

Senate Community Affairs Legislation Committee

INQUIRY INTO THE SOCIAL SERVICES LEGISLATION AMENDMENT (DRUG TESTING TRIAL) BILL 2018 - 24 APRIL 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 14

Senator: Siewert

Type of question: Hansard page reference: p. 47

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: This is the problem with this whole ongoing area of social services. How many people use the email address?

Mr Bennett: I'll have to come back to you on that.

Senator SIEWERT: Could you take that on notice.

Mr Bennett: Yes, I will.

Answer:

The Department of Social Services has led a comprehensive engagement strategy regarding the drug testing trial. As part of this strategy, stakeholders have been supported to make contact with the department and the Government to express their views regarding the drug testing trial in a variety of ways.

Stakeholder engagement and information sessions were conducted by the department in each state and territory. The department gathered substantial feedback from the individual meetings and wider information sessions, where attendees provided their feedback directly at these events.

The department's senior executives provided their personal contact details directly to stakeholders throughout the course of the department's consultations and subsequently received feedback on the trial by phone and email.

The Government has received significant feedback on the trial from members of the public, drug and alcohol treatment peaks, health professionals and community organisations, in the form of correspondence.

The Department of Social Services established a dedicated mailbox for the drug testing trial, drugtestingtrial@dss.gov.au. This mailbox is an avenue for people to contact the department regarding the drug testing trial, and also serves an administrative purpose in supporting the logistics of the department's information and engagement sessions. Fifteen people have sought further information or provided feedback on the trial through this mailbox.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 15

Senator: Siewert

Type of question: Hansard page reference: p. 49.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: To follow up on that, I'm not a full expert on the law, but do the police have any capacity to request or require the provision of information about somebody, if you or DHS holds information?

Mr Bennett: I'm not aware of that. I will take that one on notice, but I'm not aware of that ever being an issue.

Senator SIEWERT: Neither am I; it's a question that I'm asking.

Mr Bennett: Because of the nature of various topics that I've seen in recent years, I would have thought that one would have come up, but I'll definitely take it on notice.

Answer:

There are existing privacy safeguards in place under the *Privacy Act 1988* and the confidentiality rules in the *Social Security (Administration) Act 1999*. These laws provide that protected information, including any personal information such as health information, can only be accessed, used or disclosed in limited circumstances. Under the social security law, this includes for the purposes of administering that law; for research, statistical analysis or policy development; and where it has been certified as being in the public interest. These existing safeguards will apply to any information gathered as part of this trial.

Disclosure of test results will only occur in accordance with these laws. Positive test results will not be shared with police, future employers or state/territory authorities, such as child protection services or public housing authorities, specifically as part of this trial.

There are general processes which allow for the disclosure of personal information to the police or state authorities in very limited circumstances and in accordance with existing laws. This includes in relation to certain offences, to prevent or lessen a threat to the life, health or welfare of a person, or for child protection purposes.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 17

Senator: Siewert

Type of question: Hansard page reference: p. 50.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 2

Question:

Senator SIEWERT: If I'm on methadone as a pharmacotherapy for an addiction and I go to my first interview and declare that I'm on methadone, so you know very well I'll test positive, I won't be put on income management even though I have an addiction which I've sought help for?

Mr Bennett: You will not be put on income management.

Senator SIEWERT: Because I've already sought treatment and I'm already in a treatment program?

Mr Bennett: Effectively because it's not an illicit substance.

Ms Deininger: Because you won't test positive. Because, as Mr Bennett said, if you disclose that there are particular circumstances—

Mr Bennett: But I also think it comes back to the point that the nature of the trial is associated with the focus on illicit drugs. Methadone would not be treated as—

Senator SIEWERT: Yes, but I have an addiction, so I have been using illicit drugs. Am I still okay?

Mr Bennett: The objective is that if you are on—if the use of illicit drugs is tested positive, there will be safeguards in the system associated with those who are not using illicit drugs but who may produce positive results.

Senator SIEWERT: I get it, yes.

Mr Bennett: I think I will take that on notice and come back to you. But I stand by the comment that if you are using illicit drugs the trial is aimed at creating arrangements where that will be tested for positive.

Answer:

The drug testing trial is not intended to identify people who are taking legal medication or medical cannabis. The testing procedure will include safeguards to ensure circumstances that may result in a positive drug test, other than illicit drug use, can be identified and taken into account by the drug testing provider.

Job seekers selected for drug testing will have a pre-test interview with the drug testing provider to help identify any legal medications the job seeker may be taking, or other factors, that may result in a positive drug test. They may also provide evidence after the test has been conducted, including after they have been advised of the result. Where the drug testing provider is satisfied there is sufficient evidence to determine a positive drug test result is invalid due to extenuating circumstances, such as a prescription for medication, the positive result would be withdrawn.

Only job seekers who test positive to a drug test in relation to illicit substances will be placed on Income Management.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 21

Senator: Watt

Type of question: Hansard page reference: p. 54.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator WATT: Feel free to take this on notice: can you point to anything in that wastewater data that indicates that Logan is somewhere with above-average, concerning—however you want to describe it—levels of drug use?

Mr Bennett: I will take that on notice.

Answer:

The Government considered a broad range of available evidence and data. One source of information was the Australian Criminal Intelligence Commission's National Wastewater Drug Monitoring Program Report 2017.

The Wastewater Drug Monitoring report does not identify usage within individual suburbs or local government areas. It provides data by jurisdiction at the metropolitan and regional level.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 22

Senator: Siewert

Type of question: Hansard page reference: p. 55.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: I want to go to the \$10 million allocation for treatment services. First off, how was the \$10 million figure arrived at?

Mr Bennett: The \$10 million treatment fund was arrived at following consultations with the Department of Health.

Senator SIEWERT: Did they recommend \$10 million, or did they provide information which you then used to decide on the \$10 million?

Mr Bennett: Unfortunately, I don't have the benefit of living knowledge on this topic, so I'm going to have to take that on notice.

Answer:

The Government made a decision that the treatment fund would be \$10 million after considering advice from the Department of Health and the Department of Social Services.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 23

Senator: Siewert

Type of question: Hansard page reference: pp. 55-56.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: It may be difficult for you to answer these next questions in terms of potentially what's in and what's out, but I'm going to try. Over the last couple of days we've had a lot of information saying that it's not just the drug and alcohol services that aren't meeting demand. There's a big unmet need, but there are also a range of community services that have to go hand in hand with those drug and alcohol services. For example, yesterday we heard from Passages in Mandurah that they support a lot of young people, particularly homeless young people, and they're finding there's a lack of accommodation for those homeless young people, and it's really hard to provide services that are positive if somebody is still homeless. So my question is: will some of that money be available for services that are not necessarily drug treatment services?

Mr Bennett: I understand your question. For the information I have that's publicly available for the treatment fund, you are taking a wider lens associated with support services. I think it would be safer, rather than potentially misleading you, to take that one on notice.

Senator SIEWERT: Okay. I am after whether it will be available, for example, for accommodation services—mental health services in particular, but the range of other community services that have been articulated as being needed to support somebody who has a significant addiction disorder. Could you take that on notice?

Mr Bennett: Yes.

Answer:

As part of the drug testing trial, the Government has committed up to \$10 million to create a dedicated treatment fund. This fund will be able to provide additional treatment support in trial locations where the existing state or commonwealth supports and services are not sufficient to meet any additional related demand as a result of the trial.

The specific details of the treatment fund are being determined in consultation with the Department of Health, Primary Health Networks and the drug and alcohol sector before the trial starts. Feedback received during stakeholder engagement is also informing the design of the fund. The Government will announce further details of the Treatment Fund prior to the commencement of the trial.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 24

Senator: Siewert

Type of question: Hansard page reference: p. 56.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Could you also take on notice—or maybe you know—when the government's likely to articulate the broader parameters for how that money is going to be spent.

Mr Bennett: I will have to take that on notice.

Answer:

The Government will announce further details of the Treatment Fund prior to the commencement of the trial.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 25

Senator: Siewert

Type of question: Hansard page reference: p. 56.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Are you able to tell us what the consultation process will be in order to determine some of these factors?

Mr Bennett: As part of the treatment implementation process et cetera there will be further ongoing consultations. Again I think I will take this one on notice, because of the link you made to the other comments. I've previously reflected the expectation of creating a reference group at each of the locations. If that's not the area, if you're talking more about the treatment fund, then—

Senator SIEWERT: I'm talking about the treatment fund.

Mr Bennett: allow me to take it on notice please.

Answer:

As part of the drug testing trial, the Government has committed up to \$10 million to create a dedicated treatment fund. This fund will be able to provide additional treatment support in trial locations where the existing state or commonwealth supports and services are not sufficient to meet any additional related demand as a result of the trial.

The specific details of the treatment fund are being determined in consultation with the Department of Health, Primary Health Networks and the drug and alcohol sector before the trial starts. Feedback received during stakeholder engagement is also informing the design of the fund. The Government will announce further details of the Treatment Fund prior to the commencement of the trial.

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INQUIRY INTO THE SOCIAL SERVICES LEGISLATION AMENDMENT (DRUG TESTING TRIAL) BILL 2018 – 24 APRIL 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Drug Testing Trial

Question reference number: 26

Senator: Senator Siewert

Type of question: Hansard page reference: p. 56.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Yesterday we heard there are no long-term rehab services in south-west WA specifically for Indigenous people, despite the Better Choices. Better Lives plan which articulates that. WACOSS has called for it a number of times. Could something like that be funded through the treatment fund?

Mr Bennett: Again I'm going to have to take it on notice. I understand the question you're asking.

Answer:

The treatment fund will be able to provide additional treatment support in trial locations where the existing state or commonwealth supports and services are not sufficient to meet any additional related demand as a result of the trial.

The specific details of the treatment fund are being determined in consultation with the Department of Health, Primary Health Networks and the drug and alcohol sector before the trial starts. Feedback received during stakeholder engagement is also informing the design of the fund. The Government will announce further details of the Treatment Fund prior to the commencement of the trial.

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INQUIRY INTO THE SOCIAL SERVICES LEGISLATION AMENDMENT (DRUG TESTING TRIAL) BILL 2018 – 24 APRIL 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 27

Senator: Watt

Type of question: Hansard page reference: p. 57.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator WATT: So, to come back to my original question in this bracket, what work is being done now—whether by your department, the Department of Health or whoever it might be—to ensure that if this bill gets royal assent there will be people available? To give you another example, when the NDIS was first invented a lot of work went on to ensure that, when the time came, there would be people ready to deliver the service. Is similar work being done now to prepare for the potential need for extra qualified staff?

Mr Bennett: I think this is the type of conversation that I would be best to take on notice, because I think it involves more than one department.

Answer:

Selection of the trial sites was informed by a range of available evidence and data. This included consideration of drug treatment services in trial site Local Government Areas.

The Department of Social Services will work with the Department of Health, local Primary Health Networks, the treatment sector through the peaks, and state and territory health services to ensure that job seekers are able to access appropriate treatment and support services.

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ANSWER TO QUESTION ON NOTICE**

Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 28

Senator: Siewert

Type of question: Hansard page reference: p. 58

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Did you look at any of the outcomes of income management in the three sites in terms of providing that information to government?

Mr Bennett: I would have to take that on notice.

Answer:

An objective of the drug testing trial is to assess the efficacy of using welfare quarantining to help people with identified drug abuse issues overcome these barriers and find work. The use of income management as the method of welfare quarantining for job seekers who test positive to illicit drugs during the drug testing trial was determined based on the practicality of this method in the trial sites. The outcomes of evaluation of Place Based Income Management do not directly align with the use of income management in the drug testing trial as they did not specifically consider its impact on a person's use of illicit drugs.

There will be a comprehensive evaluation of the drug testing trial conducted in parallel with the trial. It will include evaluation of the effectiveness of welfare quarantining in assisting job seekers to overcome their drug abuse issues.

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Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 29

Senator: Siewert

Type of question: Hansard page reference: p. 58

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Could you take on notice: were the outcomes of the place-based income management taken into account? It's called something else now, isn't it—the Supporting People at Risk Measure? Is that the general term that's now used for what was the place-based income management approach?

Unidentified speaker: No, it's a separate measure.

Senator SIEWERT: Can you take on notice: were the outcomes of both taken into account in deciding the three trial sites? Were the outcomes of the Supporting People at Risk Measure taken into account in deciding the three trial sites?

Answer:

An objective of the drug testing trial is to assess the efficacy of using welfare quarantining to help people with identified drug abuse issues overcome these barriers and find work. The use of income management as the method of welfare quarantining for job seekers who test positive to illicit drugs during the drug testing trial was determined based on the practicality of this method in the trial sites. The outcomes of evaluation of income management to date do not directly align with its use in the drug testing trial as they did not specifically consider its impact on a person's use of illicit drugs.

There will be a comprehensive evaluation of the drug testing trial conducted in parallel with the trial. It will include evaluation of the effectiveness of welfare quarantining in assisting job seekers to overcome their drug abuse issues.

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INQUIRY INTO THE SOCIAL SERVICES LEGISLATION AMENDMENT (DRUG TESTING TRIAL) BILL 2018 – 24 APRIL 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Drug Testing Trial

Question reference number: Question 30

Senator: Siewert

Type of question: Hansard page reference: pp. 59-60.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 1

Question:

Senator SIEWERT: Have you done any work on alcohol as a barrier to work?

Mr Bennett: I will take that on notice.

Answer:

The 2017-18 Budget included a suite of measures to assist job seekers to overcome their substance abuse issues, including issues with alcohol use, and find and maintain work. The drug testing trial is one of several Budget measures designed to help job seekers address their drug and alcohol abuse issues.

Other measures in this package allow all job seekers to have drug and/or alcohol treatment in their job plan and have this count towards their Annual Activity Requirements from 1 January 2018.

From 1 July 2018 job seekers will no longer be granted an exemption from their mutual obligations due to drug or alcohol abuse issues. Instead they will remain connected to their employment service provider and encouraged to revise their Job Plan to ensure they are addressing their barriers to work, including drug and alcohol issues.

Also from 1 July 2018, job seekers will not be able to repeatedly use drug and alcohol issues as a reasonable excuse for not meeting their obligations if they choose not to engage in available and appropriate treatment.

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Department of Social Services

Topic: Stakeholder Consultation

Question reference number: 31

Senator: Senator Siewert

Type of question: Hansard page reference: p. 46.

Date set by the committee for the return of answer: 1 May 2018

Number of pages: 4

Question:

Mr Bennett: To give this a wider context, I think it's valuable to go back to some of the initiatives that occurred after it was announced in the budget. As part of the budget information sessions there was a separate session associated with this proposal, and a broad range of people were invited to attend. There were sessions in Canberra on 23 May, in Sydney on 24 May and in Melbourne on 2 June. In addition to those broad sessions, there was a range of meetings held with the various governments and organisations through the period from May to July. In regards to the individual sites that were proposed for the trial, there was a series of activities that I'm happy to go through based on each site. Starting with Canterbury Bankstown, on Wednesday, 11 October sessions were held for community service providers, medical health professionals and the general public. On Friday 27 October further information sessions were held for employment service providers—

Senator SIEWERT: Are you able to provide the list, instead of taking up time?

Mr Bennett: I can.

Answer:

The following list represents the stakeholder engagement activities the Department of Social Services has undertaken in relation to the suite of drugs measures, including the drug testing trial.

Budget Roadshows: May – June 2017

The Department of Social Services and the then Department of Employment conducted three Budget information sessions for non-government organisations following the 2017-18 Budget. Seventy-three organisations were invited to attend these Budget information sessions.

These sessions informed key stakeholders on social security and employment related Budget measures, including a specific opportunity to focus on the suite of drugs measures, including the drug testing trial, and an opportunity for stakeholders to raise issues and ask questions.

The following sessions were held:

- Canberra – 23 May 2017
- Sydney – 24 May 2017
- Melbourne – 2 June 2017.

Initial Stakeholder Engagement meetings: May – July 2017

The Department of Social Services held individual stakeholder engagement meetings with thirty organisations Australia-wide across each jurisdiction between May and July 2017. This included meetings with state and territory Health and other relevant departments such as Police and child services during this period. The department also met individually with representatives from medical specialist associations, drug and alcohol health services providers, community and disability representative groups, and state alcohol and drug treatment networks.

Local (trial site) Stakeholder Engagement meetings: August – September 2017

Following announcement of the trial locations, the Department of Social Services held individual stakeholder engagement meetings with nineteen organisations across the three trial sites between August and September 2017. These meetings included state Health departments as well as relevant state and local stakeholders from the community and health sectors in Queensland, New South Wales and Western Australia.

Logan Roundtable

The Department attended an inter-agency roundtable on the drug testing trial in Logan, hosted by the former Minister for Human Services, Minister Tudge, and the local member, Bert van Manen MP, for local service providers and community organisations. This meeting was attended by nine local organisations.

Local (trial site) Information Sessions: October 2017

The Department held information sessions in each of the trial locations. The information sessions were advertised in local newspapers, peak organisations and other contacts. Separate sessions were held for social services providers, medical and other health service providers, employment services providers and the general public.

These information sessions provided an opportunity for local stakeholders to hear more detail about how the trial will run, to ask questions and to provide feedback. The sessions were conducted by the Department in conjunction with staff from the Department of Employment and the Department of Human Services (DHS).

Location	Sessions	Date
Canterbury-Bankstown	<ul style="list-style-type: none">• Social services providers• Medical/treatment providers• Members of the public	11 October 2017
	<ul style="list-style-type: none">• Employment services providers	27 October 2017
Logan	<ul style="list-style-type: none">• Social services providers• Medical/treatment providers• Members of the public	12 October 2017
	<ul style="list-style-type: none">• Employment services providers	30 October 2017
Mandurah	<ul style="list-style-type: none">• Social services providers• Medical/treatment providers• Employment services providers• Members of the public	31 October 2017