile substance abuse it is imperative that adequate funding be provided for:

- i) The establishment of a Coordinating Committee on Volatile Substance Abuse;
- ii) Initial establishment and ongoing costs for the Office of Coordinator of Volatile Substance Abuse;
- iii) Local initiatives centrally coordinated through the Office of the Volatile Substance Abuse Coordinator;
- iv) Research and evaluation initiatives coordinated through the Office of the Volatile Substance Abuse Coordinator;
- v) Training programmes coordinated through the Office of the Volatile Substance Abuse Coordinator; and
- vi) Provision of a resource centre and clearing-house within the Office of the Volatile Substance Abuse Coordinator to collate resources and disseminate information on Volatile Substance.

16b. The Committee recommends that funding be provided on a triennial basis wherever possible for appropriate community projects and programmes.

Response: *Support in principle. While there is clearly a need for dedicated and coordinated work on inhalant abuse, further consideration is required to determine the scope of a new Statewide Volatile Substance Abuse Coordination body.*

On the issue of a Clearinghouse, the Australian Drug Foundation has recently been funded to provide an Alcohol and

Drug Clearinghouse and it would make sense in terms of the best use of resources, that a resource centre and clearinghouse be linked or integrated within the current Alcohol and Drug Clearinghouse.

It is anticipated that the research, evaluation, training and coordination proposals will be conducted with existing resources.