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Committee Secretary
Senate Standing Committees on Community Affairs
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Dear Committee Secretary

I am writing in regard to the call for submissions on the *Social Services Legislation Amendment (Drug Testing Trial) Bill 2018* ('The Bill'). The Australian Injecting and Illicit Drug Users League (AIVL) welcomes the opportunity to provide comment to the Senate Standing Committees on Community Affairs in relation to this Bill.

AIVL believes that the establishment of mandatory drug testing in trial areas as a condition of receiving income support is a coercive and punitive measure that lacks any evidence of achieving lower rates of income support, increased income support compliance or decreased community harms related to drug use. AIVL is concerned that the Bill will only have the effect of adding pressure to an already underfunded and stretched alcohol and other drug (AOD) treatment service system, actively work against the Australian Government's directions as part of the new *National Drug Strategy 2017-2026* and do little to address the broader structural factors that contribute to unemployment.

This submission has been developed with input from the Australian Federation of AIDS Organisations (AFAO), which has made a separate supporting submission as part of this consultation process.

Australian Injecting and Illicit Drug Users League (AIVL)

AIVL is the Australian national peak organisation representing the state and territory peer-based drug user organisations and issues of national relevance for people with lived experience of drug use. AIVL's purpose is to advance the health of people who use/have used illicit drugs. This includes a primary focus on reducing the transmission and impact of blood borne viruses (BBVs) including HIV and hepatitis C – including for those accessing drug treatment services - through the effective implementation of peer education, harm reduction, health promotion and policy and advocacy strategies at the national level.

Drug testing people on income support ignores structural factors of long term and youth unemployment

AIVL rejects the assertion underpinning the Bill that substance use is a major barrier to social and economic participation. The *Statement of Compatibility with Human Rights* contained within the Explanatory Memorandum that accompanies the Bill suggests that the number of job seekers using drug or alcohol issues as an excuse for not meeting requirements has increased by 131% and the number who have been exempted

from requirements for drug or alcohol dependency increased by 80% between 2011 and 2016. Yet these statistics do not report the actual numbers of people exempted while also conflating statistics relating to illicit drugs with those relating to alcohol as the basis for this claim, despite people with alcohol dependency not being subject to testing for income support. This provides a flimsy basis on which the entire purpose of the Bill rests.

Beyond the weakness of supporting data, the Bill ignores the well-established factors that both lead to unemployment and keep people out of the job market. Research highlights a range of broader structural barriers for young people and adults in finding work, such as numeracy, internet access, post-schooling qualifications, disability, experience of domestic violence and prison convictions all highlighted as contributing to inequality and broader exclusion from the job market.¹ When examining youth unemployment, structural factors affecting the supply of available jobs, such as broader economic issues that affect roles often filled by younger people, are cited as barriers to employment in addition to individual factors.^{2 3} These factors work in conjunction with geographic availability of work. Estimates suggest that youth unemployment sits around 12% nationally.⁴

These points illustrate that factors leading to unemployment and exclusion from the job market are complex, structural and often geographically dependent. Drug use or drug dependency is not identified as a significant factor contributing to unemployment, signalling a lack of evidence base for undertaking an expensive program of drug testing. Drug testing those receiving income support does little to address the broader factors highlighted and only serves to further demonise and stigmatise the portion of Australians who are locked out of the job market.

Increasing pressure on an already stretched service system

A review by the National Drug and Alcohol Research Centre in 2014 found that there is substantial unmet demand within the AOD treatment sector across Australia, with an estimated 200,000-500,000 Australians each year unable to access treatment for problems associated with drug or alcohol use.⁵ AIVL notes the commitment of an additional \$10 million in funding for treatment services across the trial locations of Canterbury-Bankstown, Logan and Mandurah however data from local Primary Health Networks that operate within the sites raises concerns about the ability of additional funding to enhance capacity within a significantly stretched system. Needs analysis reports highlight long waiting lists for in-patient and community-based treatment, limited services for complex cases, limited access to pharmacotherapies, little scope for early intervention of drug-related issues and lack ongoing and sufficient funding to support demand within services and retain the alcohol and other drug workforce.^{6 7 8}

Despite additional investment into drug support services in these areas, AIVL is concerned that this will not be enough to adequately enhance system capacity and will displace those who voluntarily seek support for their drug use. In this context, AIVL believes that the costs of the drug testing, as well as the additional \$10 million being invested in services, would be better used to enhance the AOD treatment sector in Australia

¹ Jesuit Social Services & Catholic Social Services. (2015). *Dropping off the Edge: Persistent communal disadvantage in Australia*. <https://dote.org.au/findings/full-report/>

² Junankar, R. (2015, April 16). 'High youth unemployment can't be blamed on wages', *The Conversation*. <https://theconversation.com/high-youth-unemployment-cant-be-blamed-on-wages-39628>

³ Social Policy Research Centre. (2015). *Unpacking Youth Unemployment*. https://www.sprc.unsw.edu.au/media/SPRCFile/Unpacking_Youth_Unemployment_Final_report.pdf

⁴ Brotherhood of St Laurence. (2016). *Australia's Youth Unemployment Hotspots*. http://library.bsl.org.au/jspui/bitstream/1/9004/1/BSL_Aust_youth_unemployment_hotspots_Mar2016.pdf

⁵ National Drug and Alcohol Research Centre. (2014). *New Horizons: The review of alcohol and other drug treatment services in Australia*.: [http://www.health.gov.au/internet/main/publishing.nsf/content/FD5975AFBFD7013CA258082000F5DAB/\\$File/The-Review-of-alcohol-and-other-drug-treatment-services-in-Australia.pdf](http://www.health.gov.au/internet/main/publishing.nsf/content/FD5975AFBFD7013CA258082000F5DAB/$File/The-Review-of-alcohol-and-other-drug-treatment-services-in-Australia.pdf)

⁶ South Western Sydney Primary Health Network. (2016). *Primary Health Network Needs Assessment Reporting Template*. Available at http://www.swsphn.com.au/client_images/1898532.pdf

⁷ Brisbane South Primary Health Network. (2016). *Brisbane South PHN Whole of Regions Needs Assessment Refresh – November 2016*. Available at <http://bsphn.org.au/wp-content/uploads/2017/10/WORNA-refresh-2016.pdf>

⁸ Perth South Primary Health Network. (2016). *Updated Activity Work Plan 2016-2019: Drug and Alcohol Treatment*. Available at http://www.wapha.org.au/wp-content/uploads/2017/09/170920_2016-18_Perth-South-Drug-and-Alcohol-treatment-activity-work-plan.pdf

more broadly for people who are actively seeking to address issues related to their drug use.

No evidence that drug testing produces positive community outcomes

AIVL is also concerned that this trial is proposed without evidence of widespread drug use amongst people receiving income support or any indication that punitive compliance practices have a net community benefit.

A review of drug testing and income support programs in Florida by the US Centre for Law and Social Policy found that only 2.6% of people receiving income support returned a positive drug test, with only 1 % of all recipients meeting a threshold that required their support payments to be cut.⁹ Similar results were found in a review of programs in seven other US states, with between 0.002% and 8.3% of those on income support returning positive results.¹⁰ In New Zealand, where drug testing of people on income support has operated for three years, Ministry of Social Development figures report that in 2015, 32,000 people underwent drug testing and only 466, or 1.4%, returned positive results.¹¹

Following on from this, AIVL was unable to find any evidence that such programs were effective in either encouraging greater employment, increasing greater income support program compliance or reducing harm related to drug use. This suggests that the Bill seeks to fix a problem that does not exist with expensive, wasteful actions that have no credible evidence base. In this context, AIVL believes the only real outcome from the amendments proposed in the Bill would be to further perpetuate stereotypes and discrimination against people who use drugs as well as people who receive income support.

Consent for drug testing is obtained by coercion

The *Statement of Compatibility with Human Rights* that accompanies the Bill states that people receiving income support in trial locations will be required to acknowledge that they may be required to participate in the drug testing trial and failure to acknowledge this means that income support claims will not be processed. This is on top of having income support cancelled if a person does not consent to providing a sample to be tested.

AIVL is concerned that these measures mean that consent to participate in the trial is obtained through coercion as participants who are dependent on income support have no option but to participate under threat of having their income support cancelled. AIVL believes that those living within trial sites and receiving income support are unfairly discriminated against for no other reason than their locations have been selected as part of the trial. AIVL also believes that these conditions amount to unfair and unjust punishment, particularly given the flimsiness of the data that has been presented to justify the Bill and lack of evidence that drug testing people receiving income support achieves any positive outcomes for individuals or the wider community.

The Bill works against the goals of the *National Drug Strategy 2017-2026*

The recently released *National Drug Strategy 2017-2026* contains a number strategies designed to reduce demand for illicit drugs yet the introduction of drug testing for people on income support would work in direct contradiction to these actions and, as stated in the Australian Government's own policy, may only serve to exacerbate harms related to drug use.

The *National Drug Strategy* states that as part of good practice in reducing demand for illicit drugs, strategies

⁹ Centre for Law and Social Policy (2013). *TANF Policy Brief: Random Drug Testing of TANF Recipients is Costly, Ineffective and Hurts Families*. <http://www.clasp.org/resources-and-publications/files/520.pdf>

¹⁰ Covert, B. & Israel, J. (2015). 'What 7 states discovered after spending more than \$1 million drug testing welfare recipients', *Think Progress*. <https://thinkprogress.org/what-7-states-discovered-after-spending-more-than-1-million-drug-testing-welfare-recipients-c346e0b4305d>

¹¹ Collins, B. (2017). 'Tens of thousands drug-tested, hundreds fail', *Radio New Zealand*. <http://www.radionz.co.nz/news/political/325553/tens-of-thousands-drug-tested,-hundreds-fail>

should seek to ‘reduce the stigma’ of drug use to increase access to support services.¹² As highlighted in the previous section, there is no evidence of widespread illicit drug use among people who receive income support, nor evidence to say that punitive measures make any impact on unemployment rates or drug-related harm. Therefore the measures proposed in the Bill only serve to perpetuate stereotypes about an inherent link between receipt of income support and drug use. This type of stigma and stereotyping creates real barriers for people who want to access health services and seek support for their drug use. AIVL has previously reported on the impacts of these types of stigma for people who drugs and their effect; from impacting on people’s mental health, to people avoiding health services and having an impaired ability to find work or hold down a job.¹³

Also highlighted within the *National Drug Strategy* is the need for reducing drug-related harm by addressing underlying social, health and economic determinants of drug use. The Australian Council of Social Service (ACOSS) and the Social Policy Research Centre’s (SPRC) 2016 report on poverty in Australia highlights that a majority of Newstart recipients (55%) fell below the poverty line.¹⁴ The report also found that for a single person without children who receives Newstart, payments were \$109 per week below the poverty line, while Youth Allowance recipients in the same position fell \$158 per week below.¹⁵ This is in addition to there being no real increase in income support payments since 1994, causing people who receive these payments to fall further behind the rest of the Australian community.¹⁶

The Bill would see those who refuse a drug test have their income support payments cancelled. Additionally, those who return multiple positive results are also expected to bear the costs of these tests. These arrangements place unreasonable financial burden on a population of people who receive income support and are already under extreme financial pressure. This also appears to be working in direct contradiction to the Australian Government’s plan to reduce demand for illicit drugs by addressing the root causes of socio-economic disadvantage.

Concluding statement

AIVL welcomes the opportunity provided by the Senate Standing Committees on Community Affairs to comment on the *Social Services Legislation Amendment (Drug Testing Trial) Bill 2018* and its provisions that establish a trial of drug testing for people receiving Newstart and Youth Allowance (other).

AIVL supports measures that enable people excluded from the job market to find secure, ongoing employment and that enable people to access AOD treatment when they ask for support. However, AIVL believes the proposal to drug test people receiving income support does nothing to either address unemployment or reduce harms related to drug use. The establishment of a program that has no evidence base nor has shown any significant gains when trialed in other countries simply redirects scarce resources that would be better used to increase capacity in the AOD service system and allow the estimated 200,000-500,000 Australians every year who are unable to access treatment to get the support they require. AIVL believes that the only outcome of such a trial will be to displace existing need, further stigmatise people who use drugs and people receiving income support, and, by ignoring structural issues related to unemployment, push 5,000 Australians further below the poverty line. Most disappointingly, the Bill works in direct contradiction to the recently released *National Drug Strategy 2017-2026*, potentially exacerbating drug-related harm in the community.

¹² Department of Health. (2017:10). *National Drug Strategy 2017-2026*.

<http://www.health.gov.au/internet/main/publishing.nsf/Content/ministerial-drug-alcohol-forum>

¹³ Australian Injecting & Illicit Drug Users League. (2014). *We live with it almost every day of our lives: An AIVL report into experiences of stigma and discrimination*. http://www.aivl.org.au/wp-content/uploads/20151008_Report-Web.pdf

¹⁴ Australian Council of Social Service. (2016). *Poverty in Australia 2016*. <http://www.acoss.org.au/wp-content/uploads/2016/10/Poverty-in-Australia-2016.pdf>

¹⁵ *Ibid*

¹⁶ Australian Council of Social Service. (2015). *Inequality in Australia 2015*. http://acoss.wpengine.com/wp-content/uploads/2015/06/Inequality_in_Australia_FINAL.pdf

In this context, AIVL recommends that Senate Standing Committee advise the Australian Government against proceeding with the *Social Services Legislation Amendment (Drug Testing Trial) Bill 2018*.

If you would like any further information in relation to this submission, please contact myself or James Dunne, Director Programs and Communications, on 02 6279 1600

Yours sincerely

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