

The Senate

Community Affairs
References Committee

Beyond petrol sniffing: renewing
hope for Indigenous communities

June 2006

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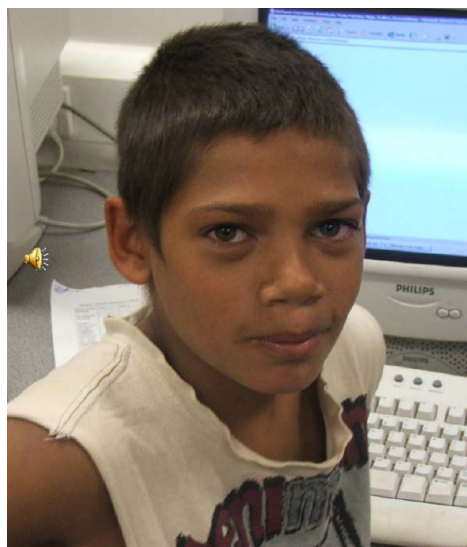
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Petrol sniffing makes people die and kill people and hang themselves and they fight and it makes them sick and make them hurt, really hurt from sniffing.

(Dale, Class 6/7, Luurnpa Catholic School, Balgo, WA).



It makes you get brain damage and it makes you mad, it makes you want to do bad things. They can burn a car or burn your house down or break in.

(William, Class 6/7, Luurnpa Catholic School, Balgo, WA).

***Disadvantage. Poverty. Hunger. Violence. Hopelessness. Despair.
Desolation. Disability. Disease. Death.***

These words have echoed over the decades and throughout so many inquiries and reports into substance abuse by Indigenous people. They are also the words used extensively by witnesses to this inquiry.

In the 21st century, many Indigenous people suffer a diminished and purposeless existence in a developed and wealthy country where other Australians take opportunity, education, good housing, clean water, good health and meaningful employment for granted. That this is the case is both shocking and shameful.

Petrol sniffing diminishes further an already disadvantaged existence. It robs young Indigenous people of their future. It brings violence and even death. It undermines the social fabric of communities and plunges them into crisis.

Communities in crisis face complex problems but may not have the capacity to seek the support required from government to develop and implement solutions. That a community is in crisis does not mitigate against the responsibility of government to deliver basic and essential services that are the right and expectation of all Australians.

Communities are entitled to be consulted about, and engaged in, the delivery of services they receive. It is for the benefit of all – the individual, the community and government – that community capacity is developed, community engagement encouraged and government and communities work together to seek ways to overcome petrol sniffing.

The Committee does not want the recommendations in this report to be added to those which have already been made and discussed but not fully implemented. The Committee sees its recommendations as pointing a way ahead: a way to harness the commitment that exists in Indigenous communities and in government to address the problem of petrol sniffing and its underlying causes.

This must be the turning point. All Australians must be able to say that they live with hope, dignity, purpose and opportunity.

Senator Claire Moore, Chair
ALP, Queensland

Senator Gary Humphries, Deputy Chair
LP, Australian Capital Territory

Senator Judith Adams
LP, Western Australia

Senator Andrew Bartlett
AD, Queensland

Senator Trish Crossin
ALP Northern Territory

Senator Helen Polley
ALP, Tasmania

Senator Rachel Siewert
AG, Western Australia

Senator Ruth Webber
ALP, Western Australia

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Members

| | |
|---|----------------------------------|
| Senator Claire Moore, Chair | ALP, Queensland |
| Senator Gary Humphries, Deputy Chairman | LP, Australian Capital Territory |
| Senator Judith Adams | LP, Western Australia |
| Senator Lyn Allison | AD, Victoria |
| Senator Carol Brown | ALP, Tasmania |
| Senator Helen Polley | ALP, Tasmania |

Substitute members for the inquiry

Senator Trish Crossin (ALP, NT) to replace Senator Carol Brown and Senator Andrew Bartlett (AD, Qld) to replace Senator Lyn Allison.

Participating Members involved in the inquiry

| | |
|------------------------|------------------------|
| Senator Bob Brown | AG, Tasmania |
| Senator Chris Evans | ALP, Western Australia |
| Senator Rachel Siewert | AG, Western Australia |
| Senator Ruth Webber | ALP, Western Australia |

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LIST OF ACRONYMS

| | |
|----------|---|
| ABTA | Aboriginal Benefits Trust Account |
| ADCA | Alcohol and other Drugs Council of Australia |
| AERF | Alcohol Education and Rehabilitation Foundation |
| AHMA | Australian Health Ministers' Advisory Council |
| AIDA | Australian Indigenous Doctors' Association |
| AIHW | Australian Institute of Health and Welfare |
| ANTaR SA | Australians for Native Title and Reconciliation, South Australia |
| APY | Anangu Pitjantjatjara Yankunytjatjara |
| ATSIC | Aboriginal and Torres Strait Islander Commission |
| CAAPS | Council for Aboriginal Alcohol Program Services |
| CAYLUS | Central Australian Youth Link-up Service |
| CDEP | Community Development Employment Projects |
| DAARE | Department for Aboriginal Affairs and Reconciliation (SA) |
| DHCS | Department of Health and Community (NT) |
| DIMIA | Department of Immigration and Multicultural and Indigenous Affairs |
| DoHA | Department of Health and Ageing |
| FaCSIA | Department of Families, Community Services and Indigenous Affairs |
| IBA | Indigenous Business Australia |
| ICC | Indigenous Coordination Centre |
| ILC | Indigenous Land Corporation |
| LSSA | Law Society of South Australia |
| MCATSIA | Ministerial Council for Aboriginal and Torres Strait Islander Affairs |
| MFPP | Multi-function police facility |
| NIAT | National Inhalant Abuse Taskforce |
| NLC | Northern Land Council |
| NPY | Ngaanyatjarra Pitjantjatjarra Yankunytjatjarra |
| NPYWC | Ngaanyatjarra Pitjantjatjarra Yankunytjatjarra Women's Council |
| OATSIH | Office for Aboriginal and Torres Strait Islander Health |
| OIPC | Office of Indigenous Policy Coordination |
| ORAC | Office of the Registrar of Aboriginal Corporations |
| QPS | Queensland Police Service |
| RCIADIC | Royal Commission into Aboriginal Deaths in Custody |
| SAID | Substance Abuse Intelligence Desk |

| | |
|----------|---|
| SAPOL | South Australian Police Service |
| SRA | Shared Responsibility Agreements |
| VSAAP | Volatile Substance Abuse Action Plan (WA) |
| VSA | Volatile Substance Abuse |
| VSAP Act | <i>Volatile Substance Abuse Prevention Act 2005</i> |
| VSU | Volatile Substance Use |
| Waltja | Waltja Tjutangku Palyapayi Aboriginal Corporation |
| WAPS | Western Australian Police Service |
| YALC | Yarrenyty Arltere Learning Centre |

EXECUTIVE SUMMARY

Petrol sniffing causes devastation in Indigenous communities. The health impacts include chronic disability and the social impacts include violence, crime and the breakdown of community structures. Tragically, young Indigenous people are dying as a result of petrol sniffing.

For over twenty years petrol sniffing has been the subject of many reports, reviews, coronial inquiries and research projects. The reasons why young Indigenous people sniff petrol, the disruptive impact on Indigenous communities, and the severe health implications for individuals are well known and have been repeatedly addressed in all of the reports. In fact, the evidence received by the Committee echoed the research already undertaken and again pointed to the multiple causes of petrol sniffing including hunger and poverty, boredom and a lack of meaningful employment opportunities.

The lack of progress in implementing recommendations contained in these reports has created much frustration and despair in communities. Evidence from Indigenous community members indicates persistent unsafe conditions for adults and children. The Committee believes that petrol sniffing in Indigenous communities has become so destructive and the need to find effective solutions is so urgent that the Council of Australian Governments must take responsibility for initiatives that address petrol sniffing.

Short-term solutions will not be found to prevent petrol sniffing in Indigenous communities. The key components to solving the problems of petrol sniffing will be a holistic approach: a whole-of-government approach matched with on-going commitment and sustained funding of programs that engage Indigenous communities.

The Commonwealth's Eight Point Regional Strategy for Central Australia, although restricted to a designated region in Central Australia, is an important initiative in addressing petrol sniffing. This Strategy is promising and contains many elements of a holistic approach but with the implementation so restricted, it will take some time to reach communities in need outside of the designated region.

The Committee considers that the supply of Opal is vital to reducing petrol sniffing. Subject to the availability of Opal, the cost of the roll out of Opal would be offset by savings in health care for those disabled through sniffing as well as a reduction in the cost of support services to communities that are dealing with petrol sniffing.

Effective policing strategies and enabling legislation have contributed to the prevention of sniffing and the trafficking of illicit and licit substance abuse. Effective strategies include the provision of 'safe houses', targeted multi-function police centres, a permanent police presence in communities, community night patrols and the recruitment of community members as Aboriginal Liaison and Community Officers to work alongside sworn police officers.

Community-based programs and initiatives in Indigenous communities have proven to be one highly effective strategy in reducing the prevalence of petrol sniffing. The consultation and involvement of Indigenous community members in the development and operation of such programs is vital to their success. Other essential elements for success include adequate and consistent funding and the provision of strong agency support to assist the communities' capacity to run programs effectively. All of these elements need to be balanced and are dependent on community requirements.

The strength of a community and the determination of key members can produce highly effective community-based programs and services such as those operating at Yuendumu and the Mt Theo outstation, the Central Australia Youth Link-up Service and the Yarrenyty Arltere Learning Centre. Indigenous communities have varying levels of cohesiveness and stability and a 'one-size-fits-all' approach can not be applied across all communities. The sharing of information between communities is valuable and can provide critical information on the successful elements of a program.

Much of the information in this report is not new and encapsulates many of the recommendations of the earlier inquiries and coronial inquests. Evidence received by the Committee constantly suggested the same or similar solutions as those which had already been proposed but not effectively implemented. The priority now is in harnessing the combined effort of Commonwealth, State and Territory Governments with Indigenous community members to implement strategies that will really make a difference within communities to reduce petrol sniffing. It is time to move beyond petrol sniffing, to renew hope for Indigenous communities.

RECOMMENDATIONS

Chapter 1

COAG role

Recommendation 1

1.74 That the Council of Australian Governments, as a matter of urgency, revisit the recommendations of the Royal Commission into Aboriginal Deaths in Custody in order to:

- prioritise the recommendations that have not been implemented; and
- establish as a standard item on the COAG agenda the implementation of these recommendations.

Recommendation 2

1.75 That the Council of Australian Governments, as a matter of urgency:

- reaffirm petrol sniffing as a priority area under the National Framework of Principles for Delivering Services to Indigenous Australians; and
- establish a Standing Committee of COAG to monitor and evaluate programs addressing petrol sniffing and to report annually to COAG on progress.

ATSI Social Justice Commissioner role

Recommendation 3

1.76 That the Aboriginal and Torres Strait Islander Social Justice Commissioner be funded to conduct a review of the implementation of the Royal Commission and Coroners' recommendations in 12 months time and every twelve months following until the Commissioner can report that the recommendations have been sufficiently addressed.

Chapter 2

Data collection

Recommendation 4

2.57 That the Australian Health Ministers' Advisory Council through the Standing Committee on Aboriginal and Torres Strait Islander Health and the National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data, work to improve data collection on substance abuse including petrol, by Indigenous people as a matter of priority

Recommendation 5

2.58 That State and Territory Registrars of Births, Deaths and Marriages require that, where abuse of petrol or other inhalant is a contributing factor to a death, the inclusion of inhalant abuse and the type of inhalant used be recorded on death certificates as recommended by the Northern Territory Coroner in 1998.

Chapter 3***Indigenous Coordination Centres*****Recommendation 6**

3.65 That the Commonwealth evaluate, as a matter of urgency, the effectiveness of Indigenous Coordination Centres' implementation of the whole-of-government policy with a view to improving coordination of government programs.

Eight Point Plan**Recommendation 7**

3.67 The Committee notes that the Eight Point Plan is being developed for a designated area of Central Australia and considers that this is an important step in addressing petrol sniffing. The Committee considers that, as a matter of urgency, the Plan must be implemented more widely and that effective community consultation must be part of the implementation process. The Committee recommends that:

- the Commonwealth and State and Territory Governments, as a matter of urgency, commit to the implementation of the Eight Point Plan in all areas across Australia that have a substantial petrol sniffing problem;
- a transparent strategy be developed for the Plans further implementation including timing, evaluation and adaptive management processes; and
- effective consultation be undertaken with Indigenous communities before the Plan is implemented.

Long term funding and support**Recommendation 8**

3.69 That the Commonwealth and State and Territory Governments address the sporadic nature of funding and disruption of successful programs by:

- committing to longer term funding models;
- actively assisting communities to access government programs and meet the governance requirements; and
- providing long term support to successful programs in Indigenous communities.

Chapter 4

Law and policing

Recommendation 9

4.67 The Committee, in concluding that the importance of consistent policing strategies in the effective regulation of volatile substance abuse in Indigenous communities can not be understated, recommends that each State and Territory Government ensure that legislation is in place that empowers police and justice officials to intervene and prevent petrol sniffing.

Recommendation 10

4.68 That the Attorney General's Department, with the cooperation of the State and Territory Governments, conduct an audit of current legislation used to police and combat petrol sniffing with a view to ensuring a consistent and cooperative approach in legislation across all jurisdictions by 2008.

Recommendation 11

4.69 The Committee recognises that the violent acts of petrol sniffers are at times being directed towards vulnerable community members and considers that community safety and personal protection are the right of all people. The Committee therefore recommends that Commonwealth, State and Territory Governments commit to:

- continuing to implement strategies as a matter of priority to achieve a permanent police presence in all Indigenous communities;
- recruiting Aboriginal Liaison and Community Officers;
- establishing and supporting community night patrols; and
- considering multi-functional police centres as a best practice strategy.

Safe Houses

Recommendation 12

4.70 Community safe houses provide an appropriate place to temporarily house users of volatile substances and other drugs who threaten the safety of other community members. The Committee recommends that the Commonwealth conduct an audit of existing safe houses, identify Indigenous communities in need of safe houses and as a priority, provide additional funding to establish safe houses in these communities.

Recommendation 13

4.71 Women and children who are at risk of harm from intoxicated adults and sniffers need safe places to protect them from violence, hurt and abuse. The Committee recommends that the Commonwealth provide additional funding to establish safe houses, in addition to the safe houses in the previous recommendation, for women and children at risk in Indigenous communities.

Chapter 5

Community-based programs

Recommendation 14

5.61 The Committee strongly supports the development of community-based programs and recommends that State, Territory and Commonwealth Governments provide long-term funding for community-based programs and when providing funding ensure that:

- strong agency support is provided;
- programs are established which build the capacity of community members such as training in youth work and training that builds skills of program management and governance;
- appropriate levels of funding are made available to ensure the operation of youth programs during times of need, for example into the evenings and during school breaks when petrol sniffing is more prevalent; and
- adequate resources are provided for trained, skilled and committed staff to be retained in communities on a permanent basis rather than a fly-in-fly-out roster system.

Recommendation 15

5.62 The Committee recognises that there are some elements that are critical to the success of community programs and recommends that:

- government funded programs must provide for these critical elements including community ownership, the involvement of families and youth in their development and combined with the provision of essential support and expertise;
- the Commonwealth identify, evaluate and provide ongoing support to allow the continuation and further development of those community-based programs that have proven particularly successful; and
- the Commonwealth develop and implement a communication strategy that facilitates information sharing and the development of such programs in other communities.

Recommendation 16

5.63 The Committee acknowledges the success of Yuendumu programs including the Mt Theo outstation and while recognising that this model will not fit for all communities, recommends that the Commonwealth provide long term funding and support to assist other interested communities to develop similar programs.

Rehabilitation facilities

Recommendation 17

5.64 The Committee notes that as part of the Eight Point Regional Strategy for Central Australia, the Commonwealth is undertaking an assessment of the most feasible options for rehabilitation facilities for petrol sniffers. The Committee considers the provision of rehabilitation facilities for petrol sniffers a priority and recommends that Commonwealth, State and Territory Governments urgently provide adequate levels of additional funding for new and existing rehabilitation facilities.

Chapter 6

Opal fuel

Recommendation 18

6.58 That the Commonwealth, State and Territory Governments establish priorities for extending the roll out of Opal fuel to the current production capacity of 20 million litres. The strategy should include:

- the identification of critical roadhouses and townships in close proximity to Opal communities;
- promotion of the Petrol Sniffing Prevention Program to roadhouse and townships; and
- identifying and combating barriers that prevent a complete roll out of Opal throughout the Central Australian region.

Recommendation 19

6.59 That the Commonwealth and Queensland Governments agree on a complementary subsidy approach that ensures Opal can retail in Queensland for the same price as regular unleaded.

Recommendation 20

6.60 That Commonwealth and State and Territory Governments develop systems to secure premium and other sniffable fuels at key roadhouses and townships which can then be applied in larger centres such as Alice Springs.

Recommendation 21

6.61 That the Commonwealth:

- undertake a study with BP Australia to determine the potential to increase the current 20 million litres production capacity at Kwinana; and
- approach other refineries to use their existing production capacity to produce Opal.

Recommendation 22

6.62 That Commonwealth Government discuss with BP Australia what role they may have to assist the distribution of information on Opal and the distribution of Opal identification stickers.

Recommendation 23

6.63 That the Commonwealth and State and Territory Governments examine the procedure at Maningrida whereby contracts are used to prevent contractors bringing regular unleaded petrol into their communities and facilitate the adaptation and spread of this technique to other communities.

CHAPTER 1

INTRODUCTION

Terms of reference

1.1 On 5 October 2005 the Senate agreed to the following motion:

- (1) That the Senate:
 - (a) notes that despite the efforts of communities and governments, the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities;
 - (b) recognises the efforts of local communities and work underway between the Federal, Northern Territory, Western Australia and South Australian Governments to work in collaboration to implement a comprehensive strategy to tackle petrol sniffing;
 - (c) notes that an additional \$6 million over 2 years has recently been announced by the Government to expand the roll out of Opal petrol in the central desert region and that total expenditure for Opal subsidies is \$19.6 million over 4 years;
 - (d) notes that the Government is considering a limited supply of Opal petrol in Alice Springs for residents of affected Indigenous communities and for people visiting those communities;
 - (e) calls on the Government, should it proceed with the limited supply of Opal petrol in Alice Springs, to work with petrol retailers and communities to develop a code of practice and an education strategy in relation to responsible trading; and
 - (f) notes that supply of non-sniffable Opal petrol can only be one part of the solution to petrol sniffing.
- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
 - (a) the effectiveness of existing laws and policing with respect to petrol sniffing in affected Indigenous communities;
 - (b) the effectiveness of diversionary initiatives and community level activities; and
 - (c) lessons that can be learned from the success some communities have had in reducing petrol sniffing including the impact of non-sniffable Opal petrol.

1.2 The reporting date for the inquiry was subsequently extended to 20 June 2006 to allow the Committee to hear evidence from the many parties interested in this

inquiry and to visit Aboriginal communities and because of the workload imposed on the Committee by competing priorities of other inquiries being conducted concurrently.

Conduct of the inquiry

1.3 The inquiry was advertised regularly in the Senate Committee Activities section in *The Australian* and on the Internet. The Committee invited submissions from the Commonwealth and State and Territory Governments and a range of other interested organisations and individuals. The Committee accepted submissions throughout the course of the inquiry and received 44 public submissions. A list of individuals and organisations who made a public submission or provided other information that was authorised for publication by the Committee is at Appendix 1.

1.4 The Committee heard evidence in public at Perth on 20 February; Darwin on 21 February; Alice Springs on 22 February; Cairns on 8 March; Canberra on 27 April and Adelaide on 16 May 2006. The Committee visited Aboriginal communities at Yuendumu on 23 February including the Mt Theo outstation, Northern Territory; Mornington Island, Queensland on 7 March; and Balgo and Halls Creek in Western Australia on 18 May 2006. The Committee also visited the Menzies School of Health Research and the Cooperative Research Centre for Aboriginal Health in Darwin on 17 May 2006. A list of the witnesses who appeared at public hearings and details of the Committee's visits and inspections is at Appendix 2.

1.5 A number of Senators also held private discussions with a range of people including medical staff and emergency health workers at local hospitals, and principals and staff at schools whilst in Darwin, Alice Springs and Cairns.

Acknowledgments

1.6 The Committee would like to thank the many people who were involved in arranging its visits and inspections, who assisted the Committee during its visits and especially the community members who came to speak with the Committee. While all these people are too numerous to list individually, the Committee would like to particularly thank Susie Low and the staff and workers from the Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation; Peggy Brown and Johnny Miller at Mt Theo; Blair McFarland and Tristan Ray from CAYLUS; Graeme Channells and Clare Farrell from the Mornington Island Shire Council and the members of the Petrol Sniffing Steering Committee; Noel Mason, Fr Matt Digges, Chris Cresp and all the community in Balgo and Peter McConnell at Halls Creek. These visits provided the Committee with valuable insight into the impact of petrol sniffing on communities and the positive developments that have been occurring within some communities.

1.7 The Committee would also like to thank and acknowledge Br Bernie Cooper, the staff and students at the Luurnpa Catholic School in Balgo who provided the Committee with comments on the impact of petrol sniffing from the perspective of the schoolchildren, some of which are reproduced at the front of the report.

1.8 The Committee would also like to thank Donovan Walmbeng from the Arukun Community Justice Group, Qld and Dennis Colson from the Turkey Bore Community, SA who travelled long distances to put a viewpoint from their community before the Committee.

1.9 The Committee would also like to thank Mick Gooda, Sheree Cairney and the staff of the Menzies School of Health Research and Cooperative Research Centre for Aboriginal Health for arranging and participating in discussions on research into the effects of petrol sniffing and other research being undertaken on Aboriginal health.

1.10 The Committee's thanks are also extended to Mark Glazebrook and the team at BP who enabled the Committee to visit the BP refinery at Kwinana, WA, to observe where and how Opal fuel is produced.

Office of Indigenous Policy Coordination

1.11 On 24 January 2006, changes to the administrative arrangements were announced with the Office of Indigenous Policy Coordination (OIPC) being transferred to become part of the enlarged Families, Community Services and Indigenous Affairs (FaCSIA) portfolio. The Commonwealth's submission to the Committee was provided while OIPC was part of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and hence references made in the report to the Commonwealth's submission are to the joint submission from DIMIA and the Department of Health and Ageing.

Background to the inquiry

1.12 The sniffing of petrol has occurred in northern Australia since the early 1950s.¹ Between 1981 and 1991, 60 Aboriginal men and three women died from petrol sniffing. Since 1991, deaths have continued with the South Australian, Western Australian and Northern Territory Coroners regularly reporting on deaths from volatile substance abuse.

1.13 Petrol sniffing was debated in the Senate as a matter of urgency on 16 August 2005. Many Senators commented on their first hand experience of the devastation inflicted by the abuse of petrol: the health impacts including brain injury; the social impacts such as violence, violent crime and the breakdown of community structures; and ultimately, the deaths of young Aboriginal people. Senators also pointed to the large number of inquires which have made recommendations to address this problem and the government programs which have been implemented to assist communities with youth who sniff petrol. Unfortunately, petrol sniffing persists as a problem with an estimated 600 Aboriginal people in the Central Desert region of the Northern Territory sniffing regularly.

1 A history of petrol sniffing was provided by Dr Maggie Brady, see *Committee Hansard* 27.4.06, pp.11-12 (Dr M Brady).

Recent reports with reference to petrol sniffing and substance abuse

1.14 Since the mid 1980s, many inquiries into or involving petrol sniffing and substance abuse have been undertaken in a number of Australian jurisdictions. The following sections provide an overview of these inquiries and their recommendations.

Parliamentary inquiries

Senate Select Committee on Volatile Substance Fumes

1.15 The Senate Select Committee on Volatile Substance Fumes reported in December 1985.² The Select Committee travelled extensively in the Northern Territory and held discussions with Indigenous communities in South Australia.

1.16 The Select Committee reported that petrol sniffing was identified following the establishment of military bases in Arnhem Land during World War II. In 1983 information from the Department of Aboriginal Affairs indicated that Australia-wide, an average of nine per cent of communities (69 communities) had reported having a problem with petrol sniffing.³ Evidence indicated that about 2000 children were sniffing petrol in the central reserves area and the Northern Territory, approximately 10 per cent of all Aboriginal children living in those areas.⁴

1.17 The Select Committee identified three broad reasons for concern about petrol sniffing by youth in remote Aboriginal communities:

- the severe physical and psychological effects of those involved;
- the combined consequential social effects threaten, in some communities, to destroy an already fragile social system; and
- the extent of the problem.

1.18 While a wide range of causes for petrol sniffing were offered by witnesses, the Select Committee was unable to get a clear indication as to why Aboriginal children sniffed petrol. Direct causes identified included 'for fun', boredom and peer pressure. Witnesses also argued that sniffing was one of many symptoms of the broader social problems experienced by Aboriginal people: impoverished socio-economic conditions; loss of tradition and direction; conflict in community relations; family dysfunction; parental neglect; and inadequacies of the education system.⁵

1.19 Measures aimed at stopping petrol sniffing ranged from preventing petrol being obtained and misused, such as locking bowsers, to punishment of abusers and

2 Senate Select Committee on Volatile Substance Fumes, *Volatile Substance Abuse in Australia*, Canberra, 1985.

3 Senate Select Committee on Volatile Substance Fumes, p.151.

4 Senate Select Committee on Volatile Substance Fumes, p.156.

5 Senate Select Committee on Volatile Substance Fumes, p.163.

funding of specific programs for petrol sniffers. The Select Committee stated that nowhere did it find complete success in eradicating sniffing although many attempts had been made by communities and by individuals. It did, however, identify the elements that appeared to be necessary for success:

- strong leadership;
- total community commitment;
- persistence in attempts to find a solution;
- mobilisation of community resources; and
- provision of an alternative which is viewed by would-be sniffers as a better activity or lifestyle to pursue.⁶

1.20 The Select Committee concluded that the act of petrol sniffing should not be made a criminal offence and recommended that no legislative action be taken to create such an offence. Other conclusions and recommendations included:

- that State Governments implement enabling legislation to control the supply of petrol to minors who intend to sniff it and to criminalise the action by non-minors of inciting minors to sniff petrol;
- that actions in response to petrol sniffing should originate from and be controlled by the Aboriginal people in each affected community and recommended that the Department of Aboriginal Affairs fund an appropriate Aboriginal agency to prepare a resource handbook which outlined possible actions that communities could take;
- that the homelands movement and outstations be encouraged and supported;
- that the family group is the fundamental and most effective unit for dealing with the problems of petrol sniffing;
- that programs created to prevent or reduce petrol sniffing should be based on the involvement of all youth in both recreational and educative activities; and
- there was a need for data and further research and recommended that the Department of Aboriginal Affairs collect and collate data on petrol sniffing and that research institutes consider sponsoring sociological research on the areas identified by the Committee.⁷

Victorian Drugs and Crime Prevention Committee

1.21 In September 2002, the Drugs and Crime Prevention Committee of the Victorian Parliament tabled its report on the inhalation of volatile substances.⁸ The

6 Senate Select Committee on Volatile Substance Fumes, p.237.

7 Senate Select Committee on Volatile Substance Fumes, pp.237-41.

8 Parliament of Victoria, Drugs and Crime Prevention Committee, *Inquiry into the Inhalation of Volatile Substances Final Report*, Melbourne, September 2002.

report covered a range of substance abuse issues across Victoria including inhalant abuse in urban and rural Indigenous communities. The Committee stated that chroming is a far more prevalent form of substance abuse in Victoria, including among Indigenous Victorians, than petrol sniffing. However, it stated that this may be 'an erroneous assumption'.⁹

1.22 The Victorian Committee commented that in addressing petrol sniffing and other types of volatile substance abuse, any initiatives or strategies devised must be culturally appropriate and sensitive to the needs of the target population. The Committee endorsed the concept of measures such as healing centres which focus on addressing all the needs of the young person – physical, social and spiritual. This comment was reinforced by the Committee's visit to Maori healing places in New Zealand and by the outstation movement in Australia.

1.23 The Victorian Committee also identified the importance of community decision-making in Indigenous communities to combat substance abuse. The Committee pointed to the success of the Mt Theo program and the high level of support it receives from both the Indigenous and non-Indigenous people in the area. The need for information, resources and support was also raised.¹⁰ The report also discussed legal sanctions or regulation of inhalant abuse.¹¹

1.24 The Victorian Committee made four recommendations specifically directed to Indigenous communities:

- that specific culturally appropriate training and resources on solvent abuse issues be provided to Indigenous alcohol and drug workers;
- that Indigenous specific holistic healing centres be funded to adequately cater for the specific cultural needs of Indigenous communities with regard to substance abuse issues;
- the urgent establishment of a holistic healing centre that specifically addresses the needs of, and is established for, Indigenous young people; and
- the development and funding of Aboriginal and Torres Strait Islander specific leisure facilities, including youth, sport and recreational clubs and programs, 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.¹²

9 Drugs and Crime Prevention Committee, p.137.

10 Drugs and Crime Prevention Committee, pp.434-41.

11 Drugs and Crime Prevention Committee, pp.171-266.

12 Drugs and Crime Prevention Committee, p.xiii.

House of Representatives Standing Committee on Family and Community Affairs

1.25 The House of Representatives Standing Committee on Family and Community Affairs tabled its report, *Road to recovery* in August 2003.¹³ The report addressed substance abuse in Australian communities including Indigenous communities. The Standing Committee recognised that Indigenous-controlled organisations are better placed than mainstream services in some localities to maximise the reach of alcohol and drug programs. The Committee recommended that governments continue to support and expand substance misuse programs that assist Indigenous planning processes to best achieve their objectives in delivering acceptable forms of treatment.¹⁴

1.26 The Standing Committee also recommended that information on Indigenous needs for alcohol and other drug services be collected and that governments institute programs to combat increasing illicit drug use by Indigenous people and provide improved training to Indigenous drug and alcohol workers.¹⁵

Senate Legal and Constitutional References Committee

1.27 The 2003 Senate Legal and Constitutional References Committee report on reconciliation, *Reconciliation: Off track*, used petrol sniffing in the Anangu Pitjantjatjara Lands in South Australia as a case study.¹⁶ The Committee commented that 'experiences in addressing this issue [petrol sniffing] illustrate some of the problems of a lack of coordination between and within governments and of the need for monitoring the performance of programs designed to address the problem'.¹⁷ The Committee also noted that a study in 2002 by S MacLean and P d'Abbs had found that interventions that have been used to address petrol sniffing in Aboriginal communities are 'rarely evaluated and as a result the opportunity is lost to accumulate a body of shared knowledge about the effectiveness of preventative measures and treatment'.¹⁸

1.28 The Committee recognised the complexity of the problem of petrol sniffing and its consequences, but stated that it is 'nevertheless concerned that progress is slow,

13 House of Representatives Standing Committee on Family and Community Affairs, *Road to recovery: Report on the inquiry into substance abuse in Australian communities*, Canberra, August 2003.

14 House of Representatives Standing Committee on Family and Community Affairs, pp.81-84.

15 House of Representatives Standing Committee on Family and Community Affairs, pp.84-86.

16 Senate Legal and Constitutional References Committee, *Reconciliation: Off track*, Canberra, October 2003.

17 Senate Legal and Constitutional References Committee, p.64.

18 Senate Legal and Constitutional References Committee, p.66, citing MacLean SJ & d'Abbs PHN, 'Petrol sniffing in Aboriginal communities: a review of interventions', *Drug and Alcohol Review*, 2002, 21, pp.65-72.

and considers that every possible avenue to find solutions should be explored. This is a very serious issue which the Committee would like to revisit in the future'.¹⁹

House of Representatives Committee on Aboriginal and Torres Strait Islander Affairs

1.29 In June 2004, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs reported on its inquiry into capacity building in Indigenous communities.²⁰ The report commented that the Committee did not seek specific evidence on strategies to address alcohol and substance misuse and their effects on the capacities of Indigenous communities. However, it noted the extent of abuse and concluded that abuse 'is such an important issue that the Government should refer to the Committee the issue of alcohol and substance misuse in Indigenous communities for inquiry and report'.²¹

1.30 Key recommendations focussing on building capacity included:

- establishment of an agreement with Commonwealth and State and Territory Governments on the collection of uniform data in relation to Indigenous Australians;
- implementing a range of new reporting measures to monitor improvements to service delivery in Indigenous communities;
- promoting consultation between all levels of government and Indigenous representatives to clarify program and service delivery roles, responsibilities and issues in costings;
- establishing pooled funding models to better coordinate and integrate service delivery to Indigenous communities; and
- developing and investing in training and mentoring programs in partnership with Indigenous people, and encouraging exchanges between the private/corporate sector and Indigenous groups.²²

1.31 At the time of this report, the Government had not responded to the Standing Committee's report.

Northern Territory Select Committee on Substance Abuse in the Community

1.32 The Legislative Assembly of the Northern Territory Select Committee reported on its inquiry into petrol sniffing in remote Northern Territory communities

19 Senate Legal and Constitutional References Committee, p.66.

20 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Many Ways Forward: Report of the inquiry into capacity building and service delivery in Indigenous communities*, Canberra, June 2004.

21 Standing Committee on Aboriginal and Torres Strait Islander Affairs, p.223.

22 Standing Committee on Aboriginal and Torres Strait Islander Affairs, pp.xxvii-xxxi.

in October 2004.²³ The Committee identified major contributing factors which indicate a propensity for petrol sniffing as socioeconomic: poverty, boredom, oppression, lack of services and facilities; parental drinking and gambling leading to hunger and neglect; and poor education levels and lack of employment and aspirational opportunities. The Committee noted that the 'conservative' cost of full time institutional care for a person who is mentally debilitated through sniffing is \$160 000 per annum if the care is provided in an urban centre. The cost more than doubles for providing care in remote communities.²⁴

1.33 The Committee looked at eight broad areas for addressing petrol sniffing:

- *A whole of Government approach* to ensure that all services delivery is networked to ensure it is coordinated, the services comply with the program parameters and that those delivering it are accountable for its outcomes and recommended:

...that Federal and Northern Territory Government services be closely networked to ensure their respective petrol sniffing programs and services are co-ordinated, including cross-border co-ordination between the Northern Territory, Western Australian and South Australian Governments' programs and services, in line with the cross-border cooperation model adopted by Police.²⁵

The Committee also recommended the establishment of an agency responsible for the coordination of the Northern Territory's petrol sniffing strategy;

- *Meeting the needs of individual communities* by establishing and training culturally responsive teams, on a regional basis;
- *Immediate and longer-term harm reduction, intervention and treatment* including legislation to allow a person under the influence of petrol to be taken into protective custody without arrest and 'safe' houses or refuges be established in communities;
- *Education, skills and training* in substance abuse work be provided to community members with specific training in dealing with petrol sniffing;
- *Ancillary community programs* to overcome boredom and lack of opportunity including a review of the Community Development Employment Projects (CDEP) Program with a view to providing full, gainful employment on communities and the delivery of sporting and recreational programs in remote communities geared to the needs of the client;

23 Legislative Assembly of the Northern Territory, Select Committee on Substance Abuse in the Community, *Petrol Sniffing in Remote Northern Territory Communities*, Darwin, October 2004.

24 Select Committee on Substance Abuse in the Community, p.23.

25 Select Committee on Substance Abuse in the Community, p.24.

- *The need for comprehensive data collection* to record where petrol sniffing is a contributing factor, for example morbidity and mortality data;
- *Drug education* through the development of an integrated program of advertising and education about the effects of petrol sniffing for remote communities; and
- *Cooperative approach with industry* to explore diversionary and lifestyle programs, the development of fuels which are not intoxicants and the feasibility of the expansion of alternative fuel provision to areas outside of communities be investigated.²⁶

1.34 Following release of the report, the Northern Territory Government announced a package of measures to tackle volatile substance misuse. Central elements of this package are the new *Volatile Substance Abuse Protection Act 2005* and an additional \$10 million over five years for programs to support the Act.²⁷

Royal Commission into Aboriginal Deaths in Custody

1.35 The 1991 Royal Commission into Aboriginal Deaths in Custody commented on petrol sniffing and noted that while there are a relatively small number of Aboriginal young people engaged in petrol sniffing, this behaviour has a massive, destructive impact on the community and 'in fact, it can dominate many aspects of community life, leaving Aboriginal people with an increased sense of powerlessness'.²⁸ The Royal Commission noted that petrol sniffing has a severe impact on health and education with the effect on education so serious that 'educators have argued that whole generations of youth have been rendered unsuitable for formal school education by the activity and the youth culture that surrounds petrol sniffing'.²⁹

1.36 The Royal Commission made recommendations to lessen the extent of petrol sniffing through programs and strategies for youth and improvement to mental health services. The Royal Commission also recommended:

That the Commonwealth Government, in conjunction with the States and Territories Governments and non-government agencies, act to co-ordinate more effectively the policies, resources and programs in the area of petrol sniffing.³⁰

1.37 The Royal Commission recommended that the Aboriginal and Torres Strait Islander Commission (ATSIC) be given responsibility to monitor and report on the progress of implementation across government departments. ATSIC responded by

26 Select Committee on Substance Abuse in the Community, pp.23-28.

27 *Submission 22*, p.1 (Northern Territory Government).

28 Australia, Royal Commission into Aboriginal Deaths in Custody, 1998, Vol 2, para 15.3.2.1.

29 Royal Commission into Aboriginal Deaths in Custody, Vol 2, para. 15.3.8.

30 Royal Commission into Aboriginal Deaths in Custody, Vol.4, para 32.4.13.

establishing a Royal Commission Government Response Monitoring Unit which tabled annual reports in Parliament on the implementation process. Reports were released from 1992–93 to 1996–97.

1.38 In July 1991, the Commonwealth and State and Territory Governments agreed to develop a national response to the recommendations in consultation with Indigenous communities. At a meeting of the Council for Aboriginal and Torres Strait Islander Affairs in 1992, the introduction of annual jurisdictional reporting was agreed. Reports were delivered to the Commonwealth by the majority of jurisdictions until the mid nineties, whilst the NSW Government last reported in 1999 and the Victorian Government reported most recently in 2005. Federal funding in response to the Royal Commission ceased in 1997.

Gordon Inquiry in Western Australia

1.39 In 2002, the Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) reported on its examination of how Western Australian State Government agencies respond to evidence of family violence and child sexual abuse that may be occurring in Aboriginal communities.³¹ The Inquiry considered current research into the prevalence, causes and solutions to Aboriginal family violence; consulted widely including with representatives of Aboriginal communities, youth, health services and related organisations; and made recommendations on practical solutions for addressing incidents of sexual abuse in Aboriginal communities, including legislative and administrative measures.

1.40 The Inquiry was prompted by the coronial inquest into the death of 15 year old Susan Taylor at the Swan Valley Nyoongar Community in Lockridge in 1999. In his findings, the Coroner noted that young people who are involved in paint and solvent abuse are vulnerable and likely to become victims of sexual abuse and that they are also likely to live a high risk lifestyle which places them in danger of contracting a number of disease and infections.³²

1.41 The Inquiry heard that volatile substance abuse was prevalent in Aboriginal communities and many submissions to the Inquiry made a link between drugs, alcohol and substance abuse including glue, paint and petrol, and family violence and child abuse in Aboriginal communities.³³ However, this had 'failed to attract any effective intervention strategies'. The Inquiry supported the Western Australia Department of Health's intention to develop a Volatile Substance Abuse Action Plan (VSAAP) and

31 Gordon S, *Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, (Gordon Inquiry), State Law Publisher, Perth, 2002.

32 Coroner Alastair Hope, *Inquest into the death of Susan Ann Taylor, Coroner's Report*, Ref No: 30/31, Perth, WA.

33 Gordon Inquiry, p.67.

recommended that the VSAAP adopt a comprehensive approach to the development of strategies that include treatment initiatives to address volatile substance abuse in Aboriginal communities.³⁴

Coronial inquiries

South Australia 2002 and 2005

1.42 In September 2002, the South Australian Coroner brought down his findings in the inquest into the deaths of Kunmanara Ken (who died in August 1999), Kunmanara Hunt (who died in January 2001) and Kunmanara Thompson (who died in June 2001).³⁵ Each of these young Anangu men was a long-term chronic petrol sniffer living in the Anangu Pitjantjatjara Lands (AP Lands) and all died as a result of inhalation of petrol fumes.

1.43 Coroner Wayne Chivell found that:

Petrol sniffing is endemic on the Anangu Pitjantjatjara Lands. It has caused and continues to cause devastating harm to the community, including approximately 35 deaths in the last 20 years in a population of between 2,000 and 2,500. Serious disability, crime, cultural breakdown and general grief and misery are also consequences.³⁶

1.44 The Coroner identified socioeconomic factors such as hunger, poverty, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness as forming the environment in which such self-destructive behaviour took place. He commented:

That such conditions should exist among a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and should shame us all.³⁷

1.45 During the Inquest a range of intervention strategies to combat petrol sniffing were analysed. The Coroner noted that clearly a successful strategy must have community support and indicated that three levels of strategies were called for:

- Primary interventions – to reduce recruitment into substance abuse;
- Secondary interventions – seeking to achieve abstinence and rehabilitation; and
- Tertiary interventions – providing services to the permanently disabled.³⁸

34 Gordon Inquiry, p.108.

35 Coroner Wayne Chivell, *Finding of Inquest into the Death of Kunmanara Ken*, Umuwa, SA, 2002.

36 Coroner Wayne Chivell, 2002, Executive Summary, para 5.

37 Coroner Wayne Chivell, 2002, Executive Summary, para 9.

38 Coroner Wayne Chivell, 2002, Executive Summary, para 16.

1.46 Strategies identified included youth activities through the provision of youth workers; outstations/homelands; provision of Avgas; legal sanctions; night patrols; programs for 'children at risk'; secure care facilities; crime prevention strategies and policing. The Coroner commented that 'the implementation of any one of those strategies by itself is likely to fail, but introduction in combination with a variety of others will give a better chance of success'.³⁹

1.47 The Coroner noted that many attempts over the years to combat petrol sniffing have been unsuccessful and 'what is missing is prompt, forthright, properly planned, properly funded action'. The inquest analysed a variety of intervention strategies and noted that a number of strategies in combination will give a better chance of success as well as needing broad community support. The Coroner stated:

The implementation of these strategies will doubtless involve difficult problems such as recruitment and retention of suitable staff. Creative solutions will need to be found. Anangu cannot be expected to find all of the human and other resources to tackle their problems. They need the assistance and input of non-Anangu professional people to tackle these problems directly and to give them the power and skills to take up the task in due course.⁴⁰

1.48 Mr Chivell's findings and recommendations included that Governments address the socio-economic factors which contribute to petrol sniffing; further research and evaluation of people who have sniffed petrol to assess their suitability for rehabilitation should be undertaken; establishment of secure care facilities for detention, detoxification, treatment and rehabilitation; the continued support of the Avgas initiative through the Comgas Scheme; and for the establishment of an effective police presence.⁴¹

1.49 In March 2005, the Coroner, Mr Chivell, made his findings into the deaths of four men from the AP Lands who had died in 2003 and 2004.⁴² All had been long-term petrol sniffers with three dying by hanging and one from exposure. The Coroner commented that petrol sniffing was one of the factors which had contributed to the marked increase in suicidal and self-harming behaviour on AP Lands since March 2004. Other factors included substance abuse (petrol, alcohol, cannabis and other drugs), interpersonal violence (including domestic and sexual violence), family conflict, mental illness, and motor vehicle accidents as well as continued socio-economic factors.⁴³

39 Coroner Wayne Chivell, 2002, Executive Summary, para 18.

40 Coroner Wayne Chivell, 2002, Executive Summary, para 20.

41 Coroner Wayne Chivell, 2002, paras 13.1-13.2.

42 Coroner Wayne Chivell, *Finding of Inquest into the Deaths of Kunmanara Ward, Kunmanara Ken, Kunmanara Ryan and Kunmanara Cooper*, Umuwa, SA, 2005.

43 Coroner Wayne Chivell, 2005, Executive Summary, paras 18-19.

1.50 Mr Chivell evaluated the development of programs to prevent petrol sniffing since 2002 and commented on the ad hoc and unplanned way in which youth worker programs had been implemented; the implementation of a new Department of Correctional Services service model for the AP Lands; planning for a secure care facility; limited development of crime prevention strategies due to lack of police resources; and poor provision of disability services.⁴⁴ The Coroner stated that the provision of disability services:

...represents another example of Government agencies embarking on poorly-planned enterprises without learning from the failures of the past. In particular, it cannot be expected that Anangu can deliver relatively sophisticated services to severely disabled people without proper training, supervision and support, at least until they acquire the necessary skills and experience to maintain the level of service required.⁴⁵

1.51 Mr Chivell welcomed the development of Opal but noted that 'it should not be seen as the panacea for petrol sniffing'. The Coroner noted that action will be required to prevent the development of a black market in sniffable petrol and to develop adequate security measures to prevent theft of the new Avgas, which is sniffable once it becomes unleaded.⁴⁶

1.52 The Coroner drew attention to the recommendations he had made in 2002 and noted that since the 2002 findings, the problem of petrol sniffing has become worse, not better and concluded that:

Detailed planning has been done, and substantial funding has been committed. However, with the exception of SAPOL [South Australian Police] and the Department of Correctional Services, most of the necessary remedial action had yet to be implemented.⁴⁷

Northern Territory 1998 and 2005

1.53 Coroner Warren Donald reported his findings into the death of Esky Muller from the Mimili Community at Ilpurla in 1998.⁴⁸ Mr Donald noted that there was a lack of data on petrol-related deaths and the reasons why a person engages in sniffing are diverse. However, the Coroner pointed to the abuse of petrol as being 'cultish' particularly in Indigenous communities where there are limited job opportunities, few youth workers and limited entertainment or recreational activities.

1.54 The Coroner noted that there had been attempts over the years to address the problem but stated that 'these attempts have been fragmented as between governments

44 Coroner Wayne Chivell, 2005, Executive Summary, paras 28-40.

45 Coroner Wayne Chivell, 2005, Executive Summary, para 41.

46 Coroner Wayne Chivell, 2005, Executive Summary, para 32.

47 Coroner Wayne Chivell, 2005, para 13.3.

48 Coroner Warren Donald, *Summary of Findings*, September 1998, A82/94.

and government and non-government agencies'. In addition, 'it is just not realistic to expect a small community in the deserts of Central Australia to come up with solutions for this complex problem and also to expect that they will be able to implement corrective measures'.

1.55 The Coroner recommended:

- that steps be taken to ensure that all death certificates and autopsy reports reflect any connection of a death with the abuse of petrol or other inhalant;
- that a consultative body be established to investigate means to better prevent inhalant abuse, to recommend treatment and rehabilitation options and to consider legislative change to better assist law enforcement officers;
- the establishment of facilities for safe detoxification and/or rehabilitation;
- the continuation of outstations for rehabilitation or respite;
- that the Northern Territory Health Service provide ongoing care for petrol sniffers;
- that, in consultation with the Commonwealth, the Northern Territory, South Australian and Western Australian Governments develop a tripartite strategy to address petrol sniffing; and
- that the Commonwealth establish and fund rehabilitation facilities for chronic petrol sniffers in Alice Springs.

1.56 In October 2005, the Northern Territory Coroner, Mr Greg Cavanagh reported his findings into the deaths of three Aboriginal men at Willowra and Mutitjulu from petrol sniffing.⁴⁹ In reaching his findings after only four days of evidence, the Coroner commented that 'the relative brevity is explained by the fact that the problems leading to the deaths are manifest, well known and well researched'.⁵⁰

1.57 Mr Cavanagh noted that the problems within communities are 'immediate, stark and urgent'. He further commented that:

When indigenous disadvantage and cultural confusion are added together with, (a) the lack of physical and human resources as described, (b) the complete breakdown of community governance and discipline, (c) decades of community petrol sniffing abuse which is (now) cross generational, in my view, it is simplistic in the extreme to suggest that the answer to the problems of petrol sniffing is for the addicts and their communities to help themselves. That is to say, the horrors of present day Mutitjulu (and other remote communities) are not sensibly addressed by peddling the myth that

49 Coroner Greg Cavanagh, *Inquest into the deaths of Kumanjay Presley, Kunmanara Coulthard and Kunmanara Brumby*, Alice Springs, 2005, NTMC 034.

50 Coroner Greg Cavanagh, 2005, para 14, p.7.

such disadvantaged citizens might simply help themselves and solve the problem. They and their families are not able to do so by themselves.⁵¹

1.58 The roll out of Opal fuel across the entire Central Desert region was strongly supported by those who appeared at the inquest. One witness stated that there were economic, moral and national interest arguments in favour of providing unsniffable fuel throughout the Central Desert regions. The witness estimated that the cost of the roll out would be about \$8 million per annum while the costs of doing nothing would include health costs of maintaining an ex-sniffer with brain injury at about \$200 000 per year.⁵² The Coroner concluded:

Although I do not hold Opal Fuel up as a panacea, the evidence is there that comprehensive coverage of the region with unsniffable fuel is an available strategy which will substantially reduce petrol sniffing and its associated harms.⁵³

1.59 The Coroner recommended that:

- the Commonwealth and Northern Territory Governments closely examine, consider and adopt (where applicable) the recommendations made by the South Australian Coroner, Mr Wayne Chivell, in 2002;
- the Northern Territory Government ensure that suitably qualified youth workers be recruited and located in remote Aboriginal communities;
- the Commonwealth support the universal roll out of Opal fuel across the entire Central Desert region;
- the Commonwealth and Northern Territory Governments recommit to the Mutitjulu Working Together Project for the long term and that the project be evaluated and on the basis of the evaluation consideration be given to implementation of a similar project in other communities if appropriate; and
- immediate action be taken by governments to establish and adequately resource treatment and rehabilitation facilities suitable for petrol sniffers in the centre of Australia.⁵⁴

Western Australia 2004

1.60 In August 2004, the Western Australian Coroner, Mr Alastair Hope, reported on the deaths of two youths at Balgo Aboriginal Community.⁵⁵ Both died from hanging following petrol sniffing. The Coroner observed that suicide attempts were

51 Coroner Greg Cavanagh, 2005, para 64, p.33.

52 Coroner Greg Cavanagh, 2005, paras 36-37, p.20.

53 Coroner Greg Cavanagh, 2005, para 37, p.20.

54 Coroner Greg Cavanagh, 2005, paras 66-67, pp.34-35.

55 Coroner Alastair Hope, *Record of Investigation into Death of Owen James Gimme and Mervyn Milner*, Balgo, April 2004.

common in Balgo and petrol sniffing was widespread. The Coroner was in little doubt that young people turned to sniffing because of the depressing circumstances in which they lived: housing is overcrowded, unattractive, dirty and unhygienic; education standards are poor and there are no real jobs; young people had little scope to develop self-esteem; there is inadequate food; and the health standard of the community is poor compared to most other Aboriginal people across the State. The Coroner concluded:

Both of the young men were probably brain damaged as a result of petrol sniffing and the acute organic effect of their recent petrol sniffing would have left them at high risk in any environment. In the environment in which they found themselves, which was by any standards depressing, it is not surprising they took their own lives.⁵⁶

1.61 The Coroner noted that Avgas or Comgas had been supplied in other locations to address the problem of petrol sniffing. While Balgo and Mulan were both registered on the Comgas scheme 'regrettably it appears that none of this Commonwealth funding has found its way to the purchase of Comgas or Avgas for Balgo'. A fuel distributor in the Northern Territory had agreed to supply subsidised fuel to Balgo. However, the Coroner observed that petrol sniffers had demonstrated considerable ingenuity in obtaining petrol from vehicles visiting the community and other sources. As a result, it had not been possible to limit access to petrol in Balgo.⁵⁷

1.62 The Coroner drew a parallel between his findings and those of the South Australian Coroner in 2002 and commented that the problems described do not involve complex issues. Rather, what is complex is the mechanisms by which various government departments are seeking to address the problems:

If people have inadequate or poor quality food, then they need to be provided with more and better quality food. If they live in a dirty and unhygienic environment, then the environment needs to be cleaned up. These propositions seem to be simple and yet their achievement appears to have been beyond the capability of both Commonwealth and State Governments in spite of the provision of very considerable amounts of money for which is, in the context of Balgo, a relatively small number of persons.⁵⁸

1.63 The Coroner's recommendations addressed health issues such as the provision of nutritious food at the community store and cleaning up the community and repairing homes and the need for legislation to stop the importation of alcohol into dry communities. The Coroner also commented on the difficulties the community faced in effectively managing their community particularly given the complex funding arrangements and the number of organisations which provide services to the region:

56 Coroner Alastair Hope, 2004, p.29.

57 Coroner Alastair Hope, 2004, p.25.

58 Coroner Alastair Hope, 2004, p.30.

It must be recognised that Balgo Aboriginal Community only comprises about 500 persons, a number which would not be expected to have sufficient resources to be self governing in other areas of Australia, and that the elders are, themselves, victims of the problems discussed herein and are likely to suffer from poor health and have received little education.⁵⁹

Aboriginal and Torres Strait Islander Social Justice Commissioner

1.64 The Aboriginal and Torres Strait Islander Social Justice Commissioner's 2003 Social Justice Report reviewed the progress in responding to the recommendations of the 2002 South Australian Coronial Inquest.⁶⁰ The Commissioner found that there had been some response to the Coroner's call for action and for effective inter-governmental coordination 'but overall not enough'.⁶¹

1.65 Some positive initiatives had emerged such as the agreement to conduct a study of demographics in AP Lands and to explore coordination and sharing of facilities and programs across the Northern Territory, South Australia and Western Australia. However, communities on AP Lands expressed concern at the continuing piecemeal approach to petrol sniffing and the reluctance to act by governments in the twelve months following the Coronial Inquest. The Commissioner commented that governments cite the intractable nature of the issue and the need for appropriate consultation as reasons for the slow progress.

1.66 Concerns were also expressed that the discrete focus on petrol sniffing is potentially being obscured by the level of bureaucracy; under-resourcing of service delivery on the AP Lands was a barrier to achieving an outcome; the lack of a clear, long-term commitment to do whatever it takes to overcome the petrol sniffing problem or movement towards establishing benchmarks and targets towards this end; the absence of detoxification and other support services; and problems in placing youth-workers and a youth work coordinator. There have been positive developments relating to service delivery with an increased presence of correctional services officers, police and expansion of the community constable scheme as an interim measure.⁶²

1.67 The Commissioner commented that given the small size of the Anangu population, and the proportion of petrol sniffers within it, there were questions as to why has there been so little progress in addressing these problems, despite the plethora of governmental service delivery agencies and committees already in existence. The Commissioner stated that the Coronial Inquest had provided an opportunity to focus on these issues:

59 Coroner Alastair Hope, 2004, p.34.

60 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2003*.

61 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.150.

62 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.151.

They should not be allowed, like the recommendations of so many other reports, to drift away unheeded. Instead, Coroner Chivell's recommendations should be capitalised on as the basis for a blueprint for a long-term sustained, comprehensive strategic plan for tackling these issues – even if some aspects of his recommendations are ultimately superseded by better alternatives decided at the local level.⁶³

1.68 The Commissioner went on to question how governments were approaching the problems of petrol sniffing:

The uncomfortable question which Indigenous petrol sniffing on the AP Lands raises is whether the structures of bureaucracy and the ways governments do business need to be radically altered: if not, will serious human rights issues such as petrol sniffing confronting Indigenous people keep on falling through the cracks?⁶⁴

Committee comment

1.69 The overview above highlights that for more than twenty years petrol sniffing has been the subject of many reports, reviews, coronial inquiries and research projects. There has been constancy between all these. The reasons why young Indigenous people sniff petrol, the disruptive impact on Indigenous communities, and the severe health implications for individuals are well known and have been repeatedly addressed in reports. Various solutions have been identified and remedial actions proposed, yet young Indigenous people are still sniffing and still dying.

1.70 A witness to the inquiry summed up this depressing situation:

The story of petrol sniffing, as you are aware, is characterised in Australia by a series of inquiries and reports at national, state and local levels. Some interventions have been well reported, but many have not been well reported and have not been well evaluated, so the messages and the lessons learnt are lost.⁶⁵

1.71 The Committee does not want the recommendations of this report to be added to the already long list of recommendations that have been read, commented on but not fully implemented. It is time to effectively address the underlying causes of petrol sniffing through a sustained effort by all levels of government and through community commitment. The lessons learnt from successful programs must be heeded and implemented in other communities where petrol sniffing is killing Indigenous youth and disrupting the social fabric of communities.

1.72 The Committee considers that petrol sniffing in Indigenous communities is now so destructive and the need to find effective solutions is so urgent that the

63 Aboriginal and Torres Strait Islander Social Justice Commissioner, pp.152-53.

64 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.153.

65 *Committee Hansard* 21.2.06, p.10 (Dr E Chalmers).

Council of Australian Governments (COAG) must take responsibility to monitor, evaluate and report on programs and initiatives that address petrol sniffing.

1.73 The Committee also considers that the recommendations of Royal Commission into Aboriginal Deaths in Custody and the recommendations made by the South Australian Coroner in his 2002 report on the deaths of Kunmanara Ken, Kunmanara Hunt and Kunmanara Thompson not implemented need to be identified and revisited. The recommendations provide an important framework for addressing many underlying problems which contribute to young Indigenous people turning to petrol sniffing.

Recommendation 1

1.74 That the Council of Australian Governments, as a matter of urgency, revisit the recommendations of the Royal Commission into Aboriginal Deaths in Custody in order to:

- **prioritise the recommendations that have not been implemented; and**
- **establish as a standard item on the COAG agenda the implementation of these recommendations.**

Recommendation 2

1.75 That the Council of Australian Governments, as a matter of urgency:

- **reaffirm petrol sniffing as a priority area under the National Framework of Principles for Delivering Services to Indigenous Australians; and**
- **establish a Standing Committee of COAG to monitor and evaluate programs addressing petrol sniffing and to report annually to COAG on progress.**

Recommendation 3

1.76 That the Aboriginal and Torres Strait Islander Social Justice Commissioner be funded to conduct a review of the implementation of the Royal Commission and Coroners' recommendations in 12 months time and every twelve months following until the Commissioner can report that the recommendations have been sufficiently addressed.

1.77 The Committee does not intend in this report to provide a voluminous description of the causes and impacts of petrol sniffing: they are still primarily the same as they were twenty years ago when the Senate Select Committee on Volatile Substance Fumes tabled its report in 1985. Rather, the Committee has provided, in chapter 2, a brief overview of causes and impacts to update research findings and to give a voice to those people the Committee heard from during its inquiry.

1.78 Chapter 3 of the report identifies the strategic approach which the Committee considers is necessary to address the problem of petrol sniffing. Much of this is not new and encapsulates many of the recommendations of the earlier inquiries and coronial inquests. Evidence received by the Committee constantly suggested the same

or similar solutions as those which had already been proposed. The remaining three chapters of the report examine the specific elements of this strategic approach: the effectiveness of laws and policing and their implementation particularly in respect of supply reduction (chapter 4); community-based solutions aimed at demand and harm reduction through diversionary programs (chapter 5); and the role of Opal fuel in supply reduction (chapter 6).

CHAPTER 2

PETROL SNIFFING - THE CAUSES AND IMPACT

Introduction

2.1 Petrol sniffing is one of a range of activities commonly known as 'volatile substance misuse', 'solvent abuse' and 'volatile substance abuse' which refers to inhalation of fumes from glues, liquid solvents, petrol and fuel gases, aerosols, nitrites and fire extinguisher propellants.

2.2 Petrol fumes can be inhaled directly from a plastic bag, saturated rag or small container either through the nose, or through the mouth. The toxic chemicals in petrol enter the bloodstream quickly via the lungs to the brain and depress the central nervous system, which produces a response that can be described as:

...the sensation of euphoria and excitement, the feeling of numbness, help users forget the daily troubles of growing up in dysfunctional circumstances.¹

2.3 Examining the reasons why people sniff petrol and analysing the impact on the individual, the community and society highlights the complexity of this issue. The causes are multiple and interrelated and the impacts, given the relative small numbers of sniffers, are considerable. The causes of petrol sniffing have been canvassed at length in a range of the inquiries and reports referred to in chapter 1.

Causes of petrol sniffing

2.4 In remote Indigenous communities there is limited access to most goods and services, including a wide variety of drugs. Petrol, compared to illicit and even licit drugs, is relatively accessible both in terms of availability and cost. The fact that some communities are suffering enormous problems because of petrol sniffing, while others do not, is perplexing and raises complex questions.

2.5 The causes of petrol sniffing are multiple and relate to each other in complex ways. Many are specific to individual communities and include: the cultural, family and social disruption that has resulted from dispossession and colonisation; boredom and frustration; individual psycho-social factors, such as family breakdown and neglect; social isolation; peer group pressure; low self-esteem and the need for identity; lack of employment options; poverty; a statement of non-conformity; and an attraction to excitement and pleasure.²

1 Hayman N, 'Petrol Sniffing in Aboriginal Communities' Guest Editorial, *Of Substance*, Vol. 4 No.1, January 2006, cited in *Submission 32*, p.2 (AIDA).

2 Mundy J, 'Snuffing out sniffing', *Connexions*, p.7 February/March 2001; *Committee Hansard* 22.2.06, p.38 (Waltja Tjutanku Palyapayi Aboriginal Corporation).

Social and economic disadvantage

2.6 Socioeconomic causes of petrol sniffing highlighted during the Committee's inquiry included poverty, hunger, boredom, unemployment, inadequate housing and escaping from abuse. CAYLUS commented:

Young people in Central Australia sniff petrol because it is the best thing on offer. They sniff because their friends do, because their family is drinking or dead, because petrol is readily available, because they are hungry and they sniff to get away from pain.³

Poverty and hunger

2.7 One of the common reasons for sniffing cited during the Committee's inquiry was that sniffing reduces the feeling of hunger. Poverty in most Indigenous communities means that there is not enough food or food of sufficient nutritional value and many, especially children and young adults, go hungry:

Perhaps it is the basic fact that they do not have enough food at home. As I am sure has been brought to your attention, sometimes kids sniff just because they do not have enough to eat and petrol and paint kills the hunger pain.⁴

In my experience, too, quite often kids are not only bored but they are hungry and sometimes they use it as an appetite suppressant. I have been told that via reports back from workers in the Kimberley...when you go to remote communities the best houses do belong to the nursing staff, the teachers and the police. The rest of the community are living in complete poverty. These sorts of things are other underlying factors that lead to the quick fix to get out of it, just escape reality for a little while, and get rid of their hunger.⁵

There have been several substantive studies on the subject of nutrition and I do not want to go into those. Nutritious food is essential to all people living in a remote community, just as it is in all areas. With lack of disposable incomes, people are simply in debt to some agencies and cannot possibly hope to come out of that cycle with the regulations that are reinforced at the present time. With little money and inadequate food, it is little wonder that kids turn to sniffing, in some cases, to dull the pangs of hunger.⁶

Lack of employment opportunities

2.8 The absence of hope, aspiration and opportunity to work, develop, learn and grow are further reasons cited why young people sniff petrol in Indigenous

3 *Submission 20*, p.32 (CAYLUS).

4 *Committee Hansard* 8.3.06 p.15 (Wuchopperen Health Service).

5 *Committee Hansard* 20.2.06 p.14 (Drug and Alcohol Office WA).

6 *Committee Hansard* 16.5.06, p.78 (Mr P Rawson – Adelaide Healing Energy Centre).

communities. Mr Andrei Koeppen, Chief Executive Officer of the Yugul Mangi Community Government Council in the Northern Territory stated:

Whether it is petrol, grog or ganja, the root cause is the same. Hopelessness. Job opportunities are very limited. Career paths are non-existent. Housing is in such a crisis that around 20 people are sharing a three bedroom house designed for four people. There is no furniture in the houses. There is virtually no support for self-employment initiatives. People die here thirty years younger than the average Australian.⁷

2.9 The impact of meaningful work for local community members cannot be understated. Mr Bill Edwards provided a historical perspective:

Fathers who were stockmen once provided a model for their sons who drew cowboy hats and boots on water tanks and aspired to wear these articles of clothing. A boy may now have the model of an unemployed, drunk and violent father...Employment opportunities have diminished despite the influx of capital works funding because work on the projects has to meet specifications or be completed by a due date. Whereas local men once made and laid bricks, mixed cement and laid foundations and sawed and hammered timber, much of the construction work on new schools, hospitals, stores and even Aboriginal housing, is now done by outside contractors.⁸

2.10 The Alcohol and other Drugs Council of Australia emphasised the need for employment opportunities:

Paid employment is important in giving people sense of self worth and addressing issues of boredom as well as providing an income. Given these are underlying causative factors of substance misuse, the importance of strategies that aim to increase training and employment opportunities as a part of a long term plan addressing petrol sniffing is great.⁹

Shortage of housing

2.11 The shortage of housing in many Indigenous communities creates problems of overcrowding and lack of privacy, feelings of anger and frustration, reduced child safety as well as hygiene and health care issues. Mr Donovan Walmbeng from the Aurukun Community Justice Group stated 'there are big families that are trying to get a house but they cannot. There is a shortage of housing in the Aurukun community.'¹⁰

2.12 Aboriginal people have a strong cultural connection to traditional land which encompasses wide open spaces. The overcrowding and absence of appropriate levels of housing and in local communities creates many problems. Dr Brian McCoy stated:

7 *Submission 23*, p.1 (Mr A Koeppen).

8 *Submission 11a*, p.3 (Mr B Edwards).

9 *Submission 17*, p.5 (ADCA).

10 *Committee Hansard 8.3.06*, p.59 (Aurukun Community Justice Group).

It can also create great tension, because the planning of these communities involves putting people literally on top of one another at times rather than spreading them out. We are talking about people that historically had a lot of space between them. Therefore, when geographically they are put in very narrow places and houses are put between houses to save money, often these social tensions can emerge.¹¹

2.13 Sustained and consistent funding for Indigenous housing would improve the ability to provide safe home environments for young children. The Remote Mental Health Area in Queensland stated:

[Housing] is where it would make a huge difference to the safety of young children. They are all in one room and there are 15 adults and most of them come in the middle of the night drunk. Just having more rooms would make a huge difference for safety.¹²

2.14 Many witnesses made clear to the Committee that child safety and protection were critical elements in the prevention of young children sniffing. Evidence suggested that some young people begin to sniff petrol as a result of past trauma, violence and abuse. Professor Ernest Hunter commented:

I remember, when I was doing some work in Bourke a few years ago, the kids on the street late at night saying that they did not go home until the early hours of the morning because of the drinking that was happening at home. We have instances of young women who have shown very adaptive protective behaviour by essentially locking themselves in a room for periods of time. So I think housing is a very important ingredient.¹³

Poor educational outcomes

2.15 Education is an integral issue in overcoming disadvantage and preventing substance abuse including petrol sniffing. The low attendance of Indigenous children at school means that they have poor literacy and numeracy skills, poor retention rates and little prospect of stable, full-time employment:

The difficulties that we see in the sort of community that I am working in include poor language skills from lack of educational achievement. There are issues with parenting young children within that community. School attendance is poor.¹⁴

There are a lot of young people who drop out of school early and fail even to complete year 7. So their educational opportunities quickly diminish. English, as you probably know, is often a second or third language. They find that school is not attractive; it is not motivating. They drop out. The

11 *Committee Hansard* 27.4.06, p.34 (Dr B McCoy).

12 *Committee Hansard* 8.3.06, p.35 (Remote Area Health Service Qld).

13 *Committee Hansard* 8.3.06, p.38 (Prof E Hunter).

14 *Committee Hansard* 22.2.06, p.1 (Dr S Foster).

parents find that they have limited ability to control those adolescents. It becomes a big social dilemma for each of those communities.¹⁵

2.16 Poor attendance at school also means that many Indigenous children are left to their own devices during the day and often become bored. Boredom is one of the major reasons given to explain why children sniff:

One of the biggest potential diversionary schemes is school, but unfortunately, in a lot of the places that I go to, a lot of children do not attend school. I see children and young adults, including 12- to 14-year-old young men, who have not attended much school, have not got good literacy or numeracy skills and do not have many opportunities for further education, further training or employment. Often they may take up petrol sniffing as a diversion from their own lives. Anything that can help young people do better at school, stay at school and attend school is something that may move them away from sniffing.¹⁶

2.17 Boredom is also a problem in the wet season in Northern Australia where children cannot participate in diversionary programs such as visiting outstations. Professor Ernest Hunter of the Remote Area Mental Health Services commented:

It has been suggested before, and I think it would be useful, that we reverse the school year so that kids are at school through the wet season and their longest break from school is in the dry season. This would make a lot of sense.¹⁷

Cultural influences

2.18 Cultural influences include traditional customs, shared knowledge, accepted behaviours, peer pressures and the values of a distinct group of society. Australian Aboriginal culture is complex and extraordinarily diverse. The system of kinship puts everybody in a specific kinship relationship, each of which has roles and responsibilities attached to it. Kinship governs much of everyday behaviour.

2.19 The impact of the Indigenous value of right to personal autonomy and the unwillingness to impose one's will on another was explained as being a key aspects of Indigenous culture and 'act as impediments for Aboriginal people to take action'.¹⁸ Dr Maggie Brady stated:

...the socially and culturally embedded notions of individual autonomy which are a normal part of the socialization of Aboriginal people in remote Australia. Because child-rearing practices are focused around permissiveness and learning by experience (techniques that worked extremely well in earlier years) adults rarely interfere in the activities of

15 *Committee Hansard* 27.4.06, p.3 (RFDS Qld).

16 *Committee Hansard* 22.2.06, p.3 (Dr A White).

17 *Committee Hansard* 8.3.06, p.32 (Prof E Hunter – Remote Area Mental Health Services, Qld).

18 *Committee Hansard* 27.4.06, p.13 (Dr M Brady).

children or teenagers. By the time teenagers become young men and women, older family members have no automatic authority over them. 'I am boss for myself', and 'it's my body, my business' are frequently heard statements. It would be embarrassing, shameful and simply socially unacceptable in many cases, for an individual to try to impose his or her will or to remonstrate with others (be they sniffing, drinking to excess, 'neglecting' children, or illegally selling petrol to sniffers).¹⁹

Effects of petrol sniffing

2.20 The effects of petrol sniffing are immense and the damage is felt by not only the individual sniffer, but also the community and society as a whole. The sniffer will suffer irreparable health problems both mentally and physically. The family and community suffer emotionally and financially, with the impacts including a burden on the health care system and a community left to manage the aftermath when a sniffer commits crimes or causes damage while under the influence of an inhalant.

2.21 These effects of petrol sniffing have been well documented in coronial inquiries including that by Coroner Chivell in 2002 and were also echoed by the Department of Health and Ageing (DoHA) and Department of Immigration and Multicultural and Indigenous Affairs (DIMIA):

Petrol sniffing poses a range of problems for sniffers, their families, communities and to the wider society. The societal impacts of petrol sniffing potentially include social disruption: vandalism and violence; increased inter-family conflict; social alienation of sniffers; social disruption; reduced morale in communities; incarceration of sniffers and significant personal/ community and financial impacts associated with both acute and long term treatment of sniffing related harm...The wider society will almost certainly experience increased demands on hospital-based and other health resources; long-term health care for those disabled through sniffing; and demands on the criminal justice system, arising out of sniffing related crime.²⁰

Physical effects

2.22 The inhalation of petrol fumes can immediately induce euphoria, relaxation, dizziness, increased libido, aggression, hunger and ataxia (loss of coordination of the muscles), with symptoms lasting sometimes up to six hours. Petrol sniffers exhibit blurred speech, staggered gait and impulsive and uninhibited behaviour. Larger doses can induce hallucinations, delirium, unconsciousness, seizures and coma. Longer term usage can result in death due to heart failure, pneumonia or lead poisoning.²¹ Petrol

19 *Submission 26*, p.1 (Dr M Brady).

20 *Submission 25*, pp.21-22. (DoHA & DIMIA).

21 Cairney S, Maruff P, Burns C, Currie J & Currie. B, December 2004, 'Recovery of Brain Function with Abstinence from Petrol Sniffing', *Journal of Australian Indigenous issues*, v.7 (4), p.28-31.

sniffers also face increased risk of injury including burns and an increased incidence of sexually transmissible infections and unplanned pregnancy.

2.23 The effects of petrol sniffing on physical health include:

- intoxication, auditory and visual hallucination, irrationality, aggression, disinhibition, confusion, poor coordination, headaches, poor memory, slurred speech, vomiting, headache, fits;
- psychological addiction;
- for chronic sniffers, cerebellar ataxia, grand mal epilepsy, encephalopathy, persistent psychosis, chronic disability including mental impairment, and low body weight;
- possible effects on unborn children caused by sniffing during pregnancy; and
- death.²²

2.24 Researchers at the Menzies School of Health Research have found that neurological damage from petrol sniffing can be present at the very early stages of abuse, including affects on memory, attention, learning, executive function and behavioural inhibition. These changes are associated with social disruption, low school attendance, being involved in activities that break both Commonwealth and Aboriginal law and a poor prognosis for ultimate admission to hospital with severe neurological illness (petrol sniffer's encephalopathy).²³

Justice issues

2.25 Justice issues related to petrol sniffing include increased crime rates and domestic violence, whilst damage to community property and vandalism is commonplace as sniffers search for petrol or break into vehicles, fuel bowsers or storage areas. The Committee was also informed of incidents where sniffers had become destructive and broken into stores, homes or other buildings to obtain food.

2.26 The effectiveness of laws and policing at combating petrol sniffing is discussed in chapter 4.

Effect on communities

Substance misuse, particularly alcohol and petrol sniffing is a major contributing factor in the breakdown of individual, family and community relationships and wellbeing throughout Australia. Family violence, ill health and increasing morbidity, child neglect, imprisonment, sexual abuse,

22 *Submission 25*, p.21 (DoHA & DIMIA).

23 Cairney S, Maruff P, Clough A, Torsillo P, & Currie B, *Neurocognitive and social changes associated with unleaded petrol sniffing and abstinence from further sniffing*, Project Synopsis, p.1.

acts of violence and premature deaths can all result from substance misuse.²⁴

2.27 Petrol sniffing impacts on Indigenous communities not only because of the health risks posed to the individual, but also because it is disruptive and destructive to the functioning of families and the community:

It is well documented that petrol sniffing has been disrupting the life of remote Aboriginal communities with intoxication-related crimes; resultant friction between families; youth suicides and other damage to physical, mental and emotional health which is not limited to the petrol sniffers themselves but spreads to their clan groups and the wider community.²⁵

In the Northern Territory some communities are on the verge of complete social breakdown whilst others could achieve greater social harmony and greater economic benefit if their energies were not frequently diverted to the problems of petrol sniffing.²⁶

2.28 Ms Vicki Gillick, Coordinator of NPY Women's Council stated:

It is my observation that in the past fifteen years or thereabouts, Mutitjulu, along with other communities in the region including Amata, Ernabella, Docker River and Imanpa, has become progressively more dysfunctional. At Mutitjulu, many older leaders have died and other senior people in the community have become overwhelmed by the escalating sniffing, cannabis use, drinking and associated behaviour of younger people.²⁷

2.29 Witnesses reported an escalation in violence associated with petrol sniffing with this report from Mr Dennis Colson of the Turkey Bore Community:

Just recently – on Friday, before I packed up to come down here – one of the petrol sniffers set fire to his own wife. He was arguing with petrol sniffers outside, came back home, chucked the petrol on and lit his own wife up.²⁸

2.30 Communities troubled with petrol sniffers can find it difficult to attract and retain essential resources and services including non-Indigenous support workers. The NPY Women's Council commented:

This is particularly so as communities become more dysfunctional. There is a circular effect; a community is in poor shape, so no-one who is very talented or thoughtful wants to work there; the place becomes more dysfunctional and open to corrupt or stupid management. Local community

24 *Committee Hansard* 16.5.06, p.35 (Mr J Hartley – Australians for Native Title and Reconciliation SA and TAPY Inc).

25 *Submission* 36, pp.1-2 (Wuchopperen Health Service).

26 *Submission* 19, p.5 (Alice Springs Town Council).

27 *Submission* 15d, pp.3-4 (NPYW).

28 *Committee Hansard* 16.5.06, p.35 (Mr D Colson – Turkey Bore Community).

residents most often lack the education to enable them to take on the work themselves, are frequently open to being misled or ripped off, and so it goes on.²⁹

Impact on health costs

2.31 Health care to treat the effects of petrol sniffing tends to be concentrated on acute hospitalisations, which often requires aerial medical evacuation. The longer term impacts of sniffing generally call for limited rehabilitative or residential care for the disabled.

2.32 In Alice Springs a Committee member, Senator Adams, visited the local health service and found 'that their emergency department had a 25 per cent increase this year in petrol-sniffing clients.'³⁰

2.33 It has been estimated that the annual cost for institutional care for a person who has acquired permanent damage from petrol sniffing in Alice Springs is \$160 000 per annum.³¹ It is also suggested that this figure will be far greater if care is needed in remote locations. Given that estimated numbers of sniffers in the Northern Territory alone is 600, the potential economic burden from health costs is very high.

2.34 Estimating the annual cost of health care for a sniffer with permanent disability varies considerably depending on the type and extent of care required. In May 2006, ABC *Lateline* visited St Mary's Hostel outside of Alice Springs and spoke to a 40 year old sniffer with Acquired Brain Injury syndrome who had begun sniffing at 15 and was in a wheelchair at 25 years of age.

Kumanarra wants to return to his country [Mutitjulu], but there is no-one there who can look after him. The cost of looking after Kumanarra is so expensive at times the only option has been hotel accommodation...He stayed here [local hotel] for two months at a cost of \$160 per night. The total cost of looking after Kumanarra is \$200,000 per year.³²

2.35 Access Economics' cost benefit analysis report on Opal estimated that the cost of petrol sniffing in the Opal roll out region across Tennant Creek in the Northern Territory to the eastern parts of Western Australia and to the north of South Australia. It found that the net cost of the disease burden in the region was \$38.1 million with health, long-term care and rehabilitation impacts accounting for \$12 million.³³

29 *Submission 15*, p.6 (NPYWC).

30 *Committee Hansard 27.4.06*, p.78 (Senator Adams).

31 Legislative Assembly of the Northern Territory, Select Committee on Substance Abuse, *Petrol Sniffing in Remote Northern Territory Communities*, Darwin, October 2004.

32 Australian Broadcasting Corporation. *Lateline*, 'Lateline sees petrol sniffing problem first-hand', Broadcast 16.5.06, Ms R Linsdell, NPY Women's Council.

33 Access Economics, *Opal Cost Benefit Analysis*, 2006, p.iii.

Impact on family and carers

2.36 Mrs Ngitji Ngitji Mona Tur, who has been an interpreter in the Pitjantjatjara and Antikirinya/Yankunytjatjara languages for over 30 years, stated that 'petrol sniffing affects the whole family, not just the person who is sniffing.' Mrs Tur provided accounts of the struggle of Anangu families and commented 'I have seen so much destruction in my communities because of petrol sniffing. We do not want to lose our children and family to this poison.'³⁴

2.37 The negative impact on families is significant as there are multiple and interrelated elements in play when a family member is a chronic sniffer. The NPY Women's Council elucidated on the impact:

It is the disabilities, the ongoing care, the ageing parents who are becoming disabled, frail or are dying themselves and cannot look after those kids, and the huge loss of physical and brain power across a small population. Margaret [Vice President of NPYWC] said to me this morning, 'Soon there will not be any Anangu left on the AP lands.'³⁵

2.38 Evidence from many family members of sniffers suggests that the burden on families is not only the struggle to prevent their sons, daughters, cousins and nieces from sniffing, but also the burden of providing care to family members who have permanent brain damage acquired through sniffing.

2.39 During *Lateline's* visit to Alice Springs in May 2006, the consequences of petrol sniffing and the effect on carers and family was made clear:

I work primarily with the carers and I really see the stress and strain on carers, especially ageing carers, carers that are getting older who have enormous health problems themselves...I know of another carer who has made the decision not to go on dialysis. She is returning to her remote community. She has a 35-year-old daughter in a wheelchair as result of petrol sniffing.³⁶

2.40 Mr Bill Edwards has lived and worked in Indigenous communities for many years and commented on the impact petrol sniffing has had on families:

Having known many of the Pitjantjatjara people of a previous generation as strong, proud and self-respecting, my concern arises from seeing many of their children and grandchildren dying or reduced to human wrecks.³⁷

34 *Committee Hansard* 16.5.06, pp.3–4 (Mrs M Tur).

35 *Committee Hansard* 22.2.06, p.59 (NPYWC).

36 Australian Broadcasting Corporation. *Lateline*. 'Lateline sees petrol sniffing problem first-hand', Broadcast 16.5.06, Ms R Linsdell, NPY Women's Council.

37 *Submission* 11a, p.5 (Mr B Edwards).

Incidence of petrol sniffing

2.41 The absence of statistical data and full and accurate records make it difficult to determine the full impact of petrol sniffing. Estimations can only be made on the number of people engaged in petrol sniffing and its true cost to the community. DIMIA and DoHA commented that:

The exact extent of the problem of petrol sniffing in the central desert region is hard to quantify. There is no national data available on petrol sniffing in remote areas. At the regional level data is collected in some communities. All the available data, whether at the broad national or regional levels, is patchy and incomplete, and often inconsistent. The various collections, moreover, are difficult to compare.³⁸

2.42 The South Australian Government indicated that it was not aware of any data on deaths attributed to petrol sniffing that are regularly collected. The Government funds the Nganampa Health Council to undertake a survey of prevalence of petrol sniffing in the APY Lands. Twelve health surveys have been undertaken since 1984 and are the most reliable information source concerning the prevalence of petrol sniffing in South Australia.³⁹

2.43 Access Economics estimated that across the roll out region there were 612 sniffers in 2005 of whom the majority were male. The number of chronic and occasional sniffers were about the same.⁴⁰

2.44 Some estimates were provided by witnesses including the Alice Springs Council which indicated that petrol sniffing has been linked to as many as 60 Indigenous deaths in the Northern Territory in the past seven years with about 120 people in the Central Australian region suffer permanent brain damage.⁴¹ Other witnesses noted the estimate reported by Coroner Greg Cavanagh in his 2005 coronial inquiry report that there are an estimated 600 petrol sniffers across the Central Desert region of the Northern Territory. DoHA and DIMIA concluded that 'in the absence of consistent accurate statistics, this is the best estimate for the region that is currently available'.⁴²

2.45 The lack of research and consistency of data collection on petrol sniffing in Indigenous communities creates much frustration. The true extent of petrol sniffing is not known and evaluation of programs is difficult. Dr Maggie Brady, having researched Indigenous issues for many years, provided a historical perspective:

38 *Submission 25*, p.3 (DoHA & DIMIA).

39 *Submission 29*, Additional information 16.6.06, p.1 (South Australian Government).

40 Access Economics, *Opal Cost Benefit Analysis*, 2006, p.37.

41 *Submission 19*, p.4 (Alice Springs Town Council).

42 *Submission 25*, p.3 (DoHA and DIMIA).

By the end of the eighties there were increasing pleas for help from the grassroots, together with the spread of sniffing to new areas, but there were still no dedicated staffers in any departments with knowledge of and responsibility for sniffing. There was no national cohesion, no national data collection or evidence base. There was no resource collection to distribute to communities on request.⁴³

2.46 Witnesses commented that a lack of national data collection continues to remain as much a problem today as it was in the eighties. Mr Romlie Mokak, Chief Executive Officer of the Australian Indigenous Doctors' Association (AIDA), commented that from his experience 'there was a need for comprehensive data monitoring and surveillance systems and uniformity of collection across jurisdictions. They are the sorts of things that I think would be very useful for the committee to consider.'⁴⁴

2.47 Associate Professor Ted Wilkes, Curtin University, commented on the 1998 Northern Territory coronial inquiry into the death of a 14-year-old boy from petrol sniffing:

A key recommendation made by Coroner Donald was that any death connected to petrol or another inhalant be reflected in the death certificate and autopsy report. However, it appears the opinion of workers in the field is that such reporting is not being carried out in a consistent manner throughout the country. Consequently, there is no reliable statistical data on inhalant related deaths.⁴⁵

2.48 The South Australian Government also commented on the difficulty in establishing the number of deaths due to petrol sniffing and the use of death certificates. It noted that the condition directly leading to death described on the relevant death certificate may not describe any involvement with petrol sniffing 'as this is up to the discretion of the doctor'. There is scope for secondary and supplementary 'antecedent causes' to be listed as factors consequential to the direct cause of death on the certificate 'but again this is at the doctor's discretion'.⁴⁶

2.49 The absence of nationally consistent reporting removes the opportunity of evaluation, information sharing and the identification of trends in Indigenous populations around Australia. Dr Elizabeth Chalmers from the Australian College of Rural and Remote Medicine commented:

The story of petrol sniffing, as you are aware, is characterised in Australia by a series of inquiries and reports at national, state and local levels. Some interventions have been well reported, but many have not been well reported and have not been well evaluated, so the messages and the lessons

43 *Committee Hansard* 27.4.06, p.12 (Dr M Brady).

44 *Committee Hansard* 27.4.06, p.37 (AIDA).

45 *Committee Hansard* 20.2.06, p.26 (Prof T Wilkes).

46 *Submission* 29, Additional information 16.6.06, p.1 (South Australian Government).

learnt are lost...a well-constructed and tested data collection across jurisdictions for monitoring is needed...I would strongly recommend that any opportunity to encourage collaboration on that sort of data collection be taken up so that we know what is happening and we can detect changes in patterns or early signs of new outbreaks.⁴⁷

2.50 The significant limitations of data collections in relation to Indigenous people have been recognised by organisations reporting on a range of health and welfare indicators. The Steering Committee for the Review of Government Service Provision reports on key indicators of Indigenous disadvantage. The report involves an Indicators Framework, and in order to measure progress against these benchmarks, accurate data collection is essential. The report indicates priority areas for data improvement.

2.51 In its 2005 report, the Steering Committee noted that the data was limited because of variability of the identification of people as being of Indigenous origin, both across data collections and over time. The Steering Committee also noted that there is limited data on Indigenous drug use and indicated that a priority area was more robust data by jurisdictional and geographic areas on alcohol and tobacco consumption and drug and other substance use. The Australian Institute of Health and Welfare (AIHW) is 'currently undertaking work to evaluate the different existing data sources that can provide information on substance use among Indigenous people to assess where the gaps are'.⁴⁸

2.52 In 2005, the AIHW produced its second report against Aboriginal and Torres Strait Islander health performance indicators which included information on determinants of health – risk markers (such as smoking prevalence, alcohol consumption) and outcomes for people (such as hospitalisation ratios, mortality ratios). The AIHW stated that a common problem with the data was the poor quality of information particularly in identification of Indigenous people in birth and death registrations, primary health care service records and hospital records. AIHW noted that the Australian Health Ministers' Advisory Council (AHMAC), through its Standing Committee on Aboriginal and Torres Strait Islander Health and the National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data, 'is actively supporting data development work to improve the quality of key health performance indicators'.⁴⁹

47 *Committee Hansard* 21.02.06, pp.10–11 (Dr E Chalmers).

48 Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage, Key Indicators 2005*, p.8.22.

49 Australian Institute of Health and Welfare, *National summary of the 2003 and 2004 jurisdictional reports against the Aboriginal and Torres Strait Islander health performance indicators*, March 2006, p.iii.

Conclusion

2.53 Over the past 20 years, much research and discussion has focussed on the reasons why people sniff and the impact of petrol sniffing on both the individual and communities. The evidence received by the Committee echoed the research already undertaken and again pointed to the multiple causes of petrol sniffing including hunger and poverty, boredom and lack of meaningful employment opportunities. Petrol sniffing not only effects individuals physically as it causes aggression, delirium and psychosis but also causes disruption to family and community life. Some communities have become so dysfunctional that they have difficulty retaining support workers.

2.54 Concern was expressed that if the many causes of petrol sniffing are considered together, the problem may seem insurmountable. The Committee recognises that the underlying causes of poverty, disadvantage and despair urgently need to be addressed but smaller scale interventions can make a real and substantial difference.

2.55 The extent of petrol sniffing and its impact on the health of users is difficult to ascertain. The datasets are limited with identification of Indigenous people a major problem in key health and welfare data sets. The inclusion of information on inhalant abuse on death certificates and autopsy reports as recommended by the Northern Territory coroner in 1998 could provide a significant source of information on inhalant-related deaths but it appears that this recommendation has not been taken up in a consistent manner.

2.56 The Committee considers that without accurate data, there can only be an estimation of the incidence of petrol sniffing and limited evaluation of the impact of programs to stop petrol sniffing and to address the underlying causes of substance abuse such as poverty.

Recommendation 4

2.57 That the Australian Health Ministers' Advisory Council through the Standing Committee on Aboriginal and Torres Strait Islander Health and the National Advisory Group on Aboriginal and Torres Strait Islander Health Information and Data, work to improve data collection on substance abuse including petrol, by Indigenous people as a matter of priority

Recommendation 5

2.58 That State and Territory Registrars of Births, Deaths and Marriages require that, where abuse of petrol or other inhalant is a contributing factor to a death, the inclusion of inhalant abuse and the type of inhalant used be recorded on death certificates as recommended by the Northern Territory Coroner in 1998.

CHAPTER 3

FINDING THE SOLUTION

I saw program after program start and then abruptly stop because there was no more funding left, there were no more staff and the community eventually lost interest in trying to keep programs going. They were getting stressed and sick themselves. No-one was there to help.¹

Introduction

3.1 Governments, non-government organisations and Indigenous communities themselves have sought to put in place interventions to stem the tide of young people sniffing petrol. In some Indigenous communities the incidence of petrol sniffing has declined.

3.2 However, despite the inordinate number of inquiries and the flood of recommendations that have been made, Indigenous communities continue to struggle to control petrol sniffing and expressed frustration at the lack of progress:

The feeling in the Bush is that there have been enough enquiries, meetings, workshops, seminars, reports and committees on sniffing - some real action is required in 2005.²

ADCA [Alcohol and other Drugs Council of Australia] supports an inquiry into this matter, however is conscious that despite numerous reports & inquiries in the past calling for a Government response to petrol sniffing (d'Abbs & Brady 2004), there has yet to be a sustained approach, creating much frustration within effected communities. The Royal Commission into Aboriginal Deaths in Custody (RCIADIC), numerous coronial inquiries & the NT Inquiry into Petrol Sniffing in Remote Northern Territory Communities are some examples that have demonstrated clear recommendations, many of which that have not been implemented to the satisfaction of communities concerned.³

3.3 Other witnesses pointed to the lack of coordination of programs and lack of understanding of the needs of Indigenous communities:

Just look at all the non-indigenous people engaged in the field of indigenous support. You have the ICC, ILC, NLC, IBA, ABTA, NT Govt, Centrelink, and on and on it goes. Lots of non-indigenous people on fat salaries in fancy office buildings and brand new vehicles. They come out here in their droves. They fill out forms, write reports, express all sorts of sympathetic attitudes, then go back to their neat offices incapable of

1 *Committee Hansard* 16.5.06, p.2 (Ms N Tur).

2 *Submission* 16, p.2 (Mr D and Ms M Hewitt).

3 *Submission* 17, p.2 (Alcohol and other Drugs Council of Australia).

actually making a difference. I see it every week. Millions and millions of dollars spent on bureaucracy, with very little actually reaching this community.⁴

That is why I keep returning to that lack of commitment, that lack of embedded support and skill in communities. There are no more excuses that can be made for the inaction, spin and deceit about what it is really like in these communities and for how little action governments have really taken over the years.⁵

The service providers and the government are running around there. If you get a bunch of marbles and chuck them on a table, what happens to them? They scatter. This is exactly how the government and the service providers are running around out there. They are putting their little programs in their pockets and not working together. They should put their heads together and work as one. They should establish an office in Umuwa or somewhere, where every service provider can meet to talk and run programs. We have to do a trial in one of the communities and see how that goes, as well as still doing those other programs.⁶

Comprehensive approach

3.4 It is clear that short-term solutions will not be found to prevent petrol sniffing in Indigenous communities. As highlighted in the previous chapter, the causes of petrol sniffing are diverse and go to the very nature of life in remote communities. The programs to overcome the problem need to be comprehensive and sustained. Without this, petrol sniffers will either move to areas where they can obtain sniffable petrol or move onto another form of substance abuse. This has been highlighted in over twenty years of reports and inquiries.

3.5 Witnesses argued that neither an approach which is based fully on the delivery of services by government nor an approach which relies on often small Indigenous communities to deliver a range of services to address a complex issue will be successful. The need for a holistic approach was advocated. It was also argued that there is no 'quick fix' and intervention programs are likely to fail if they are too narrow in their focus and provided without appropriate supports. Mrs Ngitji Ngitji Mona Kennedy Tur commented:

I believe change can be effective only if a holistic approach is taken – that is, that the government, with the APY community, consider all social indicators, such as health, housing, education, employment and economic status, which impact on why Anangu might take up petrol sniffing. We do not want to lose our children and family to this poison. We need to understand the long-term impacts of petrol sniffing on generations of

4 *Submission 23*, pp.1-2 (Mr A Koeppen).

5 *Committee Hansard 16.5.06*, p.69 (Ms K Reynolds).

6 *Committee Hansard 16.5.06*, p.40 (Mr D Colson – Turkey Bore Community).

Anangu families. Anangu have a strong culture and we want to continue to keep our culture strong. The government need to take this seriously.⁷

3.6 The Australian Indigenous Doctors' Association (AIDA) supported the need for commitment and effort by governments 'as well as individuals, families and communities themselves. No one party can achieve the results on their own.'⁸ The Waltja Tjutangku Palyapayi Aboriginal Corporation stated:

An holistic and sustained response addressing the reasons why so many young Aboriginal people are sniffing petrol or engaging in less publicised but equally destructive behaviours – in our region, bringing together community members, key Aboriginal organisations and other service providers and all tiers of government, including local governance bodies in communities is required if we are to have any lasting positive impact on petrol sniffing and similar behaviour in remote communities.⁹

3.7 Associate Professor Dennis Gray argued, like many others, that imposing a solution will not work:

There is a long history within Indigenous Affairs that demonstrates that defining problems and imposing solutions from outside does not work. This has led to the policies of self-determination and self-management but unfortunately, as Peter d'Abbs pointed out to the coronial inquiry into petrol sniffing, all too often that has meant that government agencies have abrogated their responsibility to communities and just left it to communities. That does not work either.¹⁰

3.8 Associate Professor Peter d'Abbs also commented that 'for many years the standard response from all levels of government and all political persuasions was that it was a community problem...that was often dressed up as self-determination'. In recent years a number of governments have acknowledged that they have a vital part to play and that there are 'welcome signs of cooperation between governments and between levels of government'.¹¹

3.9 Professor d'Abbs went on to argue that rather than looking at what interventions would work, the preconditions that need to be established for the interventions to be successful need to be identified. Professor d'Abbs saw the need for people in communities who have an understanding of the problems of petrol sniffing and who stay on a long-term basis, for sustained funding of programs and for the

7 *Committee Hansard* 16.5.06, p.2 (Ms N Tur).

8 *Submission 32*, p.3 (AIDA).

9 *Submission 27*, p.4 (Waltja Tjutangku Palyapayi Aboriginal Corporation).

10 *Committee Hansard* 20.2.06, p.30 (Ass Prof DA Gray).

11 *Committee Hansard* 27.4.06, p.14 (Ass Prof P d'Abbs).

identification of key challenges including the development of models of service delivery.¹²

3.10 Other witnesses argued that in order to address petrol sniffing, the underlying causes need to be addressed. Professor Ted Wilkes commented:

Clearly, short-term solutions will only be effective if the structural determinants of petrol abuse are also addressed. In the short term, sniffable fuel resources accessible to sniffers need to be stopped and abrogated, services available need to be upgraded, youth workers need to be accessible and well resourced, and legislation that supports these strategies needs to be put in place. In the long term, petrol sniffing needs to be viewed in the context of the social circumstances in which it is occurring. It is the habitual feelings of hopelessness, boredom and lack of opportunity, not the petrol itself, which make the addiction chronic.¹³

3.11 Concerns were expressed about the common tendency for chronic abusers of volatile substances to switch to another available substance or move to another community if the only strategy employed was the restriction of the supply of the preferred substance:

Despite the success of measures to reduce the supply of sniffable fuels, it is clear that such measures are not sufficient, of themselves. For example, there have been recent anecdotal reports that where *Opal* has been introduced, petrol sniffers have turned to using paint. This highlights the need to address the root causes of petrol sniffing if any lasting impact is to be achieved.¹⁴

Whilst effective supply reduction strategies (such as replacement fuels) in remote communities can have great impact, it is vital that proportionate effort is devoted to other concurrent strategies addressing the complex issues underlying substance misuse. Supply reduction measures targeting one type of volatile substance alone can precipitate a shift among users to another volatile substance or a different drug altogether.¹⁵

3.12 The transient nature of Indigenous people also means sniffers readily move from one State or Territory to another if their supply is restricted and petrol is accessible in a nearby community. In addition, traffickers cross borders to supply petrol to sniffers. The tri-state (Western Australia, South Australia and Northern Territory) strategies that aim to address these cross border issues are discussed in chapter 4.

3.13 The key components to solving the problems of petrol sniffing will be a holistic approach: a whole-of-government approach, matched with on-going

12 *Committee Hansard* 27.4.06, pp.14-15 (Ass Prof P d'Abbs).

13 *Committee Hansard* 20.2.06, pp.28-29 (Prof ET Wilkes).

14 *Submission* 25, p.11 (DoHA & DIMIA).

15 *Submission* 36, p.2 (Wuchopperen Health Service).

commitment and sustained funding of programs, which engages Indigenous communities.

Whole-of-government approach

3.14 The need for improved coordination of government programs and a whole-of-government approach has been well recognised:

It is particularly important that Inter-Governmental coordination of approach be a high priority in order to avoid the fragmentation of effort and confusion and alienation of service-providers which are features of current service delivery to Anangu communities.¹⁶

3.15 The Remote Area Health Service commented on the problems of dealing with multiple agencies in undertaking projects:

Projects are written in a very short-sighted way. They are written in silos. I would love to work in communities with the Department of Housing... But we do not work with the Department of Housing. It is very rare to get projects integrated – not just across the education and health agencies but energy and housing.¹⁷

3.16 State and Territory Governments support a whole-of-government approach.¹⁸ The Western Australian Government commented that such an approach may be difficult but that:

...a whole-of-government approach has to be taken to this issue and it needs to encompass prevention, supply control and reduction of demand. Obviously, the coordination of that whole-of-government approach is easier said than done...petrol sniffing is both a problem of itself, with its own causes and consequences, and symptomatic of a long history, the experience of Aboriginal people in remote communities over time and their social and economic circumstances.¹⁹

3.17 The AIDA suggested that initiatives must encompass wider whole-of-government strategies that address the underlying cause of sniffing:

Evidence also suggests that measures aimed only at combating petrol sniffing are not sufficient of themselves and there is a need to address the root causes of petrol sniffing if any lasting impact is to be achieved. This indicates that strategies to combat petrol sniffing should be located within wider, whole-of-government initiatives to improve the health, education,

16 Coroner Wayne Chivell, *Finding of Inquest into the Deaths of Kunmanara Ward, Kunmanara Ken, Kunmanara Ryan and Kunmanara Copper*, Umuwa, SA, 2005.

17 *Committee Hansard* 8.3.06, p.35 (Remote Area Health Service Qld).

18 *Submission 22*, p.2 (Northern Territory Government).

19 *Committee Hansard* 20.2.06, p.2 (Western Australia Government).

and socioeconomic status of Aboriginal and Torres Strait Islander people and communities.²⁰

3.18 At the national level a number of strategies have been put in place: the National Inhalant Abuse Taskforce; the National Drug Strategy; and the Eight Point Regional Strategy for Central Australia.

National Inhalant Abuse Taskforce

3.19 The National Inhalant Abuse Taskforce (NIAT) was established in recognition that there is currently no coordinated systematic response to inhalant abuse.

3.20 Over an 18-month period, NIAT extensively researched and investigated programs and interventions and consulted a wide range of stakeholders in relation to inhalant abuse and concluded:

Inhalant abuse is a complex phenomenon that demands a truly whole-of-government and cross-sectorial response. Government departments at different levels, across a breadth of diverse portfolio areas, including health, education, justice, police, youth, sport and recreation, must work together to offer a collaborative and seamless response to inhalant abuse.²¹

National Drug Strategy

3.21 The National Drug Strategy recommends a comprehensive approach to drug-related harm involving a balance between demand reduction, supply reduction and harm reduction strategies.²² Under the National Drug Strategy, the Aboriginal and Torres Strait Islander Peoples Complementary Action Plan 2003-06 complements the issues raised in the Strategy. The Complementary Action Plan 'stresses the need for culturally appropriate solutions that cover the whole-of-life and the entire population. Partnerships across governments and portfolios, and with communities are needed'.²³

3.22 Associate Professor Gray commented that the National Drug Strategy provides a framework for addressing petrol sniffing:

...we should not be reinventing the wheel. Australia already has a National Drug Strategy. It has been evaluated. It has been effective and it is seen as a model in other countries. As well as the main plan, there is a complementary action plan for dealing with substance misuse issues

20 *Submission 32*, p.2 (AIDA).

21 National Inhalant Abuse Taskforce. *National Directions on Inhalant Abuse: Final Report*, p.iv, November 2005.

22 Ministerial Council on Drug Strategy, *The National Drug Strategy. Australia's Integrated Framework 2004-2009*, Canberra, 2004, Commonwealth of Australia, p.17.

23 Ministerial Council on Drug Strategy, *National Drug Strategy, Aboriginal and Torres Strait Islander Peoples Complementary Action Plan 2003-2006*, 'Summary', p.1.

amongst Indigenous people...Together, those documents provide a framework for addressing petrol sniffing.

There are some key elements in that, in both of those documents. We have to address issues of supply, issues of demand and issues of immediate harm from drugs. They are three central planks of the National Drug Strategy. The other, which is encapsulated in the complementary action plan, is that we should be working with Aboriginal groups and not imposing solutions.²⁴

Eight Point Regional Strategy for Central Australia

3.23 The need to work cooperatively to address the problem of petrol sniffing has been recognised by the South Australian, Western Australian, Northern Territory and Commonwealth Governments. The Governments have agreed to implement a comprehensive strategy, the Eight Point Regional Strategy for Central Australia (the Eight Point Plan), with Indigenous people in a designated area of Central Australia. The goals of the Strategy are:

- to reduce the incidence and impact of petrol sniffing in a defined area of Central Australia by addressing the complex mix of interrelated causes and contextual factors contributing to this activity; and
- to evaluate the effectiveness of a regional and comprehensive response to petrol sniffing to determine whether and how it might usefully be expanded to other regions with similar issues.

3.24 The Eight Point Plan involves the following elements:

- implement a consistent legal framework across the region;
- provide an appropriate level of policing;
- implement regional roll-out of Opal fuel;
- facilitate alternative activities for people in the region;
- provide treatment and respite facilities;
- implement communication and education strategies;
- strengthen and support communities; and
- implement an evaluation strategy.²⁵

3.25 The Department of Health and Ageing (DoHA) and the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) noted that the strategy will be implemented at a regional and local level: at the regional level governments will address issues such as trafficking, supplying non-sniffable fuel and treatment facilities; and at the local level the strategy will be jointly implemented by Indigenous people from the region, State/Territory Governments and the Commonwealth. The

24 *Committee Hansard* 20.2.06, p.30 (Ass Prof DA Gray).

25 *Submission 25*, p.5 (DoHA & DIMIA).

Strategy will take account of the different circumstances and needs of the communities in the region and will therefore need to be implemented on a community-by-community basis.

3.26 The Office of Indigenous Policy Coordination (OIPC) stated that this strategy was aimed at 'introducing a holistic approach to the problem of petrol sniffing' which will cover a range of issues other than the roll out of Opal, for example diversionary programs:

The government decided that the response required more than just Opal fuel and that we had to deal with supply issues, which meant non-sniffable fuel that stopped the trafficking of sniffable fuels and other harmful substances. So there is a strategy around that. The government knew that, once the availability of these substances was denied these communities, there would have to be some action to help them recover – some diversionary programs.²⁶

3.27 Specific responsibilities will be spelt out in Shared Responsibility Agreements with each affected Indigenous community and reinforced through the development of Regional Partnership Agreements where necessary. It was noted that:

...where the community is seeking to take the initiative to address petrol sniffing issues in the community, as opposed to a range of other activities, and where it is seeking to develop a coordinated and holistic approach, then basically we are seeking with each of those communities to bring those things together under shared responsibility agreements or regional partnership agreements where we spell out what the Australian government will provide, what the Territory government will provide or what any third parties will provide and also what the community itself will do. An example at the moment is that in the last couple of days we have signed an agreement with the Nganampa community that will provide them with a community store, but it is also part of a broader endeavour within the community to address their petrol sniffing problems.²⁷

3.28 The Commonwealth will also seek to have the strategy itself become a schedule to the Overarching Bilateral Agreements regarding Indigenous affairs signed or being negotiated by each of the State/Territory Governments with the Commonwealth.

3.29 An Advisory Group of experts is assisting the Commonwealth on the development of diversionary strategies and preventative measures under the strategy. Its members are Mrs Sue Gordon, Dr Peter d'Abbs, Mr John Thurtell, Mr Damian McLean and (until February 2006) Mr Gregory Andrews.²⁸

26 *Committee Hansard* 27.4.06, p.79 (OIPC).

27 *Committee Hansard* 27.4.06, p.74 (OIPC).

28 OIPC, Additional information 15.6.06, p.2.

3.30 The strategy will link with the work being done by and, as appropriate, be implemented with the support of the Central Australian Cross Border Reference Group on Volatile Substance Use (VSU) and other key related activities such as the tri-state policing initiatives being implemented under the Cross Border Justice Project. The Reference Group consists of representatives of the Commonwealth, State and Territory Governments, Aboriginal Health Forums, and service providers such as Nganampa Health Council, Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council, Anangu Pitjantjatjara Yankunytjatjara Council, Ngaanyatjarra Health Service and Ngaanyatjarra Council.

3.31 The Departments indicated that given the complexity of the issues being addressed, the Eight Point Plan will need to be in place for a number of years. It was stated that 'while the rolling evaluation strategy and ongoing relationships between the stakeholders will inform adjustments to the strategy, a long-term commitment from the respective governments is required to give communities the confidence to tackle this issue in a sustained way'.²⁹

3.32 DoHA and DIMIA concluded:

The regional strategy seeks to strengthen partnerships between communities, service providers, State/Territory and Australian Governments for tailored, consistent and sustained initiatives that will make a long-lasting impact on petrol sniffing and potentially other substance misuse.

Increasingly governments will need to rapidly build on whole of government approaches which support action at community and regional level if a significant impact is to be made on both petrol sniffing activities and the social and economic environments which encourage them.³⁰

3.33 On the whole, the Eight Point Plan has been welcomed and there is general acceptance that the elements represent what is needed to address the problem of petrol sniffing. The Northern Territory Government stated that:

The elements of the eight-point plan have provided us with a good framework for beginning discussions. I think it would be fair to say that more work needs to be done. The Northern Territory police express great appreciation of the process. As a result of the process, the Commonwealth has funded, with NT funding for ongoing operations, the Central Australian intelligence drug desk, which will fill a key gap around trafficking. It is a key strategy linked with Opal and our ongoing efforts in community engagement.³¹

3.34 However, the limited geographic scope and the trial nature of the strategy drew much criticism. CAYLUS commented that the plan covers only three

29 *Submission 25*, p.6 (DoHA & DIMIA).

30 *Submission 25*, p.17 (DoHA & DIMIA).

31 *Committee Hansard* 21.2.06, p.26 (Northern Territory Government).

communities in the Northern Territory (Mutitjulu, Docker River and Imanpa) 'which is only a tiny fragment of the problem'.³² Other communities will not be included:

...it sounds like Central Australia is going to benefit from the eight-point plan, whereas really only three communities in Central Australia are going to directly benefit from the eight-point plan. Because the money comes from the ABA and it is Northern Territory money, that money can only be spent in the Northern Territory, and so it will be spent in those three communities. Finke, across the road, gets nothing. Areyonga, another Pitjantjatjara community just up, gets nothing.³³

3.35 Waltja Tjutangku Palyapayi Aboriginal Corporation also noted that not only is the strategy limited to three communities in the Northern Territory but also it is a trial:

...that the project itself was another "trial" or "pilot project"...people already know basically what is required so we don't need any more "pilots" or "trials"...we are concerned about "pilots" because our experience of them is that even if you do a really successful project there is either a gap in being re-funded on a more permanent basis (which means you often lose the experienced staff members who were employed in the "pilot" stage) or more often, that the funding bucket simply "disappears".³⁴

3.36 A perceived lack of comprehensiveness of the individual elements and insufficient consultation as the plan was rolled out were also voiced in evidence. The Alice Springs Council argued that remote health workforces should be included in the plan particularly in training programs on petrol sniffing.³⁵ Tangentyere Council voiced their disappointment at the lack of consultation with Indigenous people and the target group.³⁶ This concern was echoed by Professor Ted Wilkes:

I again would refer to the fact that the government of the day, in developing plans, is always going to be flying in the face of Aboriginal leaders. Your ministers right through to senior bureaucrats have to be advised that the better way to do this is to ask the leaders of a particular sector.³⁷

3.37 OIPC responded to these comments indicating that while there was no 'broad' community consultation, there had been input from an expert advisory group and a range of stakeholders had commented on various elements of the plan.³⁸ OIPC added:

The message coming to government from the community and from inquiries like the coronial inquiry that my colleague mentioned is that there

32 *Committee Hansard* 22.2.06, p.26 (CAYLUS).

33 *Committee Hansard* 22.2.06, p.27 (CAYLUS).

34 *Submission* 27c, p.2 (Waltja Tjutangku Palyapayi Aboriginal Corporation).

35 *Committee Hansard* 22.2.06, p.65 (Alice Springs Town Council).

36 *Committee Hansard* 22.2.06, p.28 (Tangentyere Council).

37 *Committee Hansard* 20.2.06, p.39 (Prof E Wilkes).

38 *Committee Hansard* 27.4.06, pp.67 and 79 (OIPC).

is a crisis, particularly in Central Australia, that needs the attention of governments. So the Australian government took the lead in drawing together three jurisdictions, putting additional resources on the table and suggesting a way forward. We got agreement with those jurisdictions and we are now proceeding with the implementation arrangements. Depending on what aspect we are working on, that involves consultation with agencies or with communities.³⁹

3.38 In relation to concerns about the inclusiveness of the strategy, OIPC noted that it was a 'work in progress':

We have a plan that we are putting into effect. We are not pretending that all of the issues are covered; it is very much a work in progress. As we learn more about the challenge, we are adding to the approach we are taking. It certainly should not be inferred that we are focusing on petrol sniffing only in the central regions of Australia. We are of course tackling issues of substance misuse wherever they occur.⁴⁰

3.39 DoHA also stated that it is clear that one of the goals of the strategy is to evaluate the effectiveness of a regional and comprehensive response to petrol sniffing to determine whether and how it might be usefully expanded to other regions with similar issues. The identification of a designated region was to see whether, in cooperation with jurisdictions, a comprehensive multi-government approach could be undertaken within a geographic area and to evaluate the approach to ascertain what lessons could be learnt.⁴¹ OIPC also commented that it is consulting with the Western Australian Government about a further priority area and it has agreed on two priority areas in the Northern Territory. OIPC concluded:

We are now talking about what we will do and how we will do it, and in that discussion we are applying the learning from this. So it is a reasonable expectation that the relevant results of this trial will flow elsewhere in due course.⁴²

Engagement with communities

3.40 The effective engagement of Indigenous communities is essential in successfully addressing the issue of petrol sniffing. All successful approaches examined by the Committee contained a critical common element, which was the engagement and support of the Aboriginal communities in the planning and implementation of the initiatives.

3.41 Tangentyere Council provided evidence on the importance of community driven initiatives in combating sniffing:

39 *Committee Hansard* 27.4.06, p.79 (OIPC).

40 *Committee Hansard* 27.4.06, p.62 (OIPC).

41 *Committee Hansard* 27.4.06, p.100 (DoHA).

42 *Committee Hansard* 27.4.06, p.100 (OIPC).

In the central Australian region the most effective initiatives have been those directed and initiated by Indigenous people. In many cases the success has required support from external bodies or people working in partnership with local people to achieve this success. The most successful initiatives are Mt Theo and the Yarrenyty Arltere Learning Centre.⁴³

3.42 Mrs Tur commented on the need to involve communities, particularly women in communities:

The solution is really not with people like me but actually going to talk with the community face to face. I think that is where you will find the solution. I read out what the women from Spear Creek said. They are amazing solutions coming from traditional women who want those things to go ahead to save their children.⁴⁴

Mrs Tur went on to provide this example of the type of consultation with Indigenous communities that is required:

I would sit down on the manta, on the land, with the Anangu and say, 'How can we do it together? I would not send in people from outside to make all the decisions. That is the only way that I would do it. I would go back and sit with the people and say: 'We've got this problem here. How are we going to look at it as a family, as a walytjapiti? How are we going to look at it? Once we had talked, I would then reach out to the people. I really feel that it should come from the people – like those women who want this complex for their people. I do not think they have been given the opportunity to even interview the people who they want there. It is chosen by other people who know nothing about Anangu and the culture.'⁴⁵

3.43 Mrs Wendy Casey, Western Australian Aboriginal Alcohol and Other Drugs Program, provided this example of community involvement and leadership to stamp out sniffing:

In my experience in the Warmun community...the Warmun Local Drug Action Group did have a little outbreak of sniffing and they very quickly nipped it in the bud by using the whole-of-community approach, isolating where they were getting the fuel from, getting the whole community together, having a meeting, bringing the kids out and trying to work out where these kids' families were. Part of the issue was that the kids' families were not present. They were able to place those kids into their extended family and they nipped it in the bud within a matter of a week. That happened a few years ago, but it was the persistence of the community that identified that. I think in other communities that is often the case. Kids who are not well supervised and supported tend to run amok.⁴⁶

43 *Submission 21*, p.4 (Tangentyere Council).

44 *Committee Hansard* 16.5.06, p.7 (Mrs N Tur).

45 *Committee Hansard* 16.5.06, p.8 (Mrs N Tur).

46 *Committee Hansard* 20.2.06, p.13 (Western Australia Government).

The Western Australia Police Service concluded:

Community leadership is absolutely crucial. You see some real model communities, particularly in WA, and others where leadership and mentoring really need to come to the fore.⁴⁷

3.44 The Commonwealth and State and Territory Governments have recognised the need for an approach which effectively engages Indigenous communities. The South Australia Government stated:

The South Australian Government is fundamentally committed to the practice of genuine consultation with Aboriginal communities and their leadership...In the [State Department for Aboriginal Affairs and Reconciliations (DAARE) Doing it Right] policy, the Government pledges that: "engagement and partnership with Aboriginal communities will be the platform for sustained improvement in the well being of Aboriginal families." This commitment has enabled this Government to forge strong partnerships through which Aboriginal communities and the Government are working together to address entrenched disadvantage and its effects, including petrol sniffing.⁴⁸

3.45 DoHA and DIMIA outlined the Commonwealth's view:

The most successful strategies are community initiated, enjoy widespread community support and involve strong participation of community members. Interventions proposed by the community need to complement those undertaken by families, and family actions must be consistent with community strategies. Developing and fostering community cohesion and support for interventions is therefore critical in any anti-petrol sniffing campaign. Some communities have requested ongoing support to assist them in dealing with petrol sniffing, thus it is important to maintain the continuity of any intervention.⁴⁹

3.46 Governments have been attempting to improve the operation of their programs in Indigenous communities. The South Australia Government stated that it has committed, in the APY Lands and Yalata, to respond 'to local challenges in a thorough and coordinated way, and by working in close partnership with local communities and the Australian Government'.⁵⁰

3.47 The Commonwealth operates Indigenous Coordination Centres (ICC) in 30 locations around Australia which coordinate Commonwealth program funding and services to local Indigenous people. The Commonwealth has stated that:

47 *Committee Hansard* 20.2.06, p.13 (Western Australia Police Service).

48 *Submission* 29, p.2 (South Australia Government).

49 *Submission* 25, p 17 (DoHA & DIMIA).

50 *Submission* 29, p.3. (South Australia Government).

The Government wants to find better ways to work with Indigenous people, and knows that it alone cannot make life better for Indigenous communities and families. Both government and Indigenous people have rights and obligations and all must share responsibility for making real and beneficial change in people's lives.⁵¹

3.48 During the Community Affairs Legislation Committee's examination of estimates in May 2006, concerns about the staffing and location of staff of ICCs were raised. The Department of Families, Community Services and Indigenous Affairs stated that some staff at ICCs were being changed as more senior, experienced and well-educated staff were required to do the work the Government wants to do: 'some have rationalised those arrangements so that they have core contract management *and* grant management cells and are replacing those staff with more senior people who can perform the solution broker type activity'. In some cases this has been proceeding more slowly than preferred.⁵²

3.49 In some instances, these more senior staff are being placed in a hub that services a number of ICCs:

That may have been seen as some withdrawal of involvement, but it is essentially agencies coming to terms with the fact that they need a higher level of skills for the more strategic work that they are involved with in contributing to SRAs and more effectively managing programs.⁵³

3.50 While these initiatives have been a step in the right direction, greater coordination and cooperation between all levels of government on the delivery of programs aimed at Indigenous societies is needed.

Ongoing commitment to programs

3.51 A major concern in evidence was the need to ensure that there is ongoing commitment to programs particularly funding commitment. This was seen as being crucial to ensuring that the full benefits from initiatives that address petrol sniffing and broader social and economic problems are gained. Associate Professor Peter d'Abbs emphasised to the Committee that sustained funding was one of the preconditions that needed to be established in order for any intervention to have any chance of success. Professor d'Abbs stated that it did not have to be 'unconditional, unaccountable funding, but it has to be something more than stopgap pilot funding'.⁵⁴

3.52 The concerns about the limited life span, the trial nature and the poor or unclear exit strategy of many initiatives were echoed by many witnesses and were

51 *Indigenous Coordination Centres, Questions and Answers*, <http://www.indigenous.gov.au>

52 Senate Community Affairs Legislation Committee, *Committee Hansard* 30.5.06, p.CA94.

53 Senate Community Affairs Legislation Committee, *Committee Hansard* 30.5.06, p.CA93.

54 *Committee Hansard* 27.4.06, p.15 (Ass Prof P d'Abbs).

seen as major factors in undermining long-term success.⁵⁵ A lack of flexibility regarding unspent funding in any one financial year will also act to prevent achievement of agreed outcomes. Alcohol, Tobacco and other Drug Services Queensland commented:

We go in there with our program and we are successful for that period, and then when the program and the funding is finished everything collapses – the whole structure collapses again – and everybody goes back to the norm. We need to address some of the funding issues: for instance, funding for support workers.⁵⁶

3.53 Tangentyere Council noted the disruptive effect of constantly renegotiating funding arrangements for staff positions and programs and the need for on-going funding:

If you do not have consistency, you start all over again. The minute you stop a program and all the staff leave, because they have no ongoing job, everything falls in a big heap. A new person comes along and you start 10 steps back from what you already had before. I think Larapinta would suffer the same consequence. I will probably have to spend a lot of my time between now and June figuring out where we can get funding, because our funding will finish, and that will be incredibly time consuming.⁵⁷

3.54 Tangentyere Council concluded:

...everything that we can seem to access is short-term, and short-term funding is never going to solve these sorts of problems. So, unless the government commits to recurrent funding and long-term solutions, we will always be chasing our tails and what we have done will be completely undone.⁵⁸

3.55 The example of CAYLUS was given as a program where inconsistent funding can undermine an outstanding initiative:

We play a fairly important coordinating role. We were independently evaluated before they gave us the current lot of three years of funding. The evaluation said that we were doing a really good job, but who knows what will happen. When CAYLUS first started, it had 18 months of funding and we kicked a heap of goals in those 18 months to the point where the evaluation that they commissioned at the last minute, in about March when we were running out of money in June, said that we were really state-of-the-art. They looked at a couple of other petrol-sniffing programs that have been funded and were not doing so well and said that they should look at how CAYLUS is doing it. Our funding ran out in June and there was a bit of money left over in some of our budgets, so we continued on.

55 *Committee Hansard* 20.2.06, p.32 (Ass Prof D Gray)

56 *Committee Hansard* 8.3.06, p.15 (Alcohol, Tobacco and other Drug Services, Queensland).

57 *Committee Hansard* 22.2.06, p.19 (Tangentyere Council).

58 *Committee Hansard* 22.2.06, p.29 (Tangentyere Council).

Tangentyere carried us at that point...Eventually they re-funded us and we got the money in the bank in December.⁵⁹

3.56 CAYLUS voiced the fear that without its services petrol sniffing would increase and many other important activities that CAYLUS had generated would be lost. It concluded that 'the corporate knowledge can just walk out the door in the gaps that are created by the funding bodies. We have 18 months to fix petrol sniffing in Central Australia'.⁶⁰

3.57 State and Territory Governments also recognised the problems in short-term funding of programs. The Northern Territory Government stated:

One of the areas that I think needs strengthening is the reliance on one-off projects, particularly in the area of prevention. People have talked to us about that for a very long time – pilots and one-off tied funding. The problem is that, in some communities, gaining momentum is very difficult in the first place; to have gained momentum and have the program end is very discouraging; and then to try to rebuild that momentum is very difficult...'communities' – I use the term very broadly there – have been very explicit about what they think the gaps are, so an overreliance on one-off funding in the prevention area I think needs to be considered.⁶¹

3.58 The Western Australia Government pointed to a recent review of Aboriginal health which concluded that 'the endless search for innovation ends up in stop-start funding that works against the continuation of basic services. This is an area where we really need to consolidate the basics.'⁶²

3.59 The Western Australian Government commented that it had generally adopted the position in the funding of non-government services that it ought to be tri-annually based and indexed. In its negotiations with the Commonwealth over the bilateral agreement on Indigenous affairs, the Government has 'insisted on the same policy principle being adopted into that bilateral agreement as well'. The Government concluded:

It is a recognition that, within the limits of our respective financial administration acts, when we enter into these agreements or contracts there ought to be some certainty to allow for planning and continuity. That has been an important development in the state jurisdiction, which we are hoping the Commonwealth will agree to in the context of the bilateral agreement.⁶³

59 *Committee Hansard* 22.2.06, p.30 (CAYLUS).

60 *Committee Hansard* 22.2.06, pp.30-31 (CAYLUS).

61 *Committee Hansard* 21.2.06, p.33 (Northern Territory Government).

62 *Committee Hansard* 20.2.06, p.17 (Western Australia Government).

63 *Committee Hansard* 20.2.06, pp.17-18 (Western Australia Government).

3.60 The South Australian Government also supported the need for greater funding stability and stated:

Finally, it is incumbent on all parties and on all levels of government to acknowledge the importance of developing, funding, delivering and sustaining comprehensive programmatic responses, as opposed to the ad hoc, short-term and isolationist ones that have proliferated over the last twenty-five years.⁶⁴

3.61 The Commonwealth has also recognised the disruptive effects of short-term funding. OIPC stated that:

...we are concerned that the short-term nature of funding contracts, particularly in remote Australia, makes it almost impossible to effectively manage a cadre of support workers and that is something we are looking to change. That involves consultation with the state and territory jurisdictions, because they also contribute funding to these organisations and we need to reach agreement on a model. Our objective is to move to at least a three-year model for funding and...to move away from a lot of little organisations to a bigger organisation.⁶⁵

Conclusion

3.62 The problem that petrol sniffing poses for sniffers, their families and the community is well known: with twenty years of reports, inquiries and coronial inquests it could not be otherwise.

3.63 The Committee considers it is now time to move on from inquiries and reports. To do so will require a comprehensive approach to eradicating petrol sniffing. This means that there cannot be reliance solely on small communities to provide programs to address a very complex problem nor can there be a total reliance on government to deliver programs suitable to individual communities that are self-governing and have different needs and goals. The evidence is quite clear that the most successful programs are those which combine an initiative that has come from the community and has strong community ownership, but also has strong support from outside in its planning, implementation and management. There must also be, as noted by Professor d'Abbs, necessary preconditions for interventions to be successful and the identification of key challenges and appropriate service delivery models.

3.64 However, during the Committee's deliberations comments were received which indicated that whole-of-government coordination was not working effectively. While the Indigenous Coordination Centres have been established to coordinate government program funding and services, the Committee considers that there is a need to evaluate their operation with a view to improving coordination of government programs.

64 *Submission 29*, p.5 (South Australian Government).

65 *Committee Hansard 27.4.06*, p.91 (OIPC).

Recommendation 6

3.65 That the Commonwealth evaluate, as a matter of urgency, the effectiveness of Indigenous Coordination Centres' implementation of the whole-of-government policy with a view to improving coordination of government programs.

3.66 The Committee notes the introduction of the Eight Point Plan into the designated areas of Central Australia and considers that the Eight Point Plan is an important initiative. However, the Committee was disappointed that there were complaints about the lack of effective consultation with Indigenous communities before it was implemented. The Committee considers that the lessons learnt from this initial implementation in the designated area must be applied to all communities where petrol sniffing is evident as quickly as possible. The Committee considers that the problem of petrol sniffing is so wide-spread, so disruptive to communities (some to the point where communities are on the verge of collapse) and robs so many young Indigenous people of their future that there should be no restrictions on funding of successful programs arising from the Eight Point Plan.

Recommendation 7

3.67 The Committee notes that the Eight Point Plan is being developed for a designated area of Central Australia and considers that this is an important step in addressing petrol sniffing. The Committee considers that, as a matter of urgency, the Plan must be implemented more widely and that effective community consultation must be part of the implementation process. The Committee recommends that:

- **the Commonwealth and State and Territory Governments, as a matter of urgency, commit to the implementation of the Eight Point Plan in all areas across Australia that have a substantial petrol sniffing problem;**
- **a transparent strategy be developed for the Plans further implementation including timing, evaluation and adaptive management processes; and**
- **effective consultation be undertaken with Indigenous communities before the Plan is implemented.**

3.68 The Committee also notes that the evidence received pointed to many successful programs that had been implemented in the past but had ceased because of problems with funding, because they were only a trial or because of lack of appropriate support. The Committee considers there are many successful programs currently in place but these may fail to proceed for exactly the same reasons. These programs are too important to be lost not only because of the help they provide to individual communities but also because they provide a way ahead for other communities to tackle petrol sniffing.

Recommendation 8

3.69 That the Commonwealth and State and Territory Governments address the sporadic nature of funding and disruption of successful programs by:

- **committing to longer term funding models;**
- **actively assisting communities to access government programs and meet the governance requirements; and**
- **providing long term support to successful programs in Indigenous communities.**

CHAPTER 4

EFFECTIVENESS OF LAWS AND POLICING

Many communities are in such a violent and dysfunctional state that there is no option but to deal with personal safety as a priority. Without some law and order it is not possible for people to deal with their daily lives. I believe that many community members must surely exist in a state of severe depression because of the unceasing violence and disruption to which they are exposed, much of it associated with substance misuse.¹

Introduction

4.1 The role of laws and policing to effectively combat trafficking and sniffing of licit and illicit volatile substances were discussed at length during the inquiry. Addressing petrol sniffing encompasses both law and health issues. The act of sniffing petrol being primarily a health issue, as opposed to the supply of petrol for sniffing, which is clearly a criminal issue. Regardless of this distinction, Indigenous community support for laws and policing came through strongly in evidence and the combination of law enforcement with the provision of complimentary initiatives such as places of safety, mandated treatment and rehabilitation were seen as the most effective strategies to combat sniffing. This chapter considers the effectiveness of existing laws and policing with respect to petrol sniffing in affected Indigenous communities.

4.2 In Australia there has been minimal criminal or civil regulation to prevent sniffing of noxious substances, with most of the regulation focussing on the sale and distribution of volatile substances. Some States and Territories have had to use child welfare provisions to implement intervention measures to combat sniffing.

4.3 Often Indigenous people feel unable to deal with the situation of petrol sniffing and seek support from authorities to intervene. Commonwealth and State and Territory legislation provides for some methods of intervention. The *Petrol Sniffing in Remote Northern Territory Communities* report commented:

At the very least, police should be able to impound petrol and sniffing implements and then deal effectively with the sniffer depending on the circumstances, if at risk of harm to themselves or others.

Most people would agree that locking up sniffers is not the answer to the problem. However, there is a need to protect them and others in the community and to compel them to undergo some form of treatment and rehabilitation when this is warranted.²

1 *Submission 15d*, pp.7-8 (NPYWC).

2 Legislative Assembly of the Northern Territory, Select Committee on Substance Abuse in the Community, *Petrol Sniffing in Remote Northern Territory Communities*, October 2004, p. 25.

4.4 The power of justice systems to legally regulate volatile substance abuse (VSA) in Indigenous communities varies in each community depending on the State and Territory legislation in place. Legislation influences police presence in communities, the right to safety and protection for community members and the power of justice officials to effectively intervene when Indigenous people misuse volatile substances such as petrol, glue and paint.

Legislation to combat sniffing and substance abuse

Overseas examples

4.5 Texas has some of the most comprehensive legislation covering volatile substance abuse in the United States. *The Abusable Volatile Chemicals Act 2001* prohibits the sale or delivery of volatile chemicals to minors (less than 18 years of age). This Act also prohibits the use and possession of volatile chemicals to inhale or that affect the central nervous system. The Texan volatile substance industry is heavily regulated, requiring that places of sale possess a permit with all revenue from permits used for education and prevention programs for inhalant abuse. Strict requirements also exist for the storage of and access to inhalants and authorities have criminal prosecution powers for retailers failing to conform to requirements of the Act.³

4.6 In New Zealand, the *Alcoholism and Drug Addiction Act 1966* provides police with powers to '[apprehend] a person whose persistent and excessive indulgence of a substance is causing or is likely to cause serious injury to his/her health, or is a source of harm, suffering, or serious annoyance to others or renders him/her incapable of properly managing himself or his affairs'.⁴ Some local authorities in New Zealand have created area specific by-laws preventing the use of 'mind-altering' substances including glues, solvents and volatile substances.

Australian legislation

Appropriate legislation forms an essential component of any response to VSA [volatile substance abuse], along with the realisation that new legislation also requires appropriate planning and consultation along with sufficient resources applied in a timely manner for its effective implementation.⁵

4.7 The policing of petrol sniffing is a complex issue as the legislation of each State and Territory is different and these differences create inconsistencies in the ability to adequately control and police sniffing in Australia. Appendix 3 provides details of the relevant legislation in each State and Territory.

3 Parliament of Victoria, Drugs and Crime Prevention Committee, *Inquiry into the Inhalation of Volatile Substances: Final Report*, September 2002, pp.179–80.

4 Drugs and Crime Prevention Committee September, p.181.

5 *Submission 27*, p. 24 (Waltja Tjutangku Palyapayi Aboriginal Corporation).

4.8 The Committee heard that Western Australia is effectively regulating substance abuse in some Western Australian Indigenous communities using provisions in the *Criminal Code Amendment Act 2004* and the *Protective Custody Act 2000*. Mr Murray Lampard, Deputy Police Commissioner of the Western Australia Police Service (WAPS), explained the Police Service's use of the legislation:

We have two pieces of legislation that we operate in. We have a section of the Criminal Code which allows us to detect people that are supplying deleterious substances. We have used that legislation quite successfully, particularly in the Warburton area. The real bonus with that is that the judiciary are very much supporting us using that legislation.

It [petrol] is deemed to be an intoxicant under section 206 of the Criminal Code. The penalties are 12 months imprisonment and a fine of up to \$12,000. We have used that on three occasions in recent times, at Warburton in particular. The people charged have received three months, eight months and nine months imprisonment. Also we have the Protective Custody Act, which we use, which gives police the power to seize substances. We find it to be a particularly good piece of legislation. We can seize it and dispose of the substance straightaway. When we are dealing with young children, it is not our focus to put them before the judicial system. It is better that we remove the risk – meaning the substance, the liquid, the deleterious substance, as I said – and provide intervention from a health perspective.⁶

4.9 Many witnesses provided evidence on the recent introduction of the *Volatile Substance Abuse Prevention Act 2005* (VSAP Act) in the Northern Territory. The VSAP Act and its supporting regulations were enacted in February 2006 and the Department of Health and Community Services (DHCS) in the Northern Territory provided details on the intent of this legislation:

The objectives are to support child, family and social welfare by providing a legislative framework for the prevention of volatile substance abuse and to protect people from harm resulting from volatile substance abuse. The act complements existing legislation such as the Mental Health Act and the Community Welfare Act.⁷

4.10 DHCS indicated that the Act has five main areas and will give police and others new powers to manage petrol and other volatile substance abuse. The five areas are:

- power to search and seize;
- power to apprehend people and transport them home or to a place of safety;
- strengthen provisions relating to illegal supply;
- assessment and court mandated treatment for chronic users; and

6 *Committee Hansard* 20.2.06, p.10 (WAPS).

7 *Committee Hansard* 21.2.06, p.22 (DHCS NT).

- community management plans that control the sale and supply of volatile substances.⁸

4.11 DHCS went on to comment that before the introduction of the Act police had felt vulnerable about their powers to be able to take people home and to respond to someone at risk other than through the Community Welfare Act. In addition, there had been no specific powers to enable police to seize petrol. DHCS concluded:

There was something else. I believe there was an intention by the Northern Territory government of having a very strong policy stand in the form of a new act around volatile substance abuse.⁹

4.12 While the VSAP Act has only recently been implemented, Central Australian Youth Link-up Service (CAYLUS) provided evidence of early positive responses, though they also noted reservations about the implementation of some provisions:

The legislation has been very good for police morale, it seems. A policeman we were talking to the other day is really happy about it because he does not have to watch sniffers any more and not be able to do anything about it. The police are now empowered legally to take petrol off them and dispose of it. But, at the same time, the police recommendations around how they are going to be enforcing that are fairly tight. Whilst they are sensible to some degree, to some degree some of the provisions are so cumbersome that they might not actually get up. It might be such a cumbersome process to use the VSA legislation for some things that it might not be effective.¹⁰

4.13 Associate Professor Dennis Gray expressed caution on the effect of the VSAP Act in criminalising petrol sniffing. Professor Gray commented:

Another principle of drug strategy has been that proposed solutions should not do more harm than they fix. That was a point made by the Royal Commission into Aboriginal Deaths in Custody and it was behind legislation in most, but not all, states and territories, to decriminalise public drunkenness. What we have seen in the Northern Territory with the move to make petrol sniffing illegal is taking a step back from that. At this stage it is too early, I think, to see what the effect might be, but given what has happened with regard to decriminalisation of public drunkenness, it would be prudent to look at what happens in the Northern Territory and evaluate that, before other jurisdictions jump in and criminalise sniffing. That is not to say that there should not be legislation which enables the police to seize volatile substances or to take them to safe places, but in most jurisdictions there are already pieces of legislation in place which enable that to happen.¹¹

8 *Committee Hansard* 21.2.06, p.22 (DHCS NT).

9 *Committee Hansard* 21.2.06, p.9 (DHCS NT).

10 *Committee Hansard* 22.2.06, pp.21–22 (CAYLUS).

11 *Committee Hansard* 20.2.06, p.33 (National Drug Research Institute WA).

4.14 The VSAP Act differs from Western Australian legislation in that it provides justice officers with powers to seize and destroy volatile substances as well as empowering justice officers to take people sniffing petrol to a safe place and mandate treatment and assessment services.¹²

4.15 The Northern Territory Select Committee on Substance Abuse called for the need to provide a safe house for petrol sniffers once petrol had been seized and destroyed by justice officers. The Committee's 2004 report stated that:

...apprehending or otherwise removing a young person from the source of harm in itself is not sufficient. There need to be 'safe' houses and other places where they can be taken, where they will be safe and restrained from self-harm and harm to others.¹³

4.16 The Committee heard evidence from community members at Balgo, Halls Creek and Alice Springs that, in the absence of proper safe houses, police are using cells to temporarily hold intoxicated adults. It is not appropriate for police station cells to be used as safe houses. Some communities are in dire need of appropriate safe houses, especially those who do not have police facilities nearby.¹⁴

4.17 Associate Professor Gray also highlighted issues around the provision of safe houses or safe places. Associate Professor Gray indicated that safe houses may not be available in Indigenous communities and gave an example related to the Pitjantjatjara Lands in South Australia:

That is all very well in principle, but in a lot of those remote communities there are simply no options of safe places. For example, in the Pitjantjatjara lands, if the police apprehend a sniffer, they have the choice of doing nothing or charging that person for breach of the community by-laws and immediately releasing them. If they want to take them to a place of safety, they have to put them in the back of a police vehicle, drive several hundred kilometres to a police station or to a hospital, and they have to stop every 15 minutes to check that that person is safe. We need safe places in communities. There is very little call for that at the moment and I think it is something that we need to do.¹⁵

4.18 Evidence provided to the Committee while visiting Halls Creek in Western Australia highlighted the need for providing safe places for children as well as adults who are intoxicated or hurt and abused. While on night patrols, Halls Creek's police officers and community safety officers have sufficient facilities to place abused women in a refuge and to place intoxicated adults in a 'safe place' to sober up. However, night patrol officers who collect children at risk can only keep them safe for

12 *Committee Hansard* 20.2.06, p.11 (Department of Corrective Services WA).

13 Select Committee on Substance Abuse in the Community, p. 25.

14 Evidence taken from informal Committee discussion.

15 *Committee Hansard* 20.2.06, p.33 (National Drug Research Institute WA).

the duration of their patrol shift as there is no 'safe place' or youth refuge to place children. At the conclusion of their shift (often at 1 am or 2 am in the morning), officers can only return children to their home which may not ensure that children remain safe during the early hours of the morning.

Need for further legislation

4.19 In contrast to the Western Australian and Northern Territory legislative powers that enable justice officials to intervene in situations where people are sniffing petrol, evidence provided from witnesses in Queensland described frustrations in combating petrol sniffing due in part to the lack of enabling legislation.

4.20 Dr Radhika Santhanam, a senior clinical psychologist for the Remote Area Mental Health Service in Queensland, outlined some of the difficulties experienced by justice officers, particularly those in the Cape communities:

The justice group and the police are struggling with the fact that, because petrol sniffing is not illegal, it is very hard to even invite young people to start dialogue and discussions about responsibility. Unlike, for example, vandalism or alcohol intake – or even marijuana abuse, for that matter – petrol sniffing, paint sniffing and chroming are seen as having no relevance to the justice group issue, unless you break something or you steal a car or whatever.¹⁶

4.21 Mr Paolo Gambi, a youth support worker for Anglicare, provided an example of a recent initiative in Cairns that attempted to police petrol sniffing:

The Police Powers and Responsibilities Act 2000 was amended on 1 July last year to allow the police to confiscate cans of paint, volatile substances or harmful things from young people and then escort them to a place of safety. Unfortunately, this was voluntary, so the police have found it very difficult to continue to get the young people to the place of safety and maintain their interest in the place of safety as such. It is now in a state of suspension, because we are looking at other programs and other ways of being able to address the issues in Cairns.¹⁷

Aboriginal by-laws

4.22 Ngaanyatjarra communities in Western Australia and communities on the Anangu-Pitjantjatjara Lands in South Australia have passed by-laws under local councils to legislate against petrol sniffing and trafficking. The by-laws vary between Indigenous communities and are not believed to be routinely enforced.

4.23 The Northern Territory Select Committee on Substance Abuse raised the issue of whether by-laws or sanctions should be in place for remote Indigenous communities, noting that it is illegal to sniff petrol on Ngaanyatjarra Lands in Western

16 *Committee Hansard* 08.3.06, p.26 (Remote Area Mental Health Service Qld).

17 *Committee Hansard* 08.3.06, p.42 (Anglicare Nth Queensland Ltd).

Australia. The Select Committee received evidence that the impact of the West Australian by-laws was 'that those who wanted to sniff simply crossed to communities on Nyaanyatjarra Lands in the Northern Territory'.¹⁸

Policing to combat sniffing

4.24 The Committee heard much evidence on the positive contribution made by having a police presence in Indigenous communities. Issues around policing as a strategy include:

- a permanent police presence;
- the involvement of Aboriginal Liaison and Community Officers;
- the safety of communities and attracting resources;
- the use of night patrols; and
- cooperative and collaborative government strategies.

Permanent police presence

4.25 Ms Vicki Gillick, Coordinator at the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPY Women's Council), provided two examples where the safety of community members with disabilities was threatened by people affected by sniffing petrol:

You have the frail, aged mother with disabilities who cannot live in her house. No family member will be her carer, because they are terrified of the sniffers who come around every night. There is no permanent police presence in the community and when he is charged, he is bailed. I think he has actually been remanded this week, but it just goes on and on. That is just one example.

We have an aged client who is a stroke victim and a former executive member... We cannot get a carer. The house has been trashed. The sniffers have taken it over. Her sniffing son has, in the last few months, twice broken into the respite house, threatened the staff and stood over his mother to get money from her. That is the sort of thing we are dealing with in case management. She is frail, aged and has disabilities. He is a chronic, long-term sniffer. If, in the last 10 years, there had been some treatment centre or rehabilitation to which a magistrate on the APY court circuit could have compelled him to go, they would have done so.¹⁹

4.26 In 2002, Magistrate Sue Gordon reported the findings and recommendations of the Special Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry). The Western Australian Government, following recommendations in the Gordon Inquiry,

18 Select Committee on Substance Abuse in the Community, p.48.

19 *Committee Hansard* 22.2.06, pp.58-59 (NPYWC).

identified priority sites for the implementation of remote policing services and multi-function facilities in Indigenous communities. The focus was collaborative service delivery for Aboriginal communities recognising that each community has unique needs.

4.27 Dr Randolph Spargo, Medical Officer for the Puntukurnu Aboriginal Medical Service stationed at Jigalong Medical Clinic in remote Western Australia gave evidence on the Gordon Inquiry recommendations and progress made to improve policing services in remote Indigenous communities in WA:

Funding advanced to meet the Gordon recommendations allowed the police to piggyback on the government's response and to plan and budget for eight MFPPs, multifunctional police facilities – called multifunctional in that a provision of the funding was that a child protection worker was to be located in each MFPP. These facilities were also to be community based. So far we have at least seen the presence of police at Kalumbaru, Balgo, Bidyandanga, Warakurna and Warburton. Further MFPPs are planned for Bulman, Lombadina and Jigalong.²⁰

4.28 The Committee was able to observe and discuss the operation of a multifunction police facility during its visit to Balgo, where the child protection worker is co-located in the facility with police. The Balgo facility was funded in response to the Gordon Inquiry recommendations.

4.29 Evidence provided in Western Australia confirmed that the remote policing strategy is proving successful, having identified essential requirements for effective policing in remote Indigenous communities:

The permanent police presence was the forerunner of one of the multifunction police stations in remote communities that Deputy Commissioner Lampard will no doubt talk about later. Once again, I cannot overemphasise the importance – for supporting community engagement and actually tackling taking the solvents off the kids – of that permanent police presence.²¹

4.30 The South Australian Coroner's Report of 2005 commented on problems with effective policing and stated that 'police are considerably inhibited from dealing in a more effective way with offending in the Anangu Pitjantjatjara Lands (AP Lands) at present by the lack of appropriate detention facilities, lack of personnel, the distances involved, and the lack of sentencing options available to the courts'.²²

4.31 The Committee heard evidence in Western Australia, Alice Springs and Mt Theo of problems experienced with recruiting adequate numbers of police officers.

20 *Committee Hansard* 27.4.06, pp.57–58 (Dr R Spargo).

21 *Committee Hansard* 20.2.06, p.3 (Drug and Alcohol Office WA).

22 Coroner Wayne Chivell, *Finding of Inquest into the Deaths of Kunmanara Ward, Kunmanara Ken, Kunmanara Ryan and Kunmanara Cooper*, Umuwa, SA, 2005, p.85.

It was suggested to the Committee that the existing police recruitment rules which prevent people with a minor prior juvenile record from applying, are overly strict and reduces potential recruit numbers. Given that generally, police officers are leaving the force in numbers greater than new recruits are entering, recruitment rules must be appropriate and encourage suitable applicants.²³

4.32 The Committee notes reports that the South Australian Government has foreshadowed the introduction of a Bill that will make it an offence to traffic petrol for the purpose of sniffing and trafficking on Aboriginal lands will attract penalties of a 10-year jail sentence or a \$50 000 fine.²⁴

4.33 The joint submission by Department of Health and Ageing (DoHA) and Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) provided further information on the police presence on the AP Lands commenting that:

Until recently there was no permanent police presence on the AP Lands other than Aboriginal Community Police Officers. However the S.A. Police have recently announced the creation of a new separate police district to cover the AP Lands. The new district will provide for both police and Aboriginal Police Community Constables to be based on the Lands at a number of centres. Police stations at Pipalyatjara, Mimili, Fregon and Indulkana have now been upgraded and commissioned, and there are plans to upgrade police stations at Ernabella and Amata.²⁵

4.34 Evidence provided in Adelaide noted the increasing commitment to place permanent police officers on the APY Lands. However, the fact that the location of this additional police presence will be removed from the local community has resulted in much criticism. Ms Kate Reynolds stated:

The important thing for this committee to realise is that in the longer term not one of those officers will be based in a major community on the APY lands. Over 400 people live at Amata, but their local police officers will be based in a small homeland community about 100 kilometres away. Over 500 people live at Ernabella, but their local police officers will reside about 30 kilometres away at Umuwa, which is, I think it is fair to say, an administrative centre dominated by white fellas. The same story can be told for every major Aboriginal community on the APY lands. Police will drive around these communities each day. They will open their police stations at designated hours, but as the sun sets and as the petrol sniffers come out, there will be no police close to hand.

...they [SA Government] have agreed to base eight officers there but only if they do not live anywhere near a major Aboriginal community. The nursing

23 Evidence taken from informal Committee discussion.

24 Australian Associated Press, SA: *Trafficking in petrol to be an offence in SA*, 31.5.06, Story No.2660.

25 *Submission 25*, p.10 (DoHA & DIMIA).

staff, the teachers and the local community's administrative staff all live in the local communities, but not the police—at least not in South Australia. As you know, it is a very different story in Western Australia.²⁶

4.35 The importance of a police presence in local communities to combat sniffing was reinforced in evidence provided by the NPY Women's Council:

We note that a visiting Magistrate on the Anangu Pitjantjatjara Lands north-west court circuit last week sentenced a man convicted of supplying petrol for the purpose of sniffing to the (current) maximum available penalty of six months in custody. We understand that the defendant was an education worker. We hope this sentence indicates that:

- the increased number of police in the region is resulting in increased charges against suppliers; and
- Magistrates in their dispositions are increasingly willing to administer penalties that reflect the seriousness of these matters.²⁷

Aboriginal Community Police Officers

4.36 Aboriginal Community Police Officers, when available in a community, often provide a liaison between sworn police officers and Indigenous communities. The Western Australian Police Service (WAPS) provided evidence that they do not have enough Aboriginal police liaison officers and are encouraging Aboriginal officers to come into mainstream policing. The WAPS commented:

Interestingly enough, some of the communities did not want Indigenous officers. They wanted, for example, white Australian males. They were what a lot of communities wanted. However, we have certainly followed that, but we have a number of trained female officers that are going out to the communities as well. It is working well at the moment, but clearly WA Police's preference is that we recruit more Indigenous officers across the board and that we are able to target some of these officers to go to some of these remote communities.²⁸

4.37 The NPY Women's Council also spoke of the barriers to effective policing utilising Aboriginal liaison officers:

NPYWC has lobbied intensively for the implementation of cross-border policing and for a sworn police presence in every community. The organisation takes the view that Community Constables (Police Aides or Aboriginal Community Police Officers) are too closely linked to their communities to effectively police them; if they are to be employed, they must be accompanied by sworn officers.²⁹

26 *Committee Hansard* 16.5.06, p.61 (Ms K Reynolds).

27 *Submission* 15, p.4 (NPYWC).

28 *Committee Hansard* 20.2.06, p.19 (WAPS).

29 *Submission* 15d, p.7 (NPYWC).

4.38 The requirement for flexible policing strategies in Indigenous communities was emphasised by Associate Professor Gray, who commented that different communities want different things and provided an example that illustrates a 'one size fits all' strategy will not work in Indigenous communities:

In relation to the police, certainly there are Aboriginal communities where it is culturally at this time inappropriate for Aboriginal people to try to enforce law on other Aboriginal people from those communities. You cannot enforce laws onto your Aboriginal mother-in-law because, as I said earlier, there are already laws in place that quite specifically say, 'You can't do that,' in the Aboriginal law. So the best way to deal with it is to ask white Australia to put someone in there so that there is no complication with that stuff. That is good as long as the Aboriginal leaders in that community are saying that. There are some communities which might be a bit more liberalised in their thinking – and I use that word advisedly – who might be closer to what I call white Australia and the western ways of living, that might be able to adapt another system. One size does not fit all, here.³⁰

Safe communities and attracting resources

4.39 The importance of sworn police officers in making communities safe cannot be understated. The safer a community is, the more likely that resources will be drawn to and remain in the area, providing for policing, housing, health and medical services, as well as sport and recreation facilities. Police not only provide safety in the community but can also build relationships with members of the community to establish community-based strategies to combat anti-social behaviours including sniffing.

4.40 Attracting and retaining government services in Indigenous communities is largely determined on whether facilities are available in the community for workers to reside and feel safe. When basic resources such as housing for government workers as well as education services for their children are not available, it makes it difficult to ensure adequate government services are in place in the community. The Law Society of South Australia (LSSA) commented:

Against that general background over the whole state, it is even more difficult to attract officers to work on the Anangu Pitjantjatjara lands. They are a long way from the services which ordinary suburban and country South Australians are used to, and they will undoubtedly require extra resources such as the building of houses. You cannot just build a police station. You are not going to get police officers to serve there unless there is somewhere for them to live. Governments cannot simply put up a police station and expect that police will come. The housing for those police officers needs to be supplied as does the education for their children.³¹

30 *Committee Hansard* 20.2.06, p.39 (National Drug Research Institute WA).

31 *Committee Hansard* 16.5.06, p.23 (LSSA).

4.41 The WAPS has had success in creating a secure and safe environment in Indigenous communities. Deputy Commissioner Lampard explained:

Police have clearly been given a mandate to go into these communities to develop a platform of law and order and to create some sustainability, and we know that once we provide a safe and secure environment our ability to get other government agencies to join us at those locations will be greatly enhanced. I am pleased to say that that is happening.³²

4.42 The WAPS has used government services in a multidisciplinary approach for successful early intervention with mental health issues:

The ability to be able to take mental health services to the people in the communities is very significant. It allows us to deal with a whole range of issues. The most severe cases...often do need to be relocated to approved hospitals, but having the scope to be able to provide mental health services at all levels with some early intervention – I am proud to say that the police are doing this to some extent – where they identify youth at risk, youth that are certainly experimenting with substance abuse and, together with the other government agencies, come up with ways of diverting them from those behaviours, is very important. There is always a reluctance for a lot of these traditional people to come out of their communities and seek treatment, so our ability to be able to provide government services to those communities and then have an appropriate follow-up is significant. In the communities where that strategy has been put in place, Balgo being one of those, we have seen significant benefits already.³³

4.43 Associate Professor Gray provided evidence on the differences between the effectiveness of the police presence in the Pitjantjatjara Lands in South Australia, as compared with the Ngaanyatjarra Lands in Western Australia. Associate Professor Gray commented:

In South Australia they are having great difficulty in recruiting police to the Pitjantjatjara lands...There are more confrontations with the police in the Pitjantjatjara lands than in the Ngaanyatjarra lands. You have incidents where kids are stoning police vehicles in the Pitjantjatjara lands and you simply do not have that in the Ngaanyatjarra lands. I think it is important to have adequate resourcing of police in those communities, and the policing of the supply is a major role that police can play in those remote communities...One of the things that has come out of our study of policing is that part of the reason that there is less sniffing in Ngaanyatjarra communities than the Pitjantjatjara communities is that the police have much better relations in those communities.³⁴

32 *Committee Hansard* 20.2.06, pp.8–9 (WAPS).

33 *Committee Hansard* 20.2.06, pp.9–10 (WAPS).

34 *Committee Hansard* 20.2.06, p.31 (National Drug Research Institute WA).

4.44 During its inquiry, the Committee visited Balgo, an Indigenous community in remote Western Australia, and spoke with many members of the community. The Office of Indigenous Policy Coordination (OIPC) commented on the contribution of a permanent police presence to positive changes in the Balgo community:

In Western Australia there is a community that for decades had been synonymous with problems. It was Balgo. Two-and-a-half years ago it was totally dysfunctional, corrupt and violent. There were suicides and it was a major crime centre. There was appalling violence against women, sexual abuse, petrol sniffing and other substance abuse. You can go to Balgo today and see that it is a totally transformed community. I believe that is because both governments recognised that to do something with a community that had such ingrained dysfunction and violence into its third generation required a very disciplined joint approach. It started with restoring social norms and it involved the Western Australian government committing for the first time to put a permanent police presence in the town to bring the prospect of law and order to the table.³⁵

Night patrols

4.45 Night patrols, in their various forms, are a common feature of Indigenous communities throughout Australia and assist in maintaining community safety. The Australian Institute of Criminology explained that night patrols are instrumental in reducing crime and that they take on various names, roles and functions depending on the needs of the communities from which they operate. These roles include providing a safe means of transport home or to refuges and safe houses for young people or intoxicated adults at risk of offending or victimisation.³⁶

4.46 Night patrols aim to prevent or stop harm and maintain community peace, security and safety. Patrol members may simply provide a watchful presence or they may be called on to respond to incidents such as an argument or dispute. Night patrols are staffed by approved unpaid volunteers from the community who while on patrol detect and manage behaviour that causes a problem for the community and impacts on the safety of community members.

4.47 In Yuendumu, the Committee heard from community members that they have experienced success with employing and paying reformed sniffers to assist with night patrol duties. Community members believed that having a reformed sniffer on the night patrol gave them a purpose and resulted in positive outcomes.³⁷

35 *Committee Hansard* 27.4.06, p.86 (OIPC).

36 Australian Institute of Criminology, *AICrime reduction matters*, No. 26: Night Patrols. 5.8.04, <http://www.aic.gov.au/publications/crm/crm026.html>. [accessed 26 May 2006].

37 Evidence taken from informal Committee discussion.

4.48 Evidence provided by the South Australian Police Service (SAPOL) indicated that night patrols are being run at Indulkana, Mimili, Amata and Ernabella, and SAPOL aims to increase the number of night patrols on the APY Lands.³⁸

4.49 Although the States and Territories have primary funding responsibility for night patrols, the funding made available for these patrols can come from a variety of sources. For example, the Commonwealth contributes funding towards SAPOL's night patrols in the Central desert region. The Alcohol Education and Rehabilitation Foundation (AER) indicated that a grant of \$39 000 had been provided to the Yuendumu Women's Centre in the Northern Territory for night patrols in their community.³⁹

Cooperative government policing strategies

Tri-state approach and cross border policing

4.50 Evidence provided to the Committee demonstrated that policing strategies had, in some Indigenous communities, effectively addressed petrol sniffing and the sale and distribution of volatile substances. However, effective policing of sniffers or traffickers was undermined when the person crossed borders into another State or Territory where the operation of legislation and policing strategies varied.

4.51 To address cross-border issues the Cross Border Justice Project was established in June 2003 following a Roundtable meeting which included community members and representatives of the Departments of Justice, Indigenous Affairs and Police Services of Western Australia, South Australia and the Northern Territory. The project is working toward implementing effective policing, court and correctional services in the APY Lands in South Australia, the Ngaanyatjarra Lands in Western Australia and the central east and south of the Northern Territory.⁴⁰ The South Australian Government stated:

The Cross Border Justice Project recognises the common cultural and social bonds and mobility of Anangu and aims to minimise the difficulties created by the remoteness of the region and State and Territory borders in the provision of effective court, police and correctional services.⁴¹

4.52 Cross border policing aims to control both licit and illicit trafficking and substance abuse and trafficking including amphetamines and cannabis etc. Cross border policing works when police officers, who traditionally respond to law and order issues in only one State or Territory join forces and work collaboratively in cross border regions. Power for police officers to act and intervene to enforce law and

38 *Submission 29a*, p.4 (South Australian Government).

39 *Submission 29a*, p.4 (South Australian Government); *Submission 39a*, p.4 (AER Foundation).

40 *Submission 29a*, p.4 (South Australian Government).

41 *Submission 29a*, p.4 (South Australian Government).

order in cross border States and Territories makes the cross border policing strategy effective. The WAPS stated:

We have made a lot of ground. In fact, it is a first in Australia, and some of the other states – Queensland, New South Wales, Victoria – are watching how we join up services between South Australia, Western Australia and the Northern Territory. Our first big step forward was the multijurisdictional facility at Kintore, where a Western Australian officer went to work in the Northern Territory, sworn in as a special constable in the NT, as were Northern Territory officers sworn in as special constables in Western Australia.⁴²

4.53 DoHA and the Office of Indigenous Policy Coordination provided comment on the tri-state approach, stating 'a central aim of the project is to enable Northern Territory, Western Australian and South Australian magistrates to hear charges with respect to offences committed anywhere in the NPY Lands'.⁴³ This approach allows police in Western Australia, Northern Territory or South Australia to apprehend a suspected trafficker, even if the trafficker crosses the border into another jurisdiction, and then take the trafficker before the closest magistrate, regardless of the jurisdiction in which the offence was committed.

4.54 The WAPS commented on the formation and the intention of a tri-state approach:

The tri-state arrangement emanated some years back with the Northern Territory, South Australia and Western Australia realising that we had a significant issue with the transient nature of Indigenous people throughout the lands: one week they were in Western Australia, the next week they could be in the Northern Territory and South Australia. Because of the different legislation in each state it made it very difficult for police not only to apply the law but also to proactively deal with the Indigenous communities.⁴⁴

4.55 The commitment of Western Australia, South Australia and the Northern Territory Governments to the tri-state approach has resulted in positive outcomes. The WAPS provided a specific example of outcomes achieved by the collaboration of police services in Western Australia and the Northern Territory:

We have found that the dual state approach in the Northern Territory at Kintore has been enormously successful for us. Not only have we been able to be much more proactive at Kiwirrkurra [1,500 kilometres from WA's closest policing service in Newman] but also we have been able to make a contribution inside the Northern Territory at Kintore. We have been there now for about 18 months and we have enormously improved the attendance rate at schools just through the leadership and the mentoring; the incidence

42 *Committee Hansard* 20.2.06, p.6 (WAPS).

43 *Submission 25*, p.6 (DoHA & DIMIA).

44 *Committee Hansard* 20.2.06, p.6 (WAPS).

of domestic violence has dropped enormously; we are red hot, of course, on any sort of substance abuse, and we not only work together but we can value add to the transient nature of Indigenous people across the border.⁴⁵

4.56 The WAPS also commented on 'poly drug use', which is the combination of more than one substance at a time. Deputy Commissioner Lampard commented:

Where we do have significant issues is when we have a combination of cannabis, amphetamines, petrol and other solvents – what we, of course, call poly drug use. It is a real issue for us. There are some disturbing signs that amphetamines are becoming a little bit more prevalent in some of the communities. Traditionally, a lot of Indigenous communities would certainly experiment with cannabis, but we are just starting to see amphetamines now and we need to crack down on that pretty hard. But there are some great communities. It is a really vexing issue of totally dry communities versus communities that have some regulation or some control over the consumption of alcohol. It works in some and does not work in others.⁴⁶

Whole-of-government approach

4.57 The potential gains in combating sniffing from States and Territories working together in conjunction with the Commonwealth can be illustrated with the establishment of the new Substance Abuse Intelligence Desk (SAID). SAID was funded by a Commonwealth commitment of \$500 000 in September 2005. It is operated by the Northern Territory, South Australian and Western Australian police forces to combat the trafficking of petrol, illicit drugs and alcohol in the Ngaanyatjarra, Pitjantjajara and Yankunytjatjara (NPY) lands across the Northern Territory, Western Australia and South Australia borders.

4.58 The Northern Territory Minister for Police, Fire and Emergency Services, Mr Paul Henderson, commented on the importance of SAID:

Petrol and other illicit substances are destroying lives throughout the NPY lands, and there is a clear link between illicit substance abuse and other crimes such as sexual assault and domestic violence. Traffickers do not recognise border lines as they move drugs, alcohol and petrol, and this new desk provides, for the first time, a co-ordinated intelligence-led policing approach from the three jurisdictions to tackle the issue together.⁴⁷

4.59 The Northern Territory Department of Health and Community Services discussed the whole-of-government project called the Mutitjulu Working Together Project:

45 *Committee Hansard* 20.2.06, p.7 (WAPS).

46 *Committee Hansard* 20.2.06, p.13 (WAPS).

47 Northern Territory Government, *Media Release*, 'Fight Against Substance Abuse Strengthens', 19.1.06.

The Northern Territory government has participation along with the Australian government, Mutitjulu Council are a key stakeholder and of course there is the NPY Women's Council. That provides us with an opportunity to focus on a particular site and the issues at that particular site and engage with the community around what they perceive to be the way forward.

Through the process there has been the development of a plan of action, which we call the Quick Wins plan. Over the past 18 months all items on the community's Quick Wins plan was achieved with the exception of one item. The key for that was collaboration. The Mutitjulu community advocated strongly for a police post at their community instead of just relying on Yallara. That certainly came about as part of that collaborative process between the Northern Territory government and the Australian government.⁴⁸

Eight Point Regional Strategy for Central Australia

4.60 In addition to the tri-state approach and other State-based initiatives to combat sniffing, the Commonwealth, South Australian, Western Australian and Northern Territory Governments have agreed to work collaboratively to implement a comprehensive strategy with Indigenous people that will address the sniffing issues in Indigenous communities around Mutitjulu in Central Australia.

4.61 The Eight Point Regional Strategy for Central Australia (the Eight Point Plan) targets a designated area of Central Australia and aims to address a complex mix of interrelated causes and factors that contribute to sniffing. The elements of the plan that involve legislation and policing to combat sniffing are:

- implementation of a consistent legal framework across the region; and
- provision of an appropriate level of policing.

More information and discussion on the Eight Point Plan is available in chapter 3.

4.62 While the initiatives contained in the Eight Point Plan were widely supported, concerns were expressed to the Committee that the Eight Point Plan is only operating in a restricted area in Central Australia. Many witnesses giving evidence who lived outside this area believed they were included and were expecting to benefit from the Eight Point Plan. In response, the Office of Indigenous Policy Coordination stated:

I am telling you now, on the record, that the approach is focusing on a designated region, because the jurisdictions and the Commonwealth responded to the problem that was thrown up by the coronial inquiry into deaths in Mutitjulu. In some aspects, the approach is limited to a defined geographic area; in other aspects, it is not limited. For example, the negotiations with the three jurisdictions involved involve uniform laws, cross-jurisdictional policing and a whole range of matters that cover all the jurisdictions...That involves uniform legislation, rules that permit police

48 *Committee Hansard* 21.2.06, p.33 (DHCS NT).

from one jurisdiction to operate across the border into another, rules that affect the role of the courts across jurisdictions et cetera. They are benefits that apply now across those jurisdictions, and it is fair to say that the learning that comes out of this exercise will be applied elsewhere...So it is a reasonable expectation that the relevant results of this trial will flow elsewhere in due course.⁴⁹

Conclusion

4.63 The Committee is encouraged by the positive outcomes in the fight against sniffing in Indigenous communities, which have resulted from effective policing strategies. Tri-state policing initiatives, the involvement of Indigenous communities combined with a permanent police presence contribute to the effective regulation and prevention of sniffing.

4.64 However, the Committee remains concerned by the evidence from Indigenous community members of unsafe conditions and the inability to be protected from disputes, vandalism, crime and violence caused by petrol sniffing. Of particular concern is the inability to prevent children from sniffing and to ensure their protection and safety from self-harm and harm from other intoxicated sniffers. The Committee considers that the provision of safe houses is one initiative that is required to improve community safety.

4.65 The Committee strongly supports community safety initiatives involving Indigenous community members, such as night patrols and Aboriginal Liaison and Community Officers. These initiatives, when supported and well funded, empower communities to actively contribute to the battle against petrol sniffing. However, the role of sworn police officers and their presence in the community is paramount to community safety and can not be substituted by other community safety initiatives.

4.66 The Committee also notes that the variety of legislation and associated regulations in force across jurisdictions in Australia make it difficult to determine the best way to address petrol sniffing from a legal perspective. The introduction of the Northern Territory *Volatile Substance Abuse Prevention Act 2005*, provides a model for legislation to combat substance abuse. The Committee considers that there is a need for a comprehensive audit of relevant legislation to ensure a consistent approach.

Recommendation 9

4.67 The Committee, in concluding that the importance of consistent policing strategies in the effective regulation of volatile substance abuse in Indigenous communities can not be understated, recommends that each State and Territory Government ensure that legislation is in place that empowers police and justice officials to intervene and prevent petrol sniffing.

49 Committee Hansard 27.4.06, pp.101–02 (OIPC).

Recommendation 10

4.68 That the Attorney General's Department, with the cooperation of the State and Territory Governments, conduct an audit of current legislation used to police and combat petrol sniffing with a view to ensuring a consistent and cooperative approach in legislation across all jurisdictions by 2008.

Recommendation 11

4.69 The Committee recognises that the violent acts of petrol sniffers are at times being directed towards vulnerable community members and considers that community safety and personal protection are the right of all people. The Committee therefore recommends that Commonwealth, State and Territory Governments commit to:

- continuing to implement strategies as a matter of priority to achieve a permanent police presence in all Indigenous communities;
- recruiting Aboriginal Liaison and Community Officers;
- establishing and supporting community night patrols; and
- considering multi-functional police centres as a best practice strategy.

Recommendation 12

4.70 Community safe houses provide an appropriate place to temporarily house users of volatile substances and other drugs who threaten the safety of other community members. The Committee recommends that the Commonwealth conduct an audit of existing safe houses, identify Indigenous communities in need of safe houses and as a priority, provide additional funding to establish safe houses in these communities.

Recommendation 13

4.71 Women and children who are at risk of harm from intoxicated adults and sniffers need safe places to protect them from violence, hurt and abuse. The Committee recommends that the Commonwealth provide additional funding to establish safe houses, in addition to the safe houses in the previous recommendation, for women and children at risk in Indigenous communities.

CHAPTER 5

COMMUNITY-BASED SOLUTIONS

We believe that strategies which improve young Aboriginal people's lives and the health and well-being of their families and communities will be the most effective of all in combating substance misuse among young people.¹

Introduction

5.1 The success of interventions to prevent Indigenous petrol sniffing depends on how effectively a proposed solution addresses the causes of petrol sniffing. As discussed in chapter 2, the causes of petrol sniffing cover a myriad of issues including cultural, familial, social and economic. For truly successful interventions, a combination of solutions must be utilised including diversionary activities, management of substance supply and demand as well as strategies that address basic survival issues of housing, safety, poverty and hunger.

5.2 Many Indigenous and remote communities endure harsh conditions, not only associated with limited access to housing, schooling, health care and law and order but also limited access to basic resources and opportunities that urban communities take for granted. These are generally resources that provide for opportunities to undertake meaningful activities and have productive lives. Community-based programs and initiatives in Indigenous communities have proven to be one effective strategy in reducing the prevalence of petrol sniffing by addressing issues of boredom, reduced social engagement, low self esteem and feelings of hopelessness. In Yuendumu:

The Yuendumu Youth Program provides young people with diverse and vibrant alternatives to petrol sniffing and other substance misuse. Activities this year have included mural painting, pool, swimming, roller-skating, basketball, softball, concerts, discos, football, video games, film nights and cultural excursions.²

5.3 Essential elements when developing community-based programs include community consultation and the involvement of Indigenous people combined with continued support from 'outsiders'. These elements need to be a balanced and are dependent on community requirements. Dr Maggie Brady stated:

I think it is very much up to outsiders to provide the structures and support that can back up Aboriginal people in their attempts to feel that they can have legitimate interventions with younger people and that enable them to intervene in ways they want to do but feel restrained from doing...outside

1 MacLean S & d'Abbs P, 'Petrol Sniffing in Aboriginal Communities: A review of interventions', *Drug and Alcohol Review*, 2002, 21, p.70.

2 Additional information, Yuendumu Mt Theo Youth Program, Information on the Program, p.14 Mt Theo Management Committee.

authority figures like the police, the school and the clinic...Mt Theo is a good example of that. When Mt Theo started, Andrew, the non-Aboriginal youth worker who was instrumental in getting it off the ground, was attached to the school...Because Andrew was part of the school, that initially gave him the outside structure to work from and he was able to negotiate with the people at the outstation and help to get Mt Theo started. I think that supporting non-Aboriginal workers – youth workers, for example – and Aboriginal workers, if they are attached to another structure, helps to negotiate those difficult pressures,³ intrigues and kinship difficulties that can often sabotage the best programs.³

5.4 The Committee heard many accounts from communities who have utilised various funding sources to implement a range of successful programs. However, it was made clear that the success of these community-based programs and initiatives is dependent on a number of factors, including:

- engagement and commitment of the community;
- adequate and consistent funding; and
- community capacity to effectively run programs.

Community engagement

5.5 Many Indigenous communities have experienced great success with community-based programs which have contributed towards reducing the number of children and young adults that are sniffing petrol. The active engagement of the community is an integral factor to the success of any community-based program:

One of the key features that has made Mt Theo successful is the fact that it is community controlled and community operated. From the start, it was totally independent from external sources of funding or resources.⁴

It gets back to how we [Yarrenyty-Arllere Learning Centre] started and the way it was set up, and that was that it was a community driven program. It was basically driven by the core group of people who were affected by the sniffing, and it involved all the families of the young people and the young people themselves.⁵

In communities where the parents have allowed the community to operate the night patrol there has been much more success than in communities where the parents would step in between the kids and the night patrol. Where you have communities united in a particular approach and that carry it out, you have a better chance of success.⁶

3 *Committee Hansard* 27.4.06, pp.13, 18 (Dr M Brady).

4 *Committee Hansard* 22.2.06, p.6 (Dr R Thompson).

5 *Committee Hansard* 22.2.06, p.19 (YALC).

6 *Committee Hansard* 8.3.06, p.18 (Alcohol Tobacco and other Drug Services Qld).

5.6 The Alice Springs Town Council commented on the positive outcomes of having the support of the parents and the community for diversionary programs, and stated that they favour the delivery of programs associated with assistance to the elderly/infirm, sporting group involvement, community projects, job/skills training, lifestyle skills (for example typing, cooking), life skills (for example conflict resolution, anger management), leadership, drug/alcohol/substance abuse education, culture or education development.⁷

5.7 The Queensland Police Service (QPS) has worked cooperatively with local communities to develop activity centres which have proven to be effective in engaging community members. The QPS commented that:

Activity centres have engaged community members and provided opportunities to participate in worthwhile activities. Those activities have resulted in increased self-esteem and encouraged positive behaviour. The effectiveness of those initiatives lies in recognising the need to address many of the environmental and social conditions that give rise to volatile substance misuse, alcohol and drug abuse.⁸

5.8 The involvement of the entire community in the development of community-based solutions will produce supported programs and create a sense of belonging, ownership and understanding in the community. Families and young people affected by petrol sniffing as well as ex-sniffers can provide valuable insight into initiatives to combat sniffing. The Committee heard from members of communities that young mothers are struggling and need parenting support and young children do not receive clear messages regarding petrol sniffing as there are little or no culturally-appropriate educational resources.⁹

5.9 The Drug and Alcohol Office in Western Australia stated that one of the more important factors in preventing sniffing is 'strong community engagement and the community actually getting involved'. In Balgo, a cultural health committee called Palyalatju Mapampa was 'engaging, particularly the women in the community, in activities like bush medicine and so on. That provided some community strength for the community that in turn supported the community engagement.'¹⁰

5.10 The establishment of an outstation in Mt Theo has proved successful in rehabilitating young petrol sniffers and this success has been attributed to the dedication of the traditional owners at the outstation and the involvement of the home community.¹¹ The Committee visited Yuendumu and Mt Theo and these successful initiatives are described in more detail in the case study.

7 *Submission 19*, p.5 (Alice Springs Town Council).

8 *Submission 38*, p.13 (Queensland Government).

9 Evidence taken from informal Committee discussion.

10 *Committee Hansard 20.2.06*, pp.3-4 (Drug and Alcohol Office WA).

11 *Submission 25*, p.13 (DoHA & DIMIA).

Case Study – Yuendumu and Mt Theo Program

Yuendumu is a community of about 1,150 people located 290 km northwest of Alice Springs and Mt Theo is an outstation 160 km north-west of Yuendumu. The Mt Theo outstation is funded by the Commonwealth. Mt Theo is the most well known successful program.

From the 1970s to 1994, the Yuendumu community experienced increasingly serious problems with petrol sniffing among its young people. By 1993, there were up to 70 sniffers in a population of about 400. The community was plagued with problems caused by the petrol sniffers, including violence and damage to property. The Yuendumu Warlpiri elders decided to send young petrol sniffers to the Mt Theo outstation. At the same time, a program of activities was started in Yuendumu to ensure that young people had access to activities and opportunities when they returned from Mt Theo to the community

Traditional owners at Mt Theo provide guidance to the young people and teach them traditional culture. This has been a true partnership of Indigenous and non-Indigenous skills, drawing strength and experience from both cultures. In addition to the outstation, the Mt Theo program now includes the Jaru Pirrjirdi Youth Development Program, the Yuendumu and Willowra Youth Programs and outreach and education services. The outstation now focuses on preventing petrol sniffing throughout the entire Warlpiri region, taking in sniffers from Yuendumu, Willowra, Nyrripi and Alice Springs. Mt Theo outstation has also taken young people from the justice system.

The Jaru Pirrjirdi (Strong Voices) project engages youth as leaders, working on community development projects. Night School provides youth development and educational activities. Many of the past clients of the outstation are engaged in Night School as part of the Mt Theo follow-up and after care program. The Mt Theo program continues to case manage each former petrol sniffer who has resided at Mt Theo. However, lack of resources limits follow-up of clients who return to Alice Springs.

Today petrol sniffing is a rare occurrence in Yuendumu and the zero tolerance approach of the community ensures early intervention if any one is found sniffing

The success of the Mt Theo/Yuendumu Substance Misuse Program lies in giving young people traditional culture and respite from sniffing at Mt Theo, with diversion through education and recreation activities in the home community of Yuendumu. At Mt Theo, young people are geographically isolated and have no access to petrol, so they have a chance to recover from the effects of sniffing, while people in the communities have some respite from the destructive behaviour of the sniffers. The Mt Theo outstation acts as an important deterrent against sniffing petrol in Warlpiri communities.

Other attributes of its success are the need for continuity in the availability of services and funding for a comprehensive holistic approach including prevention, diversion, intervention, immediate response, treatment and rehabilitation as well as opportunities for education, employment, sport and other recreational activities

Source: Mt Theo-Yuendumu Substance Misuse Program – Information provided at Yuendumu and accessible at http://www.mttheo.org/pdf/report_low_res.pdf and *Submission 25* (DoHA & DIMIA)

5.11 Outstations require the commitment of the family group and at times this may place enormous strain on individuals. The DoHA and OIPC stated that 'outstations are an Aboriginal initiative and the needs and wishes of Aboriginal staff working at outstations must be respected. Although governments can support them, outstations must be initiated, controlled and maintained by Aboriginal people.'¹²

5.12 Dr Russell Thompson remarked on the success of the Mt Theo Program:

It is a credit to Mt Theo and the youth diversionary petrol-sniffing program that they have managed to do what no-one else has been able to do. The key to this is that the problem of petrol misuse has been owned by the local community and the response has been grassroots – it has come from the local community – and it has worked. It is very difficult to address a dysfunctional youth culture. Five years ago in the Warlpiri Homelands, petrol sniffing was the dominant youth culture. The dominant youth culture now revolves around multimedia, music and sports, and it is very vibrant and very healthy.¹³

5.13 More successful programs with higher participation in activities are generally those where there is local ownership and support. CAYLUS pointed to the Docker River Youth Program which it considered 'would give the best opportunity to break the cycle of substance abuse in remote communities'. CAYLUS also noted that the investment required to bring other communities up to the standard of Docker River 'would pay dividends in a number of areas beyond petrol sniffing'.¹⁴ The Docker River Program is explained further in the case study below.

Case Study - Docker River Youth Program

Ms Pauline Fietz, who undertook a study of the program and described it in detail in her submission, concluded that:

The Docker River Youth Program can claim to have been instrumental in eliminating experimental petrol sniffing (typically 10-15 age group) in the community. It has also decreased the rate of chronic sniffing, by making the environment much less favourable to senior sniffers and diverting younger sniffers away from the sniffing recruitment process.

The Docker River Program serves to illustrate the conditions that must be met for a programme to be successful. The program provides activities on a regular and consistent basis for people aged from three to 30. The activities are meaningful to the participants, culturally sensitive and appropriate for the age and gender of the participants.

12 *Submission 25*, p.28 (DoHA & DIMIA).

13 *Committee Hansard 22.2.06*, p.2 (Dr R Thompson).

14 *Submission 20*, p.10 (CAYLUS).

It provides links to the community through the use of an Indigenous Youth Team, intergenerational activities such as traditional hunting and gathering and communication and collaboration with local councils, senior administrative officers, Aboriginal leaders, and family members.

The guidance and support of the Youth Team provides the capacity to ensure that the activities are relevant and stimulating. The team is also a crucial role model for the younger members.

The quality of the staff has been critical. Docker River has been able to recruit and retain skilled and committed male and female youth workers. The workers are multi-skilled. They hunt and butcher camels, cook, coach and umpire sports, cut hair, paint murals, build waterslides, choreograph dance routines, DJ, drive 4WDs across long and rugged distances, maintain and repair equipment and infrastructure, administer, plan, report and apply for funding, provide crisis support and care, mentoring, referrals, health treatments and counselling and support to young people and their families.

The workers have the enthusiasm, commitment and energy to work from eight am until the closure of the Recreation Hall between 9.30 am and 12.00 noon. Weekends involve organising and running day and overnight trips. Interest is maintained over the summer holiday break with externally supplied workshops. Evening and holiday periods tend to be peak times for petrol sniffing so providing diversionary activities at these times is critical to reducing the incidence.

The program has sufficient infrastructure, although the standard is generally not that expected in mainstream recreational programs. The infrastructure includes a recreation hall, a pool room, computer room and broadcasting room, a store room, stage and kitchen. They are also being funded to operate two troop carrier vehicles, allowing separation of the sexes and access to bush activities.

Submission 37, pp.4–7 (Ms P. Fietz).

5.14 Tangentyere Council have noted that while the most effective initiatives have been community directed, support for local members provided from external bodies assisted with achieving success in most community support programs:

In the central Australian region, the most effective initiatives have been those directed and initiated by Indigenous people. In many cases the success has required support from external bodies or people working in partnership with local people to achieve this success. The most successful initiatives are Mt Theo and Yarrenyty Arltere Learning Centre (YALC). Both programs are driven by community expertise and vision and supported through a partnership with non-indigenous people and in the case of YALC, Tangentyere Council, an indigenous organisation with the infrastructure and expertise to assist.

In addition there are successful outstations including Ipolera and Ilpurla, run by local people and only recently receiving support through

Government funding and programs such as Tangentyere's CAYLUS initiative.¹⁵

5.15 The Central Australian Youth Link Up Service (CAYLUS), although recognising the importance of local community involvement, emphasised the need to ensure a range of skills were available to support programs:

Mt. Theo is an example of strong partnership between indigenous and non-indigenous people, combining both systems of intelligence and expertise. Whilst its routes were firmly in a community movement, a core feature of the movement at Yuendumu was that Non Indigenous Community Staff with a range of skills helped on the program. By the time sniffing was clearly beaten, the Mt Theo Yuendumu Substance Misuse Aboriginal Corporation was one of the best resourced youth initiatives in the region.¹⁶

Programs and funding

Youth programs

5.16 The NPY Women's Council emphasised the importance of adequate funding and commented that 'where there exist diversionary activities and 'community level activities' that are reasonably well funded and properly run, they work well'. However, the Council stated that 'unfortunately these are few and far between in our region, particularly in the NT and SA communities'.¹⁷

5.17 The Waltja Tjutanku Palyapayi Aboriginal Corporation (Waltja) commented that 'all the community-based youth services we are aware of are fragile at best and often rely upon a variety of factors to support their continuance (eg, staffing, budget, sound governance within the community, accommodation for workers from outside the community, etc)'.¹⁸

5.18 Waltja also described limitations in funding available through existing Commonwealth sources for infrastructure such as staff accommodation or major equipment such as transport for youth programs:

Waltja would also argue strongly that the amount of funding required to support youth services, especially fledgling ones, needs to be increased to a sustainable level. We recommend streamlining various funding opportunities available to remote communities for youth services to make a viable service possible in each community and to ensure that it not only had the staffing positions but also the infrastructure and equipment to operate well.¹⁹

15 *Submission 21*, pp.4-5 (Tangentyere Council).

16 *Submission 20*, p.4 (CAYLUS).

17 *Submission 15*, p.5 (NPYWC).

18 *Submission 27*, p.17 (Waltja Tjutanku Palyapayi Aboriginal Corporation).

19 *Submission 27*, p.19 (Waltja Tjutanku Palyapayi Aboriginal Corporation).

5.19 The Committee visited Mornington Island, a community which has implemented successful community-based programs. However, the community commented that the support of diversionary activities has not been very strong and this combined with a lack of resources and social capital has proved problematic. The case study below describes some Mornington Island initiatives.

Case Study – Mornington Island

Petrol sniffing has been a problem for Mornington Island, on and off, in annual cycles with the wet for many years, but since the introduction of alcohol management plans petrol sniffing has tended to linger. The community of Mornington Island have been searching for a long-term solution. The community as a whole, including indigenous organisations, and health services, came together to develop strategies to stop petrol sniffing.

Camps were set up with Oxfam's assistance to provide alternatives to sniffing in a supportive environment of family and community. The camps run during the school holidays and aim to build skills to make the kids more independent. The young people make their own campsites, go fishing and hunting and work as a team. The camps operate during school holidays. The aim is to break the cycle of sniffing and relieve the daily stresses and pressures in the community. They have had some success. However, this is undermined when people return to the community where sniffable fuel is available and diversionary activities are not as well supported as is required. This last wet season has seen a return to sniffing in the community.

Members of the Petrol Sniffing Steering Committee described the community plan to the Committee as an integration of all services to address not just petrol sniffing but also the related issues of domestic violence, child neglect and youth suicide.

Mornington Island has access to sport and recreation facilities including discos and dance groups and has a recently constructed Police Citizens Youth Club. However, the programs require more resources and social capital to allow them to operate during the evening and on weekends when petrol sniffing is most likely to occur.

The Community was looking forward to Opal fuel being made available as an adjunct to the programs running.

Source: Living Black, 31.10.05; and *Submission* 38, p.15 (Queensland Government).

5.20 The Yarrenyty Arltere Learning Centre (YALC) in Alice Springs was established to address serious levels of petrol sniffing and other inhalant abuse in a Town Camp community. Since its opening the YALC, which is described in the case study, has been successful in getting young people back into school, and in many cases attending school for the first time. The Tangentyere Council attributed some of the success of YALC to 'long term resourcing and support from government agencies and the strong support from the Council, who manage the program and provide additional services to assist programs and participants.'²⁰

20 *Submission* 21, pp.8-9 (Tangentyere Council).

Case Study – Yarrenyty Arltere Learning Centre

At the Yarrenyty Arltere Learning Centre (YALC) adults are learning alongside their children, acting as positive role models and having ownership for what happens and for determining solutions for their own problems. The community has reported a decrease in violence, petrol sniffing and involvement in the criminal justice system. The school based nurse also reports an improvement in health status. People are rebuilding their lives.

Operating at the centre is a:

- Northern Territory Dept. of Education primary school;
- Accredited art program for adults;
- Building training course for 'at risk' young men;
- A nutrition program;
- Alcohol and other drug outreach program;
- Additional programs in social and emotional well being to support learning; and
- Regular health clinics, counselling services, financial management and on-going community development programs.

The centre is an example of a successful whole of government initiative. The Commonwealth Department of Family and Community Services Local Answers to Local Problems Initiative has funded the Coordinator. The NT Department of Health and Community Services funds the operational expenses, the nutrition position and the community worker position who are both local indigenous people.

The NT Education Department, through the Gillen Primary School, funds a teacher and assistant to operate from a school annex for children aged 4-15 years. There is a classroom and a full time teacher based at YALC.

Accredited adult education programs are delivered by various Aboriginal Registered Training bodies. Currently Batchelor Institute for Indigenous Tertiary Education provides training to the centre. The centre must apply for funding for each training course to NT Department of Employment Education and Training. The Batchelor College currently provides certificate courses in Art and Craft and Community maintenance.

In the past year, funding from the Department of Health and Ageing has allowed the establishment of an Alcohol and other Drug outreach position. Factors of success include:

- The process that YALC undertakes of empowering people and including them in the process.
- Long term resourcing and support from government agencies.
- Strong ownership by the community for the project, who through the YALC Community Committee provide planning, goal setting and decision making.
- Being able to respond flexibly to situations and find solutions from within the community.
- Strong partnerships with other agencies/services, in particular the NT Department of Education, Employment and Training, Family & Childrens Services, case management services.
- Dedicated and stable YALC staff. The program has had a stable staff over the last reporting period who are committed and are flexible to deal with children and adults who have suffered serious abuse over a long period of time. Children in the school program have very poor attention spans and serious behaviour problems; most had foetal alcohol syndrome or parents who were chronic inhalant substance abusers. It takes great perserverence to work full time with this group.
- Strong support from the Yarrenyty Arltere Housing Association to support YALC initiatives and provide further governance and management.

- Strong support from Tangentyere Council, who manage the program and provide additional services to assist programs and participants.

Source: Submission 21, pp.2-17 (Tangentyere Council).

Outstations

5.21 Outstations, like the one operating in Mt Theo, are community-based initiatives that provide diversion and deter young people from sniffing. They also deliver a range of treatment services such as detoxification and rehabilitation. The Commonwealth funds three central Australian outstations: Intjartnama (130 km west of Alice Springs), Ilpurla (220 km southwest of Alice Springs) and Mt Theo (450 km northwest of Alice Springs).

5.22 The success of the Mt Theo program has resonated loudly in other communities. The Australians for Native Title and Reconciliation, South Australia (ANTaR SA), in their submission, commented on the belief Anangu traditional owners expressed that they are under resourced and unable to effectively address petrol sniffing in their community:

One matter in particular, is an apparent lack of financing for a community programme similar to that at Mt Theo in the NT, where community elders are able to take sniffers away from sources of petrol, and work with sniffers to re-integrate them into their communities.²¹

5.23 Outstations require a great commitment of funding and resources to ensure they operate effectively. DoHA and DIMIA commented on the funding of outstations:

This arrangement is difficult to manage and sustain, but does provide an opportunity for families and elders to re-connect with their young people and to pass on their cultural knowledge and skills. Young people are more likely to heed their elders in this less stressful and complex environment. In terms of treatment, however, it is important that these centres have access to competent staff, medical support, first-aid training and telecommunication facilities. Sniffers should also be carefully assessed before being sent to outstations, as it is not appropriate for those who are disabled or unstable to be sent to such remote locations.²²

5.24 The Alcohol and other Drugs Council of Australia (ADCA) recognised that outstations play an important role in the treatment of petrol sniffing. However, they commented:

Although outstations do have a role in treatment of petrol sniffing, it is unlikely that removing sniffers to outstations will provide the community with a long term solution. It is essential outstations are complemented by

21 *Submission 42, p.1 (ANTaR SA).*

22 *Submission 25, pp.12-13 (DoHA & DIMIA).*

prevention and treatment strategies which address social and environmental factors in the community that may contribute to petrol sniffing.

It is also important to remember that outstations are not available to all Aboriginal communities in remote Australia. Outstations are often a community response to petrol sniffing, and specific to the cultural needs of a specific tribal group. For this reason, there is a need for more Government support to assist individual communities to develop their own individual response to the petrol sniffing in their own community.²³

5.25 The Committee heard much evidence that Indigenous communities have very different characteristics and a 'one size fits all model' will not work in all communities. Mr Blair Mr McFarland, the Coordinator of CAYLUS, emphasised that while one model may not suit all communities, core components of that model can be applied. He considers that communities should be able to develop their own 'outstation' model and need the resources and capacity to allow them to do this:

[Kintore] community is looking at out-stations and not at a Mt Theo model. That community wants support for taking kids to family out-stations – so a family has an out-station and with a bit of support they can take their kids to that out-station but not anybody else's kids. From that similar base of support in the community another family can take their kids to their out-station...[Kintore's] solution is not a Mt Theo; it is a more versatile base from which to fund smaller family based Mt Theos. The point is that you cannot export a model, but you can export the core components of what made that model work. In Yuendumu, it is that the community wanted to do something. Each and every community wants to do something. Sometimes people talk about them as if they are dysfunctional communities, but often they have a strong desire to deal with the kids and stop the sniffing. Often they have never had any help or the help they have had has been patchy – they have had a bit of help from this agency and a bit from that and nothing consistent and nothing that really looks at what they want.²⁴

5.26 The success of the Mt Theo outstation is highly commendable and the role of outstations in preventing petrol sniffing and improving the lives of young Indigenous people makes outstations a positive community initiative. Adequate funding and resources need to be made available to communities so that they can develop the capacity of community elders and members who can then create outstations that will meet the needs of their communities.

5.27 The Committee heard of successful initiatives that engage troubled children, not only those children at risk of sniffing, and enable them to develop practical skills such as horse and cattle care and management as well as learning about the pastoral industry. Mr Barry Abbott for the past forty years has run a very successful treatment

23 *Submission 17*, p.7 (ADCA).

24 *Committee Hansard 22.2.06*, pp.16-17 (CAYLUS).

program for petrol sniffers at the Ilpurla Outstation west of Alice Springs where young people work as station hands and gain practical skills. Mr Abbott advised:

I have people from the age of 21 right down to 15 at the moment. When some of the kids that we have are finished with us, I talk to the community about getting a job for them when they are old enough. If they are under age, I talk to people about getting them back in school. Quite a few of them have gone back to school and are doing pretty well. Before they got to me, they would just run away from school and get into petrol, drugs and whatever.²⁵

5.28 Professor Hunter from the Remote Area Mental Health Service in Queensland also referred to a program in Far North Queensland, which taught a range of skills including working with horses:

In terms of out-of-community solutions, there is only one place that I have seen up here that really made an impact and that is a place called Petford, run by a charismatic and extraordinary person who, with young people at risk, focused activities on working with horses and preparing people for the pastoral industry...By getting them to learn how to break horses, track horses and do trick riding, he was doing something which was about dealing with their own self-control but with an organism that they could relate to. I think that that was very important.²⁶

Rehabilitation facilities

5.29 The aim of rehabilitation and respite facilities is to provide a place where sniffers, either chronic or intermittent, can undertake programs to stop sniffing and receive health care and treatment. The level of care required and the provision of other diversionary activities and programs will depend on whether the community is concentrating on youth prevention programs or if the community needs facilities to provide care for chronic users with acquired brain injury. It is possible to provide rehabilitation services at outstations. However, the level of rehabilitation services needed in each community will determine the type of rehabilitation facility required to meet the needs of the sniffers in the community.

5.30 The lack of regional respite centres and rehabilitation facilities located in towns accessible to chronic sniffers was reiterated by witnesses. Many family members provided evidence that their sons and daughters have to move from the local community area to access these facilities. The ability to provide high level care and early rehabilitation intervention is imperative for communities suffering from the effects of petrol sniffing.

5.31 DoHA and DIMIA are exploring the extent to which residential models, developed primarily to address adult substance misuse in urban societies, will meet

25 *Committee Hansard* 22.2.06, p.13 (Mr B Abbott, Ilpurla Aboriginal Corporation).

26 *Committee Hansard* 8.3.06, pp.32-33 (Remote Area Mental Health Service Qld).

the needs of young Aboriginal people with substance abuse problems. An assessment will be undertaken in 2006 that will consider the most feasible options and compare these with outcomes that can be obtained from alternative arrangements such as respite, dry out services and outstation programs. Also, as part of the Eight Point Plan, the Commonwealth will undertake a scoping exercise into the need for rehabilitation and treatment facilities for petrol sniffers, including respite and support services.²⁷

5.32 In response to Indigenous community concerns regarding the need for rehabilitation facilities in regional areas, the Commonwealth committed \$2.2 million to South Australia for a facility on the APY Lands. The SA Government has agreed to provide additional recurrent funding of around \$1 million per year. The Northern Territory Government continues to fund a rehabilitation facility in Darwin and plans to establish a new rehabilitation facility in Alice Springs.²⁸

5.33 The NPY Women's Council expressed concerns about the adequacy of the number of detoxification and rehabilitation facilities and commented on the lack of progress with the proposed AP Lands rehabilitation facility:

The SA Government...acquired a commitment of funds, around \$2M, from the Commonwealth to build a rehabilitation centre for those who misuse substances (inhalant, alcohol, illicit drugs) on or near the AP Lands, as per the SA Coroner's 2002 and 2005 recommendations, but a suitable site has yet to be chosen and accurate costing determined. No date is set for the commencement of for construction.²⁹

5.34 Once the AP Lands facility is built and in operation, evidence suggests that the rehabilitation facility will not be made available to chronic sniffers with serious brain damage who often exhibit high levels of anti-social, violent and or uncontrollable behaviour.³⁰ The NPY Women's Council commented 'such persons [chronic and violent sniffers], when they come to the attention of mental health services, are in my experience deemed not to have a mental illness as defined under Mental Health legislation, but rather an "acquired" or "organic" brain injury, for the sufferers of which there are no services'.³¹

5.35 Ms Rosalie Nethercott, mother of Desmond a sniffer with acquired brain injury, provided further comment on the provision of health and rehabilitation services:

Desmond, as a young man now with organic brain injury, is kind of blamed by every health sector that I take him to for help. He does not fit into the mental health system because they say: 'He is not a schizophrenic or

27 *Submission 25*, p.29 (DoHA & DIMIA).

28 *Submission 25*, p.29 (DoHA & DIMIA).

29 *Submission 15d*, p.6 (NPYWC).

30 *Submission 15d*, p.6 (NPYWC).

31 *Submission 15d*, p.6 (NPYWC).

bipolar. He does not have a mental illness. He has acquired brain injury or an organic brain injury.' So I take him to the acquired brain injury disability mob and they say, 'He was not hit by an axe or he was not born like that.' So he does not fit into their little box either.³²

5.36 The NPY Women's Council also commented that the rehabilitation facility in South Australia will operate on a system of voluntary admittance which defeats the purpose, as they are 'constantly asked to have sniffers taken into treatment whether they wish to go or not, and the likelihood in my view that some families will feel sorry for their relative and simply collect them, an involuntary regime should be considered.' The problem with this voluntary regime is made clear by a statement made by an NPYWC Executive member during a presentation about this proposed facility in June 2005:

They'll want to go home because they'll miss their family and they'll ask their family to ask for them to go home and that's what will happen. We have a huge problem...Just say, if my child sniffs petrol, I will want to bring him home if he asks me. We have got plenty of family and the community constables are our family as well, so they'll just get asked to bring them home. And now of course because hanging themselves is such entrenched behaviour they'll just go and hang themselves.³³

5.37 The South Australian Government stated that the construction of the AP Lands rehabilitation facility is anticipated to start in 2006. This will be complemented by the mobile outreach service which is planned to commence in the first half of 2006. This service will provide assessment, counselling and drug education in communities and has a role in assisting the reintegration of rehabilitated clients back into communities.³⁴

5.38 The delay in the establishment of the rehabilitation facility was discussed at length during the South Australian public hearing. Ms Rosalie Nethercott provided comment on this delay:

I had heard that the government was going to build a petrol sniffer's rehab centre at Amata. I did not know that they had promised it two years ago, and I did not know that they had promised it in 1986, but I want it done.

He [my Son] is planning in his mind to commit crimes of increasing severity so that he can get longer periods in jail, because the safest place for a young Aboriginal man – where he gets service delivery, where he gets three meals a day, where he sleeps safe and sleeps warm, where he watches videos, where he has a job making furniture and where he does art – is in jail. That is the only place he can get all of those things together.³⁵

32 *Committee Hansard* 16.5.06, p.84 (Ms R Nethercott).

33 *Submission* 15d, p.6 (NPYWC).

34 *Submission* 29a, p.8 (South Australia Government).

35 *Committee Hansard* 16.5.06, p.86 (Ms Rosalie Nethercott).

5.39 The problems that result from a lack of rehabilitation and respite facilities were also stated by Ms Vicki Gillick from the NPY Women's Council:

We have another disability client who is disabled from chronic petrol sniffing. There is no permanent place in Alice Springs for him. We cannot find family carers; there is no-one...We have to get contract carers at \$400 a day in Alice Springs in a self-contained motel room because there is no other accommodation in Alice.³⁶

5.40 With rehabilitation facilities providing services for sniffers in some Indigenous communities, DoHA and DIMIA commented:

On return to the community following a period of rehabilitation, it is critical that follow-up interventions, preferably community-based, are available to ensure the ongoing rehabilitation and reintegration of the person into their home community.³⁷

Community capacity

5.41 The NPY Women's Council emphasised the importance of the community having both the ability and capacity to successfully deliver programs and initiatives:

The practice, as has occurred on the Anangu Pitjantjatjara Lands, of giving over the employment of youth workers to often dysfunctional community councils, or simply to community councils without any capacity to support and supervise staff, is a model destined to fail. Similarly, the practice of employing local Aboriginal workers who lack skills or qualification and expecting them, without a solid, qualified co-worker, to carry out difficult work for which they are untrained (consider the level of education in the region) is misguided at best, and stupid and potentially dangerous at worst.³⁸

5.42 Ms Pauline Fietz also cautioned against expecting communities to take on too much responsibility, especially in the delivery of youth programs:

Policies directed at petrol sniffing and youth diversion have typically emphasised the need for 'community responsibility'. This assumes a high degree of community capacity, when communities are frequently fractured, driven by internal family politics and by dysfunctional administration. In addition, community administrative systems are usually overburdened and unable to provide youth workers with the requisite support they need in order to maintain the delivery of youth services. This places the sustainability of youth programmes at risk.³⁹

36 *Committee Hansard* 22.2.06, p.59 (Ms Vicki Gillick, NPYWC).

37 *Submission* 25, p.28 (DoHA & DIMIA).

38 *Submission* 15, p.5 (NPYWC).

39 *Submission* 37, pp.7-8 (Ms P Fietz).

5.43 The Alcohol and Other Drugs Council of Australia (ADCA) commented on an alternative solution to the problem of recruiting staff in remote Aboriginal communities:

...to invest resources in the up-skilling of local community members to take on needed paid positions. This will help increase the likelihood that youth workers remain in the community for extended periods of time, and would also contribute to the development of the community.⁴⁰

5.44 Indigenous community organisations are funded by the Department of Employment and Workplace Relations and the Torres Strait Regional Authority to run Community Development Employment Projects (CDEP) in urban, rural and remote Aboriginal and Torres Strait Islander communities. CDEPs provide a source of support for communities wishing to establish activities to develop work and employment skills.⁴¹

5.45 Mr Bill Edwards commented on the impact of unemployment benefits in Aboriginal communities and gave his observations of CDEP:

Pukatja community was one of the first to experiment with a Community Development Employment Project (CDEP). By agreement of community members, the benefits were paid to the Community Council, which then paid them out in return for work on community projects. However, the scheme has had varied results.⁴²

5.46 The Commonwealth's Eight Point Regional Strategy for Central Australia⁴³ will provide the following benefits to communities developing community-based programs:

It will support the lifting of Remote Area Exemptions [for activity based testing] by providing access to a range of services such as CDEP, improve educational outcomes through alternative learning environments, and provide alternative activities such as land management and recreational activities...specific interventions for any community will be designed and implemented in conjunction with the local people, building on the existing investment and infrastructure, taking account of local circumstances and addressing any identified needs.⁴⁴

5.47 DoHA has engaged the Council for Aboriginal Alcohol Program Services to deliver the Youth Wellbeing Project in the top end region of the Northern Territory. This project aims to:

40 *Submission* 17, p.5 (ADCA).

41 Centrelink, retrieved 19.5.06, www.centrelink.gov.au/internet/internet.nsf/indigenous/cdep.htm.

42 *Submission* 11a, p.3 (Mr B Edwards).

43 The Eight Point Plan is discussed in chapter 3.

44 *Submission* 25, p.11 (DoHA & DIMIA).

Increase the capacity of Indigenous communities affected by petrol sniffing...the Project will support and train members of Indigenous communities to improve their understanding of petrol sniffing issues and a "two-way learning" cultural exchange format will be developed between young people and people with specific expertise in the required area.⁴⁵

5.48 The Commonwealth has also provided funding for CAYLUS to assist communities in the area of Alice Springs in developing responses to petrol sniffing at a community and regional level. The CAYLUS initiative is described in the case study:

Case Study – Central Australian Youth Link-Up Service (CAYLUS)

The Central Australian Youth Link Up Service (CAYLUS) is a consortium of organisations in Central Australia which was formed and supported in 2002 by Tangentyere Council to develop specific youth programs, link existing programs and services and develop a holistic and coordinated approach to address youth health issues across the region. Funding is provided by the Commonwealth to provide these services.

CAYLUS implements a broad promotion, prevention and early intervention strategy for increasing health and wellbeing of all young people in communities affected by petrol sniffing. It provides regional coordination of youth and inhalant substance misuse issues; works collaboratively with communities and agencies to develop, fund and implement strategies and projects for addressing youth issues; increases positive activities for young people; and manages a flexible need-based brokerage fund that is used to assist remote Indigenous communities with short term or start-up funding of projects.

Tangentyere, through CAYLUS is currently negotiating with the NT Police for funding for a position to improve the human resource capacity of remote communities they service in order to prevent these sort of problems. The position is titled "Youth Workforce Development worker" and the role is to assist remote communities recruit, interview, employ and supervise youth worker positions. The position would also provide orientation, training and logistical and administrative support to the workers, as well as liaising with Universities regarding appropriate youth worker course development that would equip workers for work in the region, and arrange student and volunteer placements, especially over the summer holidays when schools are closed and young people are bored and hot.

CAYLUS assists communities in the areas of Alice Springs, Pintubi/Luritja, Walpiri and Western Arrente Pitjantjatjara in developing responses to petrol sniffing at a community and regional level. The CAYLUS project has been successful in gaining a second round of funding of \$1 million to 30 June 2007.

Source: Submission 20, p.7 (CAYLUS); Submission 25, pp.12, 27 (DoHA and DIMIA).

45 *Submission 25, p.26 (DoHA & DIMIA).*

5.49 The need for a long term commitment to capacity building was illustrated by the example of Mt Theo:

With capacity building and community empowerment – owning problems and solutions – it is very difficult to measure outcomes and glean evidence to support what you are doing. Taking Mt Theo as an example, they were working for five years before any changes started to become apparent. It takes time and patience.⁴⁶

Community governance

5.50 The Committee heard evidence from many witnesses that the consistency of external support offered to Indigenous communities varies, as does the level and extent of support available and the awareness within the communities that support is available.

5.51 Indigenous communities require skills in governance and management if they are to have oversight responsibilities of diversionary programs. The Office of the Registrar of Aboriginal Corporations (ORAC) supports and regulates Aboriginal corporations that are incorporated under the *Aboriginal Councils and Associations Act 1976*. The ORAC provides training for board members and key staff in good corporate governance.⁴⁷

5.52 The Waltja Tjutanku Palyapayi Aboriginal Corporation provided the Committee with evidence that 'Waltja communities appreciate the efforts being made to improve leadership, governance and management at local and regional levels, with several of our own Executive members having benefited from governance training provided through ORAC'.⁴⁸

5.53 The Western Australian Government suggested that a major reason for 11 communities in the Ngaanyatjarra Lands having significantly lower levels of petrol sniffing, when compared with the central desert communities, is the strong community governance arrangements.⁴⁹

Support for the community

5.54 DoHA and DIMIA stated that a key element of the Eight Point Plan is to strengthen and support communities' capacities for dealing with petrol sniffing and its effects:

Strategies might include recruiting and training people to work with key communities to assist in developing their capacity to deal with the issue, implementing parenting and family well being projects and getting local

46 *Committee Hansard* 22.2.06, p8 (Dr R Thompson).

47 Registrar of Aboriginal Corporations, retrieved 22.5.06, www.orac.gov.au.

48 *Submission* 27, p.12 (Waltja Tjutanku Palyapayi Aboriginal Corporation).

49 *Submission* 24, p.2 (Western Australia Government).

people into leadership/capacity building programs. Again, the specific strategy implemented in any community will be designed and implemented in conjunction with the local people building on the existing investment and infrastructure, taking account of local circumstances and addressing any identified needs.⁵⁰

5.55 The Central Australian Cross Border Reference Group on Volatile Substance Use provides advice on developing a whole of government, community engaged approach to addressing volatile substance misuse in the cross border region. This group provides support for local community strategies to reduce petrol sniffing. It also acts as a clearing house of community and regional ideas, and facilitates the sharing of information between members and other stakeholders. The group contains representatives of Commonwealth, State and Territory Governments, Aboriginal Health Forums, and service providers such as Nganampa Health Council, NPY Women's Council, APY Council, and Ngaanyatjarra Health Service and Ngaanyatjarra Council.⁵¹

5.56 The Central Australian Cross Border Reference Group on Volatile Substance Use has commissioned some much needed research on interventions and rehabilitation for petrol sniffers and other volatile substance users. This evaluation will assist in determining positive achievements and identify successful areas of intervention. However, the lack of evidence provided to the Committee suggests that little work has been done to date on evaluating government-funded interventions.

Conclusion

5.57 The extent and success of diversionary community-based activities in Indigenous communities who struggle with young people sniffing petrol is largely dependent on the strength of the community, the involvement and engagement of key community members, the provision of adequate funding and the capacity of the community as a whole, including both Indigenous people and people outside of the community.

5.58 The Committee notes the success of community-based programs in Mt Theo and Docker River as well as the success of the Yarrenyty Arltere Learning Centre and the CAYLUS service delivery model. All of these community initiatives possessed the following critical elements:

- the programs were community driven and operated by the community;
- involvement of families and young people affected by sniffing; and
- support provided by agencies in partnership with local people to provide essential infrastructure and expertise.

50 *Submission 25*, p.12 (DoHA & DIMIA).

51 *Submission 25*, p.6 (DoHA & DIMIA).

5.59 The strength of a community and the determination of key members can produce highly effective community-based programs. Indigenous communities are independent, have varying levels of cohesiveness and stability and a 'one-size-fits-all' approach can not be applied across all communities. However, the success in some communities provides valuable information on critical elements for communities embarking on community-based programs to prevent petrol sniffing. The Committee considers that one key problem in the past has been the loss of such information and the lack of a coordinated program to ensure successful information sharing.

5.60 The Committee heard from many Indigenous communities that have achieved great success with community-based activities that have reduced the number of young people sniffing in their communities. However, many complaints were heard by community members all over Australia on the absence of continual funding, the lack of support and governance provided to build capacity in the community and the continued lack of essential facilities to support community intervention into petrol sniffing. The Committee heard from many Indigenous communities where one person, normally the youth worker, had achieved excellent results in preventing young people from sniffing and how this person had left the community due to a lack of training, support or funding.

Recommendation 14

5.61 The Committee strongly supports the development of community-based programs and recommends that State, Territory and Commonwealth Governments provide long-term funding for community-based programs and when providing funding ensure that:

- **strong agency support is provided;**
- **programs are established which build the capacity of community members such as training in youth work and training that builds skills of program management and governance;**
- **appropriate levels of funding are made available to ensure the operation of youth programs during times of need, for example into the evenings and during school breaks when petrol sniffing is more prevalent; and**
- **adequate resources are provided for trained, skilled and committed staff to be retained in communities on a permanent basis rather than a fly-in-fly-out roster system.**

Recommendation 15

5.62 The Committee recognises that there are some elements that are critical to the success of community programs and recommends that:

- **government funded programs must provide for these critical elements including community ownership, the involvement of families and youth in their development and combined with the provision of essential support and expertise;**

- the Commonwealth identify, evaluate and provide ongoing support to allow the continuation and further development of those community-based programs that have proven particularly successful; and
- the Commonwealth develop and implement a communication strategy that facilitates information sharing and the development of such programs in other communities.

Recommendation 16

5.63 The Committee acknowledges the success of Yuendumu programs including the Mt Theo outstation and while recognising that this model will not fit for all communities, recommends that the Commonwealth provide long term funding and support to assist other interested communities to develop similar programs.

Recommendation 17

5.64 The Committee notes that as part of the Eight Point Regional Strategy for Central Australia, the Commonwealth is undertaking an assessment of the most feasible options for rehabilitation facilities for petrol sniffers. The Committee considers the provision of rehabilitation facilities for petrol sniffers a priority and recommends that Commonwealth, State and Territory Governments urgently provide adequate levels of additional funding for new and existing rehabilitation facilities.

CHAPTER 6

THE IMPACT OF OPAL FUEL

*The roll out of Opal is not the complete solution but there can be no solution without it.*¹

The introduction and supply of Opal

6.1 Australia first experimented with the introduction of non-sniffable fuel in the 1990's when Avgas, an aviation gasoline, was provided through the Commonwealth Government's Comgas Scheme. The Scheme subsidised non-sniffable Avgas to replace regular petrol for registered remote communities in the Northern Territory and South Australia. BP Australia noted that due to its higher lead content and doubts about its suitability for motor vehicles, 'community acceptance of this fuel option had been limited and patchy'.² The Ngaanyatjarra Council and Ngaanyatjarra Health, for example stated:

While Ngaanyatjarra communities had been using Avgas as a substitute for petrol for some years, there were some mechanical problems with the use of this fuel in vehicles.

These problems created a disincentive for Ngaanyatjarra people, government representatives, staff, visiting contractors and tourists to use Avgas in their vehicles, with the resulting increased risk of sniffable fuel being brought into the Ngaanyatjarra Lands.³

6.2 With a general move towards lower lead aviation fuels, it became apparent that an unleaded Avgas was unlikely to be a suitable option for remote communities as it was not possible to have an unleaded Avgas without increased levels of aromatic vapours.

6.3 In response, BP Australia developed a new unleaded fuel called Opal, which has very low levels of aromatic hydrocarbons which give the 'high' sought by petrol sniffers and is also suitable for use in unleaded vehicles and two stroke engines.⁴ Opal was launched in February 2005.

6.4 Since its introduction, Opal has been progressively distributed to remote Aboriginal and Torres Strait Islander communities that are registered with the Comgas Scheme (renamed the Petrol Sniffing Prevention Program in late 2005). The Department of Health and Ageing (DoHA) and the Department of Immigration and

1 *Submission 22*, p.2 (Northern Territory Government).

2 *Submission 3*, p.2 (BP Australia).

3 *Submission 40*, p.4 (Ngaanyatjarra Council and Ngaanyatjarra Health).

4 *Submissions 3*, p.2 (BP Australia); *25*, p.14 (DoHA & DIMIA).

Multicultural and Indigenous Affairs (DIMIA) noted that Opal reportedly has more support in Indigenous communities than Avgas because it is unleaded and can be used in most motor vehicles and motor boats without damage to their engines.⁵ The Comgas Scheme continues to subsidise the supply of Opal so that it costs the same to consumers as unleaded fuel.⁶

6.5 DoHA and DIMIA commented that in response to the clear evidence of the effectiveness of measures to substitute petrol with non-sniffable fuels, the Commonwealth significantly increased the resources for the Scheme. In the 2005-06 Budget, an additional \$9.6 million over four years was provided. In September 2005, the Commonwealth extended the Petrol Sniffing Prevention Program with additional funding of \$9.5 million over two years. This included \$6 million for the roll out of Opal petrol to designated Central Desert Indigenous communities and roadhouses (including Yulara Resort, down the Stuart Highway from Henbury to Erldunda and from Kulgera Roadhouse to Marla). This roll out will bring the number of communities and sites provided with Opal fuel to more than 70.⁷ In February 2006, the Minister for Health and Ageing announced that Opal is now available at one site in Alice Springs.⁸

Access to Commonwealth subsidy

6.6 The Commonwealth has imposed conditions for access to the Petrol Sniffing Prevention Program and the Opal fuel initiative. Communities are required to implement or plan a complementary program of preventive/diversionary measures, in addition to being sufficiently distant from mainstream supplies of regular unleaded petrol. DoHA and DIMIA commented that this was consistent with the findings of the 2004 Comgas Evaluation which reported that the impact of non-sniffable fuel was reduced if nearby towns had regular petrol supplies.⁹

6.7 The Office for Aboriginal and Torres Strait Island Health (OATSIH) noted that no communities which had so far applied to have access to Opal had been refused, however it stated that:

...there is the possibility that a judgment will be made that Opal as a substitution strategy is not the most effective thing to address the problem in the community. For example, if they were very close to lots of sources of fuel and it was an intermittent problem during school holidays, you might be looking at a diversionary school holiday program rather than Opal being the answer. So there is the possibility that the appropriate response will be

5 *Submission 25*, p.14 (DoHA & DIMIA).

6 *Submission 25*, p.4 (DoHA & DIMIA).

7 *Submission 25* pp.4, 15 (DoHA & DIMIA).

8 Minister for Health and Ageing, The Hon Tony Abbott, *Media Release*, 'Roll out of OPAL fuel to help combat petrol sniffing', 10.2.06.

9 *Submission 25*, pp.14-15 (DoHA & DIMIA).

different. But at this stage all the communities that have approached the Australian government and all the communities that we have directly approached, particularly in Central Australia – we are taking a slightly more proactive targeting of communities in that region – we have managed to reach agreement with about a mix of community based interventions that we think, in parallel with Opal, will have an impact on the number of sniffers.¹⁰

6.8 Under the Eight Point Regional Strategy for Central Australia Opal is being rolled out to communities in the designated Central Desert region.¹¹ OATSIH commented that under the Plan it was now actively seeking communities' involvement in the Opal roll out:

...in Central Australia, in the designated zone for the eight-point plan, we are proactively contacting those communities that are not already in receipt of Opal – even communities that do not have a petrol bowser but who are part of the region and have fuel in drums or in jerry cans – to say: 'This is what is happening in the region; the communities around you have chosen not to have regular unleaded petrol within their communities and to only use diesel or Opal. Do you want to come on board with this as well?' So we are deliberately targeting those communities...So we are shifting towards a far more proactive approach as the government interest and investment in petrol sniffing and subsidisation of Opal have increased.¹²

The Queensland Government Fuel Subsidy

6.9 As part of its Fuel Subsidy Scheme, the Queensland Government subsidises retailers by 8.4 cents per litre for the sale of motor-spirit and diesel where they are of the type ordinarily sold by a retailer. The majority of the subsidy is passed on to consumers. Because Opal has limited distribution and is not the type of fuel ordinarily sold by a retailer, it is not considered fuel for the purposes of the *Fuel Subsidy Act 1997*.¹³ Without the Queensland fuel subsidy Opal would retail for more than regular unleaded fuel within Queensland, reducing its acceptability to communities as an alternative.

6.10 On 15 November 2005, the Queensland Government commenced subsidisation of Opal fuel for a trial period of 15 months to assist with the introduction of Opal for those communities receiving the Comgas subsidy. Under this trial Opal fuel is priced at the same cost to consumers as unleaded petrol. An administrative arrangement under the Queensland Fuel Subsidy Scheme is allowing the trial to take place as a permanent arrangement will require amendment of the Fuel Subsidy Act. If

10 *Committee Hansard 27.4.06*, p.68 (OATSIH).

11 *Submission 25*, p.4 (DoHA & DIMIA).

12 *Committee Hansard 27.4.06*, p.70 (OATSIH).

13 *Submission 38*, p.9 (Queensland Government)

the trial proves successful in reducing petrol sniffing, a recommendation may be made to the Government if to enact the necessary legislative amendments.¹⁴

Production and suitability of Opal as a fuel

6.11 Opal fuel is a 91 octane fuel but it is not suitable for high performance cars. It is an unleaded fuel suitable for all applications requiring regular unleaded petrol including two and four stroke engines such as outboards, passenger vehicles, petrol 4WDs and vans. Opal is not suitable for aviation use. BP Australia has stated that Opal provides the equivalent performance as unleaded petrol and may be safely mixed with regular unleaded petrol when topping up. BP has also stated that fuel economy may be reduced. However, this is by less than 0.3 litres per 100km.¹⁵

6.12 Opal is produced at the BP refinery at Kwinana in Western Australia. BP commented that Opal is very expensive to produce as it requires segregation due to its aromatic properties and this adds to the cost. The additional production cost of 27 cents per litre is subsidised by the Commonwealth. There is also a subsidy for transport costs.

6.13 BP commented that at the end of 2004 there were 32 communities using one million litres of Opal per year. The commitments the Commonwealth has made with the regional roll out require 11 million litres.¹⁶ With the current infrastructure, Kwinana can produce 20 million litres. BP noted that:

...anything above and beyond that would require a total review, and what the cost will be depends on the volumes we are looking at. Whether it requires additional infrastructure at the refinery we just do not know.¹⁷

6.14 BP Australia has announced that the specifications for producing Opal are available to any other refinery.¹⁸

6.15 Opal is shipped to the BP Largs North Terminal in South Australia and is then available directly to distributors for trucking to the Northern Territory. Opal is distributed by Caltex, Mobil and BP distributors as well as some small independent organisations.¹⁹

6.16 Ausfuel, the main distributor of fuel to remote parts of Australia, stated that it transports Opal by truck from Port Augusta. Significant infrastructure has been installed to allow Opal fuel to be distributed, including a fuel farm in Darwin which

14 *Submission 38*, p.6 (Queensland Government).

15 BP Australia, *Opal – A safer fuel for remote communities*.

16 *Committee Hansard 20.2.06*, p.54 (BP Australia).

17 *Committee Hansard 20.2.06*, p.53 (BP Australia).

18 Mr G Heuston, BP President, *Opal Launch*, February 2005.

19 *Committee Hansard 20.2.06*, p.51 (BP Australia).

allows intermediate bulk containers to ship 1300 litres of fuel to remote communities by barge. Ausfuel plans to develop an Alice Springs fuel farm and convert the petrol station at Alice Springs Airport to Opal to refuel rental cars.²⁰

6.17 Ausfuel commented that there is no difference in the price of transporting Opal or any other fuel. However, to supply Opal new fuel farms will need to be built:

Where there is a bit of a price challenge for us is that we now have to build fuel farms where before we did not have to. So we have had to create a fuel farm or a fuel depot in Darwin and we are in the process of doing the same in Alice. We bring the fuel up in road trains and we need to put it in somewhere and then pull it out again to deliver it. We cannot deliver straight to the communities or to the service stations.²¹

Possible alteration of Opal properties by adding other substances

6.18 When supply of a preferred volatile substance is restricted desperate addicts are known to seek alternatives such as glue and paint. The Committee heard evidence that sniffers were trying to alter the properties of Opal by sniffing Opal from polyurethane cups or by adding Windex to Opal in an attempt to generate vapours that will provide a 'high'.²²

6.19 The Committee sought the advice of BP Australia which replied that there are volatile compounds in Opal that are there 'to allow the product to be used as a fuel although we understand that those compounds will only give you a headache'. Tests were conducted by pouring Opal over polystyrene cups and it was concluded that no chemical reaction occurred to the cup or Opal itself. Adding window cleaning products or motor oil will also not change the properties of Opal but such products can be sniffed on their own. BP Australia concluded:

Where our attention is drawn to stories of this nature relating to other substances we are prepared to consider further tests on those substances, and we are happy to keep the matter under review should further evidence become available.²³

A comprehensive roll out of Opal

6.20 Many submissions called for a comprehensive roll out of Opal including supply to major towns such as Alice Springs and Tennant Creek. Witnesses pointed to the success of non-sniffable fuel in reducing petrol sniffing, the danger of providing sources of sniffable fuel if there was not a comprehensive roll out and the cost effectiveness of reducing sniffing through the supply of Opal.

20 *Submission 33*, p.2 (Ausfuel).

21 *Committee Hansard* 21.2.06, p.6 (Ausfuel).

22 *Committee Hansard* 16.5.06, p.32 (Mr Dennis Colson – Turkey Bore Community).

23 *Submission 3a*, p.1 (BP Australia).

6.21 Experience to date has shown a reduction of petrol sniffing when non-sniffable fuel has been introduced, with the Tangentyere Council commenting:

Opal by itself will reduce sniffing, especially amongst the younger users who can't afford the black market prices. In conjunction with some youth activities, it will reduce the sniffing down to the chronic addicts, who can then be targeted for casework/treatment.²⁴

6.22 Mr Donovan Walmbeng commented that following the introduction of Opal in Aurukun in December 2005 the petrol sniffing problem is 'manageable'. Sniffers have nearly disappeared and while it is 'too early to say if this situation will continue. The signs, however, are good.'²⁵

6.23 CAYLUS also emphasised the positive impact of Opal on reducing petrol sniffing among very young children and in nearby communities:

In CAYLUS experience there has been a marked decrease in availability of petrol to very young kids as they have less access to money and can not participate as readily in the black market.²⁶

An interesting effect of Nyirripi going onto Opal was the reduction of the number of petrol sniffers in the next community to the West – Kintore – from 35 to 25. This demonstrates the regional advantages of rolling Opal out.²⁷

6.24 The Northern Territory Government stated that it was a strong supporter of Opal as a supply reduction measure:

I do not think the supply reduction capacity of having Opal can be underestimated. What it actually does is give communities a break and it offers them a point in time at which they are not dealing with the crisis response to or the chronic effects of petrol. They get a window of opportunity in which to look at a range of other strategies. That is a very important strategy.²⁸

6.25 The Northern Territory Government went on to comment that Opal is also very important 'because of some of the provisions in the volatile substance abuse legislation which allow for community planning around the sale and supply at a local level'.²⁹ The Northern Territory Government stated that Opal should be 'rolled out across all regions prone to petrol sniffing as soon as possible as a matter of course'.³⁰

24 Cited in *Submission* 38, p.14 (Queensland Government).

25 *Committee Hansard* 8.3.06, p.50 (Mr D Walmbeng).

26 *Submission* 20 attachment 1, p.39 (CAYLUS).

27 *Submission* 20, p.9 (CAYLUS).

28 *Committee Hansard* 21.2.06, p.24 (Northern Territory Government).

29 *Committee Hansard* 21.2.06, p.24 (Northern Territory Government).

30 *Submission* 22, p.3 (Northern Territory Government).

6.26 Witnesses pointed to the evaluation of the Comgas Scheme which indicated that the scheme was effective in reducing petrol sniffing but that this decreased the closer communities were to sniffable fuel sources.³¹ The Evaluation found that Avgas was 'safe, effective and popular in reducing petrol sniffing'.³²

6.27 The Evaluation recommended that the scheme should be continued and made available to any community wishing to participate and also recommended the need for a regional structure to ensure that the scheme's goals are not undermined by access to sniffable fuels in close communities. The Evaluation pointed to the Ngaanyatjarra region, which had a very strong regional Council and which decided to implement the Comgas scheme. At the time of the Evaluation, there was no regular supply of unleaded petrol in the entire region, with the result that there was a dramatic reduction in the level of petrol sniffing.³³

6.28 Those supporting a comprehensive roll out of Opal reinforced the view that when Opal is introduced only to some communities, chronic sniffers shift location to communities that still have sniffable petrol or to Town Camps.³⁴

6.29 The Tangentyere Council argued that sniffers would move from remote communities into Town Camps if Alice Springs is not included in a regional roll out.³⁵ Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council expressed the same concern:

NPYWC welcomes the proposed extended Opal subsidy area and hopes that the supply will occur very soon. Members are however convinced that the coverage area needs to include both Alice Springs and a wider region... There is anecdotal evidence of the increased movement of sniffers into Alice Springs, as well as the presence of sniffers normally resident in the town. The limited provision of Opal fuel may be of some assistance to those intending to enter remote communities. There would appear to be nothing however to suggest that it will discourage sniffers, particularly of the chronic or habitual variety, seeking out the main source of regular unleaded fuel in the region.³⁶

6.30 Alice Springs Town Council also reiterated its request for Opal to be rolled out throughout the entire region including Alice Springs:

We are particularly concerned about the impact of having sniffable fuel available in the regional centre. There is an artificial perception that Alice

31 *Committee Hansard* 20.2.06, p.30 (Ass Prof DA Gray).

32 Shaw G, Department of Health and Ageing, *An evaluation of the Comgas Scheme*, 2004, p.8.

33 *Submission 25*, p.14 (DoHA & DIMIA).

34 *Submissions* 19, p.8 (Alice Springs Council); 27, p.22 (Waltja Tjutanku Palyapayi Aboriginal Corporation).

35 *Submission 21*, p.14 (Tangentyere Council).

36 *Submission 15*, pp.2-3 (Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council).

Springs stands alone. In reality, it does not. The mobility of people between the bush and this town is very obvious, and there is data to back up the fact that people move between the bush and Alice Springs very regularly. In many instances, the population is one and the same – certainly when you are talking about extended families and problems for families. We certainly are of the belief that, unless Opal fuel is more broadly rolled out, it may not succeed in achieving the desired outcomes.³⁷

6.31 The Town Council indicated that there would be a very positive community response to the substitution of Opal for sniffable fuel:

There is a consciousness in Alice Springs that we can be either part of the problem or part of the solution. I am 100 per cent sure that most people would prefer to be part of the latter and would have no problem with converting to Opal fuel if their vehicles permit that. The other fuel, as I say, is not an issue for the community.³⁸

6.32 Access to black market sniffable fuel was seen as a real danger to the success of programs in communities.³⁹ The Central Australian District Medical Officers commented that the 'piecemeal' provision of non-sniffable fuel to select communities and limited supply in Alice Springs was grossly inadequate and lead to an illicit 'sly trade' in sniffable fuel products.⁴⁰

6.33 Arguments that the need for premium fuel undermined a comprehensive roll out were addressed by the Alice Springs Town Council which reported that solutions are available:

...to my knowledge there has already been at least one roadhouse that has come up with the solution of having the premium fuel locked away, and access for cars needing that is formal, structured and monitored.⁴¹

6.34 Witnesses pointed to the cost effectiveness of a comprehensive roll out of Opal. The Northern Territory Government noted that expenditure on the price parity subsidy was a fraction of the revenue raised by the Commonwealth Government from the fuel excise on the same fuel:

While the costs are significant they remain a tiny fraction of the \$12 billion the Commonwealth receives from fuel excises. It should be noted that the excise revenues received by the Commonwealth from the sale of Opal remain well beyond the subsidies provided.⁴²

37 *Committee Hansard* 22.2.06, p.62 (Alice Springs Town Council).

38 *Committee Hansard* 22.2.06, p.62 (Alice Springs Town Council).

39 *Submissions* 10, p.2 (Mr G Ring); 17, p.9 (Alcohol and other Drugs Council of Australia); 31, p.19 (Ms A Abate);

40 *Submission* 14, p.1 (Central Australian District Medical Officers).

41 *Committee Hansard* 22.2.06, p.62 (Alice Springs Town Council).

42 *Submission* 22, p.3 (Northern Territory Government).

Access Economics Opal Cost Benefit Analysis

6.35 The cost effectiveness of reducing petrol sniffing through a supported comprehensive roll out of Opal fuel was examined by Access Economics. The study, commissioned on behalf of the Opal Alliance⁴³, investigated the costs and benefits associated with rolling out Opal across a large region of Central Australia including from Tennant Creek in the Northern Territory, to eastern and northern areas of Western Australia and down to the north of South Australia.

6.36 The cost benefit analysis concluded that the estimated cost of rolling out the scheme would be \$26.6 million, which comprised the cost of the subsidy and the cost of a package of strategies to address petrol sniffing. The base case for petrol sniffing benefit (which includes the value of a healthy life) was calculated at \$53.7 million per annum, therefore resulting in a net gain of \$27.1 million.⁴⁴ Access Economics concluded that if the value of a healthy life gained is excluded and only financial benefits are considered, the results of the analysis produce a net loss of \$1.5 million, that is the cost to the Commonwealth, State and Territory Governments of rolling out the scheme the designed area equated to \$1.5 million per annum.⁴⁵

6.37 Overall, the study concluded that significant savings could be achieved, whilst also reducing the burden on the health system, crime and justice system, and the need for long-term care and rehabilitation services. Benefits to communities that would flow from a reduction in petrol sniffing include 'a more stable youth population, socio-economic benefits, reductions in other addictions (eg, alcohol, marijuana) and therefore better health, and improved general social, family and community cohesion'.⁴⁶ Such benefits would undoubtedly reap substantial rewards for communities, and as reported in the study:

If the value of the healthy life gained is taken into account, the benefits exceed the costs in all cases.⁴⁷

A strategic limitation of supply

6.38 Ngaanyatjarra Council/Ngaanyatjarra Health Service welcomed the introduction of Opal fuel to the Ngaanyatjarra Lands but questioned other views on the supply of Opal to Alice Springs. The Council commented that the subsidisation of a limited supply of Opal fuel in Alice Springs will not be effective in reducing petrol sniffing. Even halving the supply of sniffable fuel in Alice Springs 'there will still be more than enough sniffable fuel available in Alice Springs to access and use'. The

43 The Opal Alliance consists of the GPT Group (owners of the Ayers Rock Resort in Central Australia), the NPY Women's Council and CAYLUS.

44 Access Economics, *Opal Cost Benefit Analysis*, 2006, pp.iii-v.

45 Access Economics, *Opal Cost Benefit Analysis*, 2006, p.iv.

46 Access Economics, *Opal Cost Benefit Analysis*, 2006, p.v.

47 Access Economics, *Opal Cost Benefit Analysis*, 2006, p.66.

Council stated that 'in order to stamp out the practice of petrol sniffing in all areas it would be necessary to replace *all* fuel in Australia with Opal fuel or some other fuel substitute'. However it acknowledged that this would be an unrealistic and costly proposal which would not address the underlying causes of substance abuse and concluded:

In our view, the cost of subsidising the *universal* supply of Opal fuel would be money better spent on ensuring secure support of existing supervised community service and youth programs and projects designed to address social dysfunction and other issues that contribute to the practice of petrol sniffing and other forms of drug misuse.⁴⁸

6.39 Ngaanyatjarra Council provided the Committee with an alternative proposal for a strategic limitation of supply which it considered would be the most effective and cost efficient way of limiting the supply of sniffable fuel to the Ngaanyatjarra Communities and other remote communities. This proposal involved the supply of Opal to 'last fuel stops':

...the best way to keep sniffable fuel out of remote communities, including Ngaanyatjarra Communities, is to look at those population centres that act as 'last fuel stops' before entry into Ngaanyatjarra Communities, and seek to ensure that *only* Opal fuel is available in those locations. In the case of the Ngaanyatjarra Communities, this would mean that *only* Opal fuel would be available in centres such as Laverton, Leonora, Yulara, Curtin Springs, Mt Ebenezer, Eralunda, Marla, Coober Pedy and other regional centres where people usually need to 'fuel up' before driving onto or through the Ngaanyatjarra Lands.⁴⁹

6.40 The Council concluded:

In our view, the subsidisation of Opal fuel in these centres, and the supply of Opal fuel in these centres *to the exclusion of* sniffable fuel, would be the most effective way of reducing the supply of sniffable fuel to remote communities.⁵⁰

The Commonwealth's approach

6.41 DoHA and DIMIA noted that from a base of \$1 million funding provided in 2004-05, the Commonwealth provided increased funding of \$9.6 million in the 2005-06 Budget and announced a further \$6 million for the roll out of Opal in September 2005.

48 *Submission 40*, pp.4-5 (Ngaanyatjarra Council/Ngaanyatjarra Health Service).

49 *Submission 40*, p.5 (Ngaanyatjarra Council/ Ngaanyatjarra Health Service).

50 *Submission 40*, p.5 (Ngaanyatjarra Council/ Ngaanyatjarra Health Service).

6.42 DoHA and DIMIA acknowledged that there is mounting pressure for a wider roll out of non-sniffable fuel.⁵¹ The Departments stated that the Commonwealth's view was that a regional approach is needed to address petrol sniffing:

The Australian Government is of the view that a regional approach is needed to address petrol sniffing because its occurrence is variable within and between communities and consequently specific responses to it will need to be localised. However, given the potential for petrol sniffers to relocate to other communities within a region in order to locate petrol, a regional approach which is able to be modified and applied on a community-by-community basis is believed to be the most appropriate response.⁵²

6.43 DoHA and DIMIA also noted that while it is feasible to provide regional coverage in remote areas, it is far less practical within large townships such as Alice Springs. It commented that 'it is simply not possible to completely eradicate sniffable fuel from large regional markets'.⁵³ Alice Springs has about ten petrol stations, each providing not only unleaded fuel but other sources of sniffable fuel such as premium unleaded fuel. Opal is available at one outlet for both locals and tourists travelling into the Central Desert region. However, Opal is not currently available as a premium fuel and there are a significant number of vehicles, both driving in and through Alice Springs, that require premium fuel. It was stated that:

We are in constant discussions with the industry about what other advances might be made to be able to provide a fuel substitute for premium fuel, but a critical issue at the moment is being able to provide an effective substitute when there is such significant demand for a product for which there is no substitute. At this stage, one of the most significant issues, from our point of view, is being able to address those questions about demand from larger areas.⁵⁴

6.44 In addition, OATSIH stated that while there has been success within isolated communities:

...we need to do some further consideration as to whether those measures will be equally effective in a very broad, cosmopolitan area where there is significant traffic – not only people who live there all year but many millions of people who pass through. So, for a range of reasons, we still need to consider the issue of large townships such as Alice Springs, the appropriateness of fuel substitution and whether it will work.⁵⁵

51 *Submission 25*, p.15 (DoHA & DIMIA).

52 *Submission 25*, p.4 (DoHA & DIMIA).

53 *Submission 25*, p.15 (DoHA & DIMIA).

54 *Committee Hansard 27.4.06*, p.76 (OATSIH).

55 *Committee Hansard 27.4.06*, p.76 (OATSIH).

6.45 The Office of Indigenous Policy Coordination (OIPC) also questioned whether a roll out of Opal to Alice Springs would solve the problem of petrol sniffing:

People who are advocating a mass roll-out of Opal into townships like Alice Springs are making an assumption that petrol is the problem. Petrol sniffing is caused by many factors and, unless those factors are addressed, the replacement of petrol at retail outlets is not the solution to the problem. I can evidence situations of communities in Western Australia...[petrol sniffing was solved by tackling the root causes of the problem—community dysfunction, the breakdown of social norms et cetera. So there are many aspects to this problem that have to be taken into account. To suggest that a simple roll-out of petrol into a city like Alice Springs is going to solve the problem is wrong, unless they are all dealt with and given equal weight.⁵⁶

6.46 OATSIH also commented on the roll out of Opal to roadhouses. Within the Central Desert designated area about half the roadhouses are selling Opal but the Commonwealth has not provided funding for roadhouses outside of the Central Desert.⁵⁷ OIPC stated that 'the estimate was that we could get up to 65 communities outside of the Central Australian region on Opal, depending on the communities and how much fuel they use. At this stage the demand has been from reasonably isolated communities'. However, it would look at applications from a roadhouse owner and a community in partnership:

Up until now we have responded to individual Aboriginal communities seeking to replace a source of fuel. If a small number of communities who have done so have one roadhouse in their midst, it would certainly be a very sensible consideration for the communities to approach us to look at that. And we would certainly look at that sympathetically. We do not want to pretend that we have authority to undertake regional roll-outs everywhere, but we certainly try, in conjunction with affected communities, to look at sources of fuel. It is part of the assessment process that we undertake with them when an application is received.⁵⁸

6.47 OIPC and OATSIH made two additional points in relation to the Commonwealth's roll out of Opal. First, OIPC noted that the Northern Territory Coroner, in reporting on deaths in the Mutitjulu community, found that Opal is a necessary, but not a sufficient measure. OIPC stated that the Coroner 'did not call for a universal regional roll-out of Opal. He emphasised the importance of supply reduction along with a lot of other factors such as improving good governance in communities so that they can make informed choices.'⁵⁹

6.48 Secondly, OATSIH reiterated that one of the goals of the Eight Point Plan is to evaluate the effectiveness of a regional and comprehensive response to petrol

56 *Committee Hansard* 27.4.06, p.77 (OIPC).

57 *Committee Hansard* 27.4.06, pp.73,83 (OATSIH).

58 *Committee Hansard* 27.4.06, p.73 (OATSIH).

59 *Committee Hansard* 27.4.06, p.71 (OIPC).

sniffing to determine whether and how it might be usefully expanded to other regions with similar issues. It stated that:

...until now it was a demand driven strategy, largely around Opal. The identification of a designated region was to see whether in cooperation with jurisdictions we can undertake a comprehensive multi-government approach within a geographic area to evaluate that and see what learning comes out of the evaluation.⁶⁰

OIPC added that it is consulting with the Western Australian Government about a further priority area and it has agreed on two priority areas in the Northern Territory and commented that the relevant results of the trial will flow elsewhere in due course.⁶¹

Other issues for a successful roll out

6.49 Successful introduction of Opal into communities requires that communities are supported during, and supportive of, the introduction of Opal. They need to be provided with appropriate information such as what are suitable applications for Opal fuel, and that it is yellow in colour. If sniffers are seen sniffing petrol and the petrol is purple or red then the community will know that it is not Opal that is being sniffed. BP Australia has noted the need for a communication campaign:

BP's experience with AVGAS (COMGAS) and early concerns over Opal as a viable option, suggests that a crucial element in any fuel roll out needs to include a culturally appropriate communication campaign that conveys how the fuel meets both vehicle and public health concerns.⁶²

6.50 Securing, protecting or removing other sources of sniffable fuel in an area is necessary to prevent break-ins and vandalism and to prevent undermining the benefits of introducing Opal. DoHA and DIMIA commended that there was a critical need to secure transport and storage sites at airstrips, as well as any aircraft, and that the roll out of Opal in the designated region would seek to ensure that other sources of sniffable fuel in the area are adequately protected or removed.⁶³

6.51 BP Australia, in conjunction with communities, has produced reflective Opal stickers that are able to be attached to cars or motorcycles entering remote communities. This alerts would-be sniffers looking to steal petrol that the vehicle only contains Opal and it is of no use to them.⁶⁴ At the time of the hearings, these stickers

60 *Committee Hansard* 27.4.06, p.101 (OATSIH).

61 *Committee Hansard* 27.4.06, p.100 (OIPC).

62 *Submission* 3, p.5 (BP Australia).

63 *Submission* 25, pp.14-15 (DoHA & DIMIA).

64 *Committee Hansard* 20.2.06, p.50 (BP Australia).

were not being distributed with the petrol but have the potential to be so.⁶⁵ BP Australia reported that they were intending to distribute the stickers:

As supplies of standard unleaded fuel dry up in Opal supplied communities, BP has been alerted to an increasing level of desperation and property break-ins as people attempt to find any remaining fuel to sniff. In response, BP is about to distribute to all remote communities specially designed reflective Opal stickers and signage to convey that any vehicles and premises with this signage in place does not contain sniffable fuel.⁶⁶

6.52 BP Australia commended one innovative way of reducing the incidence of sniffable fuel entering an Opal community as seen at Maningrida in Arnhem Land. The community requires that contractors coming into the community do not bring in unleaded petrol. If they do, their contract can be terminated.⁶⁷

Conclusions

6.53 The Committee considers that the supply of Opal is a fundamental plank in the strategy to reduce petrol sniffing. The supply of Opal fuel to communities has been shown to reduce the incidence of petrol sniffing particularly among the younger children. However, this effectiveness is undermined if there are supplies of sniffable fuel available in nearby centres or if vehicles using other fuel enter Opal communities. Experience has shown that chronic sniffers tend to move from Opal communities into other communities and Town Camps where they can continue to access sniffable petrol and are not averse to breaking into cars, depots and bowsers to access fuel.

6.54 These issues were at the centre of the oft-repeated recommendation for a comprehensive roll out of Opal fuel to ensure maximum effectiveness in combating petrol sniffing. The Committee considers that the cost of the roll out of Opal would be offset by savings in health care for those disabled through sniffing as well as a reduction in the cost of support services to communities that are dealing with petrol sniffing. However, the Committee recognises that a comprehensive roll out may be limited by the availability of supplies of Opal. Currently, BP Kwinana can produce 20 million litres of Opal but any additional production would require a review of the facility and its capacity to produce extra fuel coupled with an acceptance by Government to subsidise a greater production capacity. The Committee also notes that BP Australia has stated that it will make available the production details for Opal to other refineries.

6.55 The Committee commends the approach taken under the Eight Point Plan and considers that this initiative will have a significant impact on reducing the incidence of petrol sniffing and curtailing any drift towards other substance abuse. However, the Committee considers that, while there are already plans to identify new priority areas

65 *Committee Hansard* 21.2.06, p.3 (Ausfuel).

66 *Submission 3*, p.4 (BP Australia).

67 *Submission 3*, p.3 (BP Australia).

in Western Australia and the Northern Territory, it will take some time for a wider application of the Eight Point Plan.

6.56 It is therefore imperative that the application of the Petrol Sniffing Prevention Program outside the designated area is improved and that a more strategic approach is implemented. At the present time Opal is supplied under the Petrol Sniffing Prevention Program only in response to a community's request. There is also no supply of Opal to roadhouses and townships outside the designated area even though these may be critically placed as last fuel stops before entering Opal communities. The Committee considers that this is a lost opportunity to improve the effectiveness of the Petrol Sniffing Prevention Program and the identification and roll out of Opal to these roadhouses and townships would be an efficient means of reducing black market and inadvertent supply of sniffable fuel.

6.57 The Committee also considers that there is an urgent need to identify means of securing premium and other fuels in large centres, townships, roadhouses and airstrips. This would allow the sale of these fuels where necessary in a monitored and controlled way that reduces the likelihood of the fuel ending up being used for sniffing.

Recommendation 18

6.58 That the Commonwealth, State and Territory Governments establish priorities for extending the roll out of Opal fuel to the current production capacity of 20 million litres. The strategy should include:

- **the identification of critical roadhouses and townships in close proximity to Opal communities;**
- **promotion of the Petrol Sniffing Prevention Program to roadhouse and townships; and**
- **identifying and combating barriers that prevent a complete roll out of Opal throughout the Central Australian region.**

Recommendation 19

6.59 That the Commonwealth and Queensland Governments agree on a complementary subsidy approach that ensures Opal can retail in Queensland for the same price as regular unleaded.

Recommendation 20

6.60 That Commonwealth and State and Territory Governments develop systems to secure premium and other sniffable fuels at key roadhouses and townships which can then be applied in larger centres such as Alice Springs.

Recommendation 21

6.61 That the Commonwealth:

- **undertake a study with BP Australia to determine the potential to increase the current 20 million litres production capacity at Kwinana; and**
- **approach other refineries to use their existing production capacity to produce Opal.**

Recommendation 22

6.62 That Commonwealth Government discuss with BP Australia what role they may have to assist the distribution of information on Opal and the distribution of Opal identification stickers.

Recommendation 23

6.63 That the Commonwealth and State and Territory Governments examine the procedure at Maningrida whereby contracts are used to prevent contractors bringing regular unleaded petrol into their communities and facilitate the adaptation and spread of this technique to other communities.

Senator Claire Moore
Chair

June 2006

APPENDIX 1

LIST OF PUBLIC SUBMISSIONS, TABLED DOCUMENTS AND OTHER ADDITIONAL INFORMATION AUTHORISED FOR PUBLICATION BY THE COMMITTEE

- 1 Network Against Prohibition (NT)
- 2 Meyerhoff, Mr Gary (NT)
- 3 BP Australia (VIC)
Supplementary information
 - Opal fuel information pack provided at hearing 20.2.06
 - Response to additional questions received 31.5.06
- 4 McKelvey, Mr David (QLD)
- 5 Green, Ms Marion
- 6 Tannoch-Bland, Dr Jennifer (QLD)
- 7 Rawson, Mr Peter (SA)
- 8 Doecke, Rev Mark (NT)
- 9 Adelaide Healing Energy Centre (SA)
Supplementary information
 - Information pack including copy of *Practical Guide to Healing the Inner Child*, Lorraine Webb provided at hearing 16.5.06
- 10 Ring, Mr Graham (VIC)
- 11 Edwards, Mr Bill (SA)
- 12 Miles, Mr Greg (NT)
- 13 Lucienne, Ms Robyn
- 14 Central Australian District Medical Officers (NT)
- 15 Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NT)
Supplementary information
 - Additional information received 18.5.06
- 16 Hewitt, Mr David and Ms Margaret (NT)
- 17 Alcohol & other Drugs Council of Australia (ACT)
- 18 Toner, M
- 19 Alice Springs Town Council (NT)
- 20 Central Australian Youth Link-up Service (CAYLUS) (NT)
Supplementary information
 - Additional information provided following hearing 22.3.06, received 3.3.06
 - Supplementary submission received 1.6.06
- 21 Tangentyere Council (NT)

- 22 Northern Territory Government (NT)
Supplementary information
- Info on petrol sniffing in the NT and the Volatile Substance Abuse Prevention Act 2005 provided at hearing 21.2.06
 - Additional information received 19.5.06
- 23 Koeppen, Mr Andrei (NT)
- 24 Western Australian Government (WA)
Supplementary information
Provided at public hearing 20.2.06:
- Presentation overview
 - Western Australian Aboriginal Alcohol and Other Drugs Plan 2005-2009
 - Western Australian Volatile Substance Use Plan 2005-2009
 - Draft VSM Community Services Model, Centre for Remote Health.
- 25 Department of Health and Ageing and Department of Immigration and Multicultural and Indigenous Affairs (ACT)
Supplementary information
- Additional information received 27.4.06 and 9.6.06
 - Response to questions following hearing by OIPC, dated 15.6.06
 - Response to questions following hearing by DoHA, received 19.6.06
- 26 Brady, Dr Maggie (ACT)
- 27 Waltja Tjutanku Palyapayi Aboriginal Corporation (NT)
Supplementary information
- Copies of Family News magazine editions 34-39; map of communities receiving youth services and support provided at hearing 22.2.06
 - Additional information provided following hearing received 1.3.06
- 28 Kelly, Dr Anthony (SA)
- 29 Government of South Australia (SA)
Supplementary information
Provided at hearing 16.5.06:
- Yangapala, Anangu Youth Workers' Newsletter, Issues 1 and 2
 - Rehabilitation facility for people from APY Lands: Paper and plans
 - The Rikina video show series:2
- 30 Borowski, Mr Angus (SA)
- 31 Abate, Ms Adriana (VIC)
- 32 Australian Indigenous Doctors' Association (ACT)
- 33 Ausfuel (NT)
- 34 Reynolds, Hon Kate (SA)
Supplementary information
- Exhibits from opening presentation including IDC on petrol sniffing policy paper 1986, suicide database statistics and press clippings provided at hearing 16.5.06

- Additional information following hearing 16.5.06, dated 5.6.06
- 35 Madigan, Ms Michele (SA)
- 36 WuChopperen Health Service (QLD)
- Supplementary information*
- The Brotheman 'J' Show – Choices and consequences of drug misuse video and CD pack provided at hearing 8.3.06
 - Additional information provided following hearing, dated 3.4.06
- 37 Fietz, Ms Pauline (NT)
- 38 Queensland Government (QLD)
- 39 Alcohol Education & Rehabilitation Foundation Limited (ACT)
- 40 Ngaanyatjarra Council and Ngaanyatjarra Health Service (NT)
- 41 The Law Society of South Australia (SA)
- Supplementary information*
- The Effects of Petrol Sniffing, Seminar Papers, Aboriginal Issues Committee of Law Society of SA, 3 August 2000 and copy of Public Intoxication Act 1984 provided at hearing 16.5.06
- 42 Australians for Native Title and Reconciliation (SA) Inc (SA)
- 43 McCoy, Dr Brian (VIC)
- 44 Kapululangu Aboriginal Women's Association (WA)

Additional information

Australian National Council on Drugs

Report on advice to Government on petrol sniffing provided 15.12.05

Balgo visit 18.5.06:

- **Br Bernard Cooper, Principal - Luurnpa Catholic School**
Response by the teachers and students on how petrol sniffing affects the school community provided at Balgo
- **Father Matthew Digges – Kutjungka Catholic Parish Balgo**
Letter relating to funding of intervention programs provided at Balgo

D'Abbs, Professor Peter

Editorial *Indigenous petrol sniffing: lessons from a coronial inquest*, Drug and Alcohol Review March 2006, 25, 109-110

d'Abbs, P. and Brady, M. (2004). Other people, other drugs: the policy response to petrol sniffing among Indigenous Australians. *Drug and Alcohol Review*, 23, pp. 253-260. [RJ451]

Hunter, Professor Ernest

Article by M Chander, C E Lalonde, B W Sokol and D Hallett: *Personal Persistence, Identity Development, and Suicide: A Study of Native and Non-Native North American Adolescents*; Information on Triennial Conference in Cairns

Mak, Dr Donna

Article 'Incident sexually transmitted infections and their risk factors in an Aboriginal community in Australia: a population based cohort study', Miller, Law, Torzillo & Kaldor.

Mornington Shire Council Petrol Sniffing Steering Committee

Copy of the schematic outline of the community plan to address petrol sniffing provided at meeting 7.3.06

Morris, Mr Bruce – The GPT Group

The Opal Alliance, *Opal Cost Benefit Analysis*, by Access Economics Pty Ltd, 23 February 2006 - Copy of the report

Queensland Health – Remote Area Mental Health Services

Statement notes provided at hearing 8.3.06

South Australia - Department for Correctional Services

Clarification of evidence given at public hearing in Adelaide 16.5.06, dated 8.6.06

Wilkes, Professor Ted

Paper on issues associated with petrol sniffing.

Yuendumu/Mt Theo Youth Program

Information on Petrol Sniffing Program and other programs and projects provided at Yuendumu

APPENDIX 2

WITNESSES WHO APPEARED BEFORE THE COMMITTEE AT PUBLIC HEARINGS

Public hearings

Monday, 20 February 2006

Commonwealth Parliamentary Offices, Perth

Committee Members in attendance

Senator Moore (Chair)

Senator Adams

Senator Bartlett

Senator Crossin

Senator Polley

Senator Siewert

Senator Webber

Witnesses

Western Australia Government

Mr Terry Murphy, Acting Executive Director, Drug and Alcohol Office

Ms Wendy Casey, Principal Adviser, Aboriginal Alcohol and Other Drugs Program

Mr Richard Menasse, Mental Health Area Director, WA Country Health Service, Office of Mental Health, Department of Health

Dr Rowan Davidson, Chief Psychiatrist, Office of Mental Health, Department of Health

Mr Ellis Griffiths, Manager of Indigenous Issues, Department of the Premier and Cabinet

Ms Katrina Budrikis, Senior Legal Officer, Cross Border Justice Project, Department of Corrective Services

Mrs Marenee Provost, Director, Operational Policy, Building Community Capacity, Department of Community Development

Mr Murray Lampard, Deputy Police Commissioner, WA Police Service

Mr David Pedler, Acting Director Policy and Coordination Directorate, Department of Indigenous Affairs

Professor Ted Wilkes, Professorial Fellow in Aboriginal Health, Telethon Institute for Child Health Research, Curtin University

Associate Professor Dennis Gray, Deputy Director, National Drug Research Institute

Dr Donna Mak, Physician and lecturer at University of Notre Dame

BP Australia

Dr Mark Glazebrook, Project Manager, 3D Petrol Sniffing Initiative

Ms Jan Sperling, Product Manager Opal

Mr Peter Metcalfe, External Affairs Manager

Tuesday, 21 February 2006

Litchfield Room, Parliament House, Darwin

Committee Members in attendance

Senator Moore (Chair)

Senator Humphries (Deputy Chair)

Senator Adams

Senator Crossin

Senator Polley

Senator Siewert

Senator Webber

Witnesses**Australian Fuel Distributors Ltd (Ausfuel)**

Mr Herbert Few, General Manager

Ms Jane Munday, Public Relations Consultant

Australian College of Rural and Remote Medicine

Professor Elizabeth Chalmers, Academic Director and Head, Rural Clinical School

Northern Territory Department of Health and Community Services

Ms Rose Rhodes, Assistant Secretary, Community Services

Ms Joanne Townsend, Director, Alcohol and Other Drugs Section

Ms Penelope Fielding, Executive Director, Central Australian Coordination

Wednesday, 22 February 2006

Crowne Plaza, Alice Springs

Committee Members in attendance

Senator Moore (Chair)

Senator Humphries (Deputy Chair)

Senator Adams

Senator Crossin

Senator Polley

Senator Siewert

Witnesses**Central Australian District Medical Officers**

Dr Russell Thompson, District Medical Officer, Nyirripi, Yuendumu and Willowra

Dr Stephen Foster, District Medical Officer, Papunya and Haastsbluff

Dr Andrew White, Remote Paediatrician, Western District Region

Mr Barry Abbott, Manager Ilamurta Station

Central Australian Youth Link-up Service (CAYLUS)

Mr Blair McFarland, Coordinator

Mr Tristan Ray, Coordinator

Tangentyere Council

Mr William Tilmouth, Executive Director

Ms Leonie Sheedy, Coordinator, Yarrenyty-Arltere Learning Centre

Waltja Tjutanku Palyapayi Aboriginal Corporation

Ms Liz Archer, Youth Services Team Leader

Ms Katharine Allen, Field Worker, Waltja Reconnect

Ms Sarah Holder, Field Worker, Waltja Reconnect

Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council

Mrs Margaret Smith, Vice President (Chairwoman)

Ms Vicki Gillick, Coordinator

Mrs Janet Inyika, Worker, Emotional Social Well Being Project, through Ms Holly Webb, interpreter

Alice Springs Town Council

Alderman Melanie van Haaren

Mr Rex Mooney, Chief Executive Officer

Mr Mark Blackburn, Director, Corporate and Community Services

Wednesday, 8 March 2006

Holiday Inn, Cairns

Committee Members in attendance

Senator Moore (Chair)

Senator Crossin

Senator Humphries (Deputy Chair)

Senator Polley

Senator Adams

Senator Siewert

Senator Bartlett

Witnesses

WuChopperen Health Service

Ms Jan Robertson, Drug & Alcohol Projects Coordinator

Mr Bruce Martin, Substance Misuse Worker

Queensland Health, Alcohol Tobacco and Other Drugs Services

Mrs Jan Parr, District Coordinator

Mr Ezra Saveka, Advanced Health Worker

Queensland Health, Remote Area Mental Health Service

Dr Radhika Santhanam, Senior Clinical Psychologist
Professor Ernest Hunter, Regional Psychiatrist

Anglicare North Queensland Limited

Mr Paul Gambi, Residential Youth Worker

Aurukun Community

Mr Donovan Walmbeng, Chairperson, Aurukun Community Justice Group

Tuesday, 16 May 2006

Old Chamber Room, Parliament House, Adelaide

Committee Members in attendance

| | |
|----------------------------------|-----------------|
| Senator Moore (Chair) | Senator Crossin |
| Senator Humphries (Deputy Chair) | Senator Siewert |
| Senator Adams | Senator Webber |
| Senator Bartlett | |

Witnesses**Mrs Ngitji Ngitji Mona Tur****Law Society of South Australia**

Ms Dymphna (Deej) Eszenyi, President
Mr Christopher Charles, Chair, Aboriginal Issues Committee
Mr Andrew Collett, Member, Aboriginal Issues Committee

Australians for Native Title and Reconciliation SA

Mr Glenn Giles, ANTaR SA Coordinator and ANTaR National Committee Member
Mr Patrick Byrt, Member
Mr John Hartley, Member
Mr Dennis Colson, Chairman of Turkey Bore Community

Mr Bill Edwards**Ms Kate Reynolds****Adelaide Healing Energy Centre**

Ms Lorraine Webb, Manager
Mr Peter Rawson, Public Officer, Mentor

Ms Rosalie Nethercott

Department of Families and Communities, South Australia

Mr Chris Larkin, Director, Indigenous Services

Mr Peter Kay, Manager, Substance Misuse and Youth Programs

Inspections and Visits

Monday, 20 February 2006

BP Refinery, Kwinana, Perth, WA

Committee Members in attendance

Senator Moore

Senator Polley

Senator Adams

Senator Siewert

Senator Bartlett

Senator Webber

Senator Crossin

The Committee visited the BP refinery at Kwinana to discuss Opal fuel and inspected the refinery to observe the distillation processes that differentiate the production of Opal.

The Committee was accompanied on the inspection by Dr Mark Glazebrook, Project Manager, 3D Petrol Sniffing Initiative; Ms Jan Sperling, Product Manager Opal; Mr Peter Metcalfe, External Affairs Manager and Mr David Plant, Tour leader.

Thursday, 23 February 2006

Yuendumu and Mt Theo outstation, NT

Committee Members in attendance

Senator Moore

Senator Humphries

Senator Adams

Senator Polley

Senator Crossin

The Committee was accompanied during the visit by Ms Rachel Balmanno, OATSIH, Department of Health and Ageing and representatives from the print and electronic media

The Committee visited Yuendumu and Mt Theo outstation Aboriginal communities to discuss the programs being offered to young people to assist control petrol sniffing, and the successful outcome of these programs.

The visit was coordinated by Ms Susie Low, Manager, Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation.

At Mt Theo the Committee discussed the program with community elders Peggy Brown, the founder of the program, and Johnny Miller, senior Traditional Owner for Mt Theo.

The Committee was also assisted by members of the Mt Theo Management Committee including Warren Williams and Enid Gallagher, Chairpersons, Robbie Walit and Maxine Spencer; Alison Gillies, Mt Theo youth worker; Brett Badger, Youth Program Coordinator and Nat O'Connor, Youth Worker.

Tuesday, 7 March 2006

Mornington Island, QLD

Committee Members in attendance

Senator Moore
Senator Adams
Senator Bartlett

Senator Crossin
Senator Humphries
Senator Polley

The Committee was accompanied on the visit by Ms Karen Lee, Office of Senator Bartlett.

The Committee visited Mornington Island (via Normanton) to have discussions with the Mornington Shire Council Petrol Sniffing Steering Committee in relation to work being undertaken to assist control petrol sniffing addiction and undertook an inspection of community facilities on the Island.

A cross section of community and government groups were represented in the discussion held at the Police Youth Club. They included:

Graeme Channells, CEO Mornington Shire Council

Clare Farrell, Community Service Officer

Yuenmenda Women's Association

Beatrice Retchford, Manager, Junkuri Laka Justice Association

Robyrta Felton, Legal Aid

Loretta Juhel, MI School

David Lloyd, Woomera Aboriginal Corporation

Joanne Townsend, Principal, Mornington Island State School

Kisten Standage, Qld Sport and Rec

Jenny Dahl, Mornington Island Hospital

Louise Roughey, Team Leader Community Health

Sgt Mark Tuckwell, Police

Kim Barnsley, CDEP

Mark Cuckwell, Mornington Island PCYC.

Wednesday, 17 May 2006

Menzies School of Health Research and Cooperative Research Centre on Aboriginal Health, Darwin, NT

Committee Members in attendance

Senator Moore
Senator Adams
Senator Crossin

Senator Siewert
Senator Webber

The Committee visited the Menzies School of Health Research and Cooperative Research Centre (CRC) on Aboriginal Health. Discussions were held on research being undertaken on the impact of petrol sniffing, on other research being conducted on Indigenous health, and on the role and operation of the School and the CRC.

Meeting with the Committee from the CRC were Mr Mick Gooda, CEO, Ms Jenny Brands and Ms Di Walker and from Menzies, Dr Sheree Cairney and Dr Kate Senior.

Thursday, 18 May 2006

Balgo and Halls Creek, WA

Committee Members in attendance

Senator Moore
Senator Adams

Senator Siewert

The Committee was accompanied during the visit by Mr Stephen Castle, OATSIH; Dr Sheree Cairney and Dr Kate Senior, Menzies School of Health Research; Mr Chris Twomey, Office of Senator Siewert.

The Committee held discussions with a number of community representatives covering the cross section of services in Balgo including the community corporation, youth and sport workers, the women's centre, the clinic, school and police and was able to visit many of these community facilities. Without being exhaustive the Committee was assisted during the visit by many people including Mr Noel Mason, CEO Wirrimanu; Fr Matt Digges, Kutjungka Catholic Parish; Mr Chris Cresp, Palyalatja Maparnpa; Br Bernie Cooper, Luurnpa Catholic School; Dr Zohl de Ishtar, Kapululangu Women's Centre; and Ms Jane Thomas, child protection worker.

The Committee visited Halls Creek and held informal discussions with community, social and welfare groups at a meeting that had been organised by Mr Peter McConnell, CEO of Halls Creek Shire. The Committee was conducted on a visit to the camps that have grown around the edge of town with people moving in from other communities outside of Halls Creek.

APPENDIX 3

LEGISLATION RELATING TO INHALANT ABUSE

Summary of Australian legislation relating to inhalant abuse

| | Northern Territory | Queensland | South Australia | Victoria | Western Australia |
|--|---|--|--|---|--|
| Legislation | <i>Volatile Substance Abuse Prevention Act</i> 2005 (Not yet commenced: will commence upon gazettal) <i>Misuse of Drugs Act</i> 1990 | <i>Summary Offences Act</i> 2005 and <i>Police Powers and Responsibilities Act</i> 2000 | <i>Controlled Substances Act</i> 1984; <i>Graffiti Control Act</i> 2001*; <i>Petroleum Products Regulation Act</i> 1995 | <i>Drugs, Poisons and Controlled Substances Act</i> 1981 | <i>Protective Custody Act</i> 2000; <i>Criminal Code</i> 1913 |
| Stated purpose of legislation | To provide for the prevention of volatile substance abuse and the protection of individuals and communities from harm resulting from volatile substance abuse. | | | To protect the health and welfare of persons aged under 18 years. | |
| Definition | 'Volatile substance' means a) plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, petrol or any other volatile product derived from petroleum, paint thinner, lacquer thinner, aerosol propellant or anaesthetic gas; or b) any substance declared by the Minister. | 'Potentially harmful thing' a) means a thing a person may lawfully possess that is or contains a substance that may be harmful if ingested or inhaled; b) includes methylated spirits; and c) does not include a thing intended by its manufacturer to be inhaled or ingested. | 'Volatile solvents' means a substance declared by regulations to be a volatile solvent. Fifty-six substances have been declared by regulation to be 'volatile solvents'. | 'Volatile substance' means a) plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, gasoline, or any other volatile product derived from petroleum, paint thinner, lacquer thinner, aerosol propellant or anaesthetic gas; or b) any substance declared by the Governor in Council. | 'Volatile substance' means a substance that produces a vapour at room temperature. 'Intoxicant' means alcohol or a drug or a volatile or other substance capable of intoxicating a person. |
| Offence to inhale or possess volatile substance | New Act specifically states that it does not make it an offence for a person to inhale or possess a volatile substance or item used for inhalation. | | | Act states that it does not create an offence to possess volatile substance or inhalation equipment or to inhale a volatile substance. | |

Summary of Australian legislation relating to inhalant abuse (continued)

| | Northern Territory | Queensland | South Australia | Victoria | Western Australia |
|---|--|--|---|---|---|
| Offence to sell or supply volatile substance | Offence to supply if seller knows or ought to know that the person intends to inhale it or supply it to a third person for the purpose of inhalation. (Current offence which will continue under new legislation.) | Offence to sell where seller knows or believes on reasonable grounds that the person intends to inhale/ingest the product or sell it to a third person for inhalation/ingestion. | Offence to sell or supply where seller suspects or there are reasonable grounds for suspecting that the person intends to inhale or sell/supply the product to another person for inhalation. | Offence to knowingly sell or supply volatile substances for the purposes of intoxication. | Offence to knowingly sell or supply volatile substances for the purposes of intoxication. |
| Other restrictions on sale | None | None | Sale of petrol prohibited to persons under 16. Purchase of petrol on behalf of person under 16 prohibited. Authorised officer may confiscate petrol from person under 16 if officer suspects person has petrol for purpose of inhalation. Sale of cans of spray paint prohibited to persons under 18. * Spray paint cans must be stored securely, for example, in locked cabinet. Must display 'no sales to minors' sign. | None | None |
| Indigenous communities permitted to make by-laws prohibiting petrol sniffing and other forms of inhalant abuse within community lands. | Yes | Yes | Yes | No | Yes |
| Notes | | | The primary aim of this legislation is to reduce graffiti. | | |

Summary of Australian civil apprehension legislation relating to inhalant abuse

| | Northern Territory | Queensland | Victoria | Western Australia |
|-------------------------------------|--|---|---|--|
| Police power to search/seize | <p>Police/authorised person* may search person if has reasonable belief that the person is in possession of a volatile substance or inhalant and is inhaling or will inhale.</p> <p>Police/authorised person may seize any volatile substance or inhalant that is in the person's possession.</p> | <p>Police may search a person reasonably suspected to be in possession of a potentially harmful thing that the person has/is about to ingest or inhale. Police may seize the potentially harmful thing.</p> | <p>Police may search a person if there are reasonable grounds to suspect the person is:</p> <ul style="list-style-type: none"> • in possession of volatile substance or inhalation equipment; and • inhaling/will inhale a volatile substance. <p>Police may search a person reasonably believed to intend to provide volatile substance or inhalation equipment to person under 18.</p> <p>Volatile substances/inhalation equipment found may be seized.</p> | <p>Authorised officer* may seize intoxicant from person under 18 who is:</p> <ul style="list-style-type: none"> • in a public place • consuming/inhaling or about to consume/inhale intoxicant; and • the officer reasonably suspects that the person is likely to become intoxicated if the intoxicant is not seized. <p>Authorised officer may search an apprehended person and seize any intoxicant or any article that could endanger the health or safety of any person.</p> |
| Grounds for apprehension | <p>Police/authorised person may apprehend a person if there are reasonable grounds to believe the person:</p> <ul style="list-style-type: none"> • is inhaling or has recently inhaled a volatile substance; and • should be apprehended to protect the health or safety of the person or other persons. | <p>Police may detain a person who is affected by inhalation/ ingestion of a potentially harmful thing if it is appropriate for the person to be taken to a 'place of safety' at which the person can receive the treatment or care necessary to enable the person to recover (for example, hospital, the home of a friend or relative).</p> | <p>Police may apprehend and detain a person if there are reasonable grounds to believe the person is:</p> <ul style="list-style-type: none"> • under 18; • inhaling or has recently inhaled a volatile substance; and • likely to cause serious bodily harm to him/herself or other person. | <p>Authorised officer may apprehend a person who is in a public place or trespassing on private property if it is reasonably believed that the person is intoxicated and needs to be apprehended to protect their health or safety or health and safety of others or to prevent the person causing serious damage to property.</p> |

Summary of Australian civil apprehension legislation relating to inhalant abuse (continued)

| | Northern Territory | Queensland | Victoria | Western Australia |
|--------------------------------------|--|--|--|---|
| Length and place of detention | <p>As soon as practicable, the apprehended person must be:</p> <ul style="list-style-type: none"> • released into care of person at a place of safety; or • into the care of a responsible consenting adult. <p>If apprehended person cannot be released into place of safety or care of responsible adult, must be released or taken to a police station and held in protective custody. May only be held in protective custody until it reasonably appears that the person no longer poses a risk.</p> <p>Special procedures must be followed if the person is held in protective custody for longer than six hours. A person under 18 must not be held in a cell at police station except in accordance with regulations.</p> | <p>Police have duty to release the person at a place of safety at the earliest reasonable opportunity.</p> <p>Person not compelled to stay at a place of safety.</p> <p>If no place of safety can be found the person must be released.</p> <p>Person must not be taken to a police establishment or police station.</p> | <p>A person must be released immediately if it becomes known that the person is over 18.</p> <p>A person may only be detained as long as police reasonably believe the person has recently inhaled a volatile substance and is likely to cause serious bodily harm to him/herself or other person.</p> <p>Apprehended person must be released as soon as practicable into the care of a suitable person who is reasonably believed to be capable of taking care of the person and consents to taking care of the person, for example, parent, guardian, employee of appropriate health or welfare agency. Must not be detained in a jail or police cell.</p> | <p>A person who is no longer intoxicated must not be detained. A person must not be detained</p> <p>A person must not be detained any longer than is necessary to protect the health or safety of the person or any other person or to prevent the person causing serious damage to property.</p> <p>A person aged under 18 must be released into the care of parent, legal guardian or other consenting person reasonably believed to be capable of taking care of the person or into the care of an appropriate facility (as approved by Minister). The safety and welfare of the person is the paramount consideration in deciding where to release a person aged under 18.</p> <p>Apprehended adult must be released as soon as practicable into the care of another person who applies for the adult's release and who is capable of taking care of the person or into an appropriate facility.</p> <p>Persons must not be detained in a police station or lock-up except in exceptional circumstances.</p> <p>If apprehended person needs a medical examination, the authorised officer must arrange this as soon as practical.</p> |

Summary of Australian civil apprehension legislation relating to inhalant abuse (continued)

| | Northern Territory | Queensland | Victoria | Western Australia |
|-------------------------------|---|--|---|---|
| Reporting requirements | Records of searches and apprehensions to be kept in accordance with regulations. | Police must enter details of detention and release in register. Crime and Misconduct Commission must review operation of legislation for nine months and report to Parliament. | Police must keep written records of searches, seizures and detentions. Chief Commissioner of Police must report to Minister for Health annually, for inclusion in the annual report. | Authorised officer must record date and time when a person is apprehended. Released person and person into whose care they are released must acknowledge in writing time/date of release and acknowledge return of any seized thing. |
| Protocol | | Response to volatile substance misuse protocol. | Interagency protocol between Victoria Police and nominated agencies. | Police Standing Orders. |
| Notes | Minister may appoint 'authorised person'. Legislation will commence upon gazettal. | Power to detain applies only on trial basis to five 'declared localities'. This legislation was introduced for one year from 1 July 2004. It has been extended for a further 12 months and will now expire on 30 June 2006. | Legislation effective 1 July 2004–30 June 2006. | Authorised officer is a community officer (appointed by Commissioner of Police), a police officer or public transport security officer. Legislation commenced 1 January 2001. |

Summary of treatment orders and management areas in Northern Territory's new legislation (note this legislation has not yet commenced)

| | Northern Territory |
|-------------------------|--|
| Treatment orders | <p>Police, authorised person, health practitioner, family member or responsible adult who reasonably believes that a person is at risk of severe harm (defined as physical harm, neurological damage to person's mental condition resulting from volatile substance abuse), may request the Minister to apply for a treatment order.</p> <p>Minister may approve an assessment of the person's physical, neurological or mental condition. If the person fails or refuses to submit to the assessment, a police officer or authorised person may apply to a magistrate for a warrant to apprehend the person and take the person for assessment.</p> <p>If the person is assessed to be at risk of severe harm, the assessor must recommend an appropriate treatment program.</p> <p>If assessment recommends a treatment program, the Minister must, before applying for a treatment order, be satisfied that the treatment order will be in the best interests of the person and the person cannot be adequately protected from severe harm by some other means.</p> <p>Minister may apply to the Local Court for an order that the person must participate in a treatment program. In deciding whether to make a treatment order, the primary consideration of the court must be the need to protect the person at risk.</p> <p>A treatment order remains in force for two months. Minister may approve further assessment of the person at risk and make further application for a treatment order.</p> <p>While the treatment order is in force, if the person does not participate in the treatment program, a police officer or authorised person may apply to a magistrate for a warrant to apprehend the person at risk and take that person to the place specified in the treatment order to participate in the treatment program.</p> |
| Management areas | <p>Ten or more residents of an area or a community council may apply to the Minister for a declaration that the area is a management area.</p> <p>In deciding whether to declare a management area, the Minister must consider the needs and opinions of residents and other interested persons, may conduct any relevant investigations and must consult with the relevant community council.</p> <p>A management area must have a written plan for the management of the possession, supply and use of volatile substances in the area. The management plan must be prepared in consultation with the Minister, Commissioner of Police and Chief Executive Officer of the agency administering the Act.</p> <p>It is an offence to contravene a management plan.</p> |

Source: National Inhalant Abuse Taskforce, *National Directions On Inhalant Abuse*, Final Report November 2005, pp.72-77.