

**Submission  
No 2**

**FOLLOW UP OF THE AUDITOR-GENERAL'S  
PERFORMANCE AUDITS APRIL 2011 - SEPTEMBER  
2011**

**Organisation:** NSW Ministry of Health  
**Name:** Mr Ken Whelan  
**Position:** Deputy Director-General Systems Purchasing and Performance  
**Date Received:** 15/11/2012

D12/1013-9

Mr Jonathan O'Dea MP  
Chair  
Legislative Assembly Public Accounts Committee  
Parliament House  
SYDNEY NSW 2000

14 NOV 2012

Dear Mr O'Dea

Thank you for your letter to Dr Mary Foley, Director-General Ministry of Health regarding a submission from the Ministry on the implementation of recommendations of the Auditor-General's Report on *'The Effectiveness of Cautioning for Minor Cannabis Offences.'* As this matter falls within my portfolio your letter has been forwarded to me for response.

Please find enclosed a submission for your consideration outlining responses and actions to date on the recommendations of the Audit that relate to the Ministry. Thank you for providing the template to assist the Ministry in developing a response.

The Ministry continues not to support recommendations 1, 2 and 10 as they are outside the scope of the scheme which is designed to divert those cautioned from the court system and encourage them to seek help as opposed to providing treatment or punishment.

You will also note that Recommendation 4 of the Audit has not been completed by the due date of December 2011. The Ministry is involved in discussions around the resourcing needs for this particular initiative. I acknowledge the importance of collecting data on the profile of those cautioned offenders who access the Ministry's drug and alcohol health and education/information phone line.

Should you require any further information please contact David McGrath Director, Mental Health and Drug and Alcohol Programs at [damcg@doh.health.nsw.gov.au](mailto:damcg@doh.health.nsw.gov.au) or on (02) 9391 9262.

Yours sincerely



14 NOV 2012

Ken Whelan  
Deputy Director-General Systems Purchasing and Performance



IMPLEMENTATION OF RECOMMENDATIONS

Agency: NSW Health

Name of Audit: The Effectiveness of Cautioning for Minor Cannabis Offences

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN (AS ADVISED 2011)	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)
<b>Recommendations 4 and 5 referred to NSW Health</b>					
4	supported with qualification	Alcohol and Drug Services at St Vincent's Hospital manages the Cannabis phone line which does not currently collect any profile data on those who contact the service.  <b>Significant resources</b> are required to change the database to enable collection of information on the profile of adults cautioned who contact the cannabis phone line. Consultation has commenced to determine the level of resources required to implement this recommendation. It should be noted that the availability of such resources is currently uncertain. <i>(As at 23.5.11)</i>	<b>Dec 2011</b>	The Ministry for Health has been unable to complete this recommendation by the due however the Ministry is involved in discussions around the resourcing needs for this particular initiative.	Mental Health and Drug and Alcohol Office
5	supported	Details of NSW Health's two websites 'Permanently Out of It' and 'Your Room' could be included on all cannabis	<b>Dec 2012</b>	The Ministry has progressed discussions with the NSW Police Force on including the website addresses on the cannabis cautioning notices. The Ministry is currently	Mental Health and Drug and Alcohol Office

RECOMMENDATION		ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN (AS ADVISED 2011)	DUE DATE	STATUS (completed, on track, delayed) and COMMENT	RESPONSIBILITY (Section of agency responsible for implementation)
	to contact the drug helpline and seek help for their cannabis use such as an online education session.		cautioning notices to provide alternative ways for those cautioned who seek help. (As at 23.5.11)		investigating increasing the accessibility of drug & alcohol treatment including the development of web based services and resources. The Ministry continues to develop social marketing campaigns of which the promotion of the Cannabis phone line can be incorporated.	
<b>Recommendations 1, 2,9, 10 referred to NSW Police in consultation with NSW Health</b>						
1	Recommendation 1:  By December 2012 implement strategies to increase the number of adult offenders contacting the drug helpline. These may include: - Following up and penalising second caution offenders who do not contact the helpline for the mandatory education session.	Not supported			The introduction of a punitive approach to those cautioned who do not contact the helpline is contradictory to the principles of the harm minimisation approach to drug and alcohol intervention. It is operationally difficult to identify contacts as the current helpline does not ask for or record callers' identifying information. The provision of health information to another agency is also of serious concern.	Mental Health and Drug and Alcohol Office
2	Recommendation 2:  By April 2013 evaluate whether cautioning reduces the drug use of adults cautioned for minor cannabis offences and recommend ways to improve its effectiveness. This may include	Not supported			As outlined previously cannabis cautioning was not designed to reduce individual's cannabis use and it is considered that this recommendation is outside the scope of the scheme. Any improvements to its effectiveness should be informed by the objectives of the scheme which are to divert those cautioned from the court system and encourage	Mental Health and Drug and Alcohol Office

<b>RECOMMENDATION</b>		<b>ACCEPTED OR REJECTED</b>	<b>ACTIONS TO BE TAKEN (AS ADVISED 2011)</b>	<b>DUE DATE</b>	<b>STATUS (completed, on track, delayed) and COMMENT</b>	<b>RESPONSIBILITY (Section of agency responsible for implementation)</b>
	making it mandatory for first caution offenders to seek help for their cannabis use				them to seek help.	
9	<p>Recommendation 9:</p> <p>By December 2012 develop ways to help young offenders seek help for their cannabis use. This may include showing a DVD on cannabis or inviting a drug counsellor to a caution meeting.</p>	Supported			The Ministry supports developing new ways to assist young offenders to seek help for their cannabis use through the use of DVDs and web based resources. However as the cannabis cautioning scheme is not a treatment intervention the attendance of a drug and alcohol counsellor at a caution meeting is not considered appropriate. Additionally there are not the resources available to support such attendance	Mental Health and Drug and Alcohol Office
10	<p>Recommendation 10:</p> <p>By April 2013 evaluate whether cautioning under the Young Offenders Act 1997 reduces the drug use of young people cautioned for minor drug offences.</p>	Not Supported			As outlined previously cannabis cautioning was not designed to reduce individual's cannabis use and it is considered that this recommendation is outside the scope of the scheme. Any improvements to its effectiveness should be informed by the objectives of the scheme which are to divert those cautioned from the court system and encourage them to seek help.	Mental Health and Drug and Alcohol Office