

The Senate

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Standing Committee on  
Community Affairs

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**Grasping the opportunity of Opal:**  
Assessing the impact of the Petrol  
Sniffing Strategy

March 2009

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ISBN 978-1-74229-072-0

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This document was produced by the Senate Community Affairs Committee Secretariat and printed by the Senate Printing Unit, Parliament House, Canberra.

# MEMBERSHIP OF THE COMMITTEE

## 42<sup>nd</sup> Parliament

### Members

|                                      |                                  |
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| Senator Claire Moore, Chair          | ALP, Queensland                  |
| Senator Rachel Siewert, Deputy Chair | AG, Western Australia            |
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### Substitute Members

Senator Crossin to replace Senator Carol Brown for the inquiry

Senator Bernardi to replace Senator Adams from 11 February 2009 until 12 May 2009 and Senator Fifield to replace Senator Bernardi in place of Senator Adams from 10 March to 12 May 2009



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# RECOMMENDATIONS

## Chapter 2

### Recommendation 1

2.26 Given that the Department of Health and Ageing provides assistance with the supply of Opal fuel to any community that requests it, and that there was no evidence given to the committee to indicate that communities were aware of this, the committee recommends that the department actively promote this option in a way that is accessible and well understood by Indigenous people and their communities.

### Recommendation 2

2.39 That any future rollout of Opal fuel be accompanied by an appropriate communications strategy that is implemented well in advance of the rollout. As such, the committee urges the government as a matter of priority to finalise the revised communications strategy before the next phase of the rollout of Opal fuel. The committee does not consider that this should cause any delay to the further rollout of Opal fuel.

### Recommendation 3

2.57 That Western Australia, South Australia and Queensland provide similar mechanisms to those in place in the Northern Territory which empower individual communities to ban the importation, supply and sale of regular petrol and other volatile substances in a designated local council or shire area.

## Chapter 3

### Recommendation 4

3.26 While the committee recognises the importance of a local 'on the ground', coordinated presence for the effective implementation of the Eight Point Plan, it is concerned about the Central Australian Petrol Sniffing Strategy Unit's ability to effectively implement the Petrol Sniffing Strategy. The committee recommends that the Commonwealth government immediately commission an independent review of the role and function of the Central Australian Petrol Sniffing Strategy Unit, specifically:

- its capacity to implement the strategy effectively;
- whether its current location in the Alice Springs Indigenous Coordination Centre as part of FaHCSIA delivers the requisite level of accountability and governance standards;
- processes in place for the effective ongoing monitoring, evaluation and reporting of the Unit's role;

- its ability to effectively engage and consult with Indigenous people and communities; and
- the effectiveness of the tri-state whole-of-government approach including the staffing and collaboration between departments.

### **Recommendation 5**

3.50 Given the continuing resistance to Opal fuel by some retailers across all jurisdictions in central Australia, the committee recommends that the Commonwealth government complete, as a matter of priority, the necessary work to determine whether legislation is both possible and practicable.

3.51 If these retailers do not voluntarily agree to supply Opal within 6 months, and if it is established that there are no legal impediments to the implementation of Commonwealth legislation, the Commonwealth government should immediately commence the drafting of legislation to mandate the supply of Opal fuel within the petrol sniffing strategy zone.

### **Recommendation 6**

3.52 In the event that the introduction of Commonwealth legislation is not possible, the committee recommends that state and territory governments introduce legislation to mandate the supply of Opal within the petrol sniffing strategy zone.

### **Recommendation 7**

3.55 Given that the committee in its 2006 report recommended that all governments replicate the procedure used in Maningrida to prevent contractors bringing regular unleaded petrol into communities by making it a term of contract, the committee reaffirms this recommendation and recommends that contracts for service in areas where petrol sniffing is a problem contain terms which prevent regular unleaded fuel entering the community and require that all other volatile substances and inhalants be locked away when not in use.

### **Recommendation 8**

3.81 The committee reaffirms its previous recommendation that the Commonwealth, state and territory governments revise and agree upon priorities to consolidate and extend the rollout of Opal fuel to utilise the current production capacity of 40 million litres per annum. The immediate focus should be on:

- delivering a comprehensive exclusion zone in central Australia;
- the option of establishing a bulk storage facility in Darwin in order to provide a sustainable long-term distribution system in northern Australia; and
- actively expanding the rollout of Opal fuel to the far west coast region of South Australia and Arnhem Land in the Northern Territory.

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**Recommendation 9**

3.92 The committee considers that the 'guidelines for the responsible sale of premium unleaded petrol' are a necessary response to the availability of sniffable premium fuel and recommends the Commonwealth government finalise and distribute the guidelines without delay, making sure that adequate support is provided to ensure their implementation.

**Recommendation 10**

3.93 That twelve months after the distribution of the 'guidelines for the responsible sale of premium unleaded petrol', the Commonwealth government undertake an audit of both the uptake and effectiveness of the guidelines in reducing access to premium fuel for the purpose of sniffing.

3.94 Subsequently, if the audit finds that these guidelines are not proving effective, the committee recommends that, while conscious of the potential commercial costs, consideration is given to subsidising the development of an Opal equivalent substitute for premium fuel.

**Recommendation 11**

3.147 That the Commonwealth government, as a matter of priority, expand current efforts to improve data collection on the prevalence and trends over time in relation to petrol sniffing and substance abuse in Indigenous communities so as to collect comparable data across all jurisdictions.

**Chapter 4****Recommendation 12**

4.29 That the Commonwealth government, in partnership with state and territory governments, provide adequate resources to enable the extension of quality youth services and the employment of a male and a female youth worker for each community in the Petrol Sniffing Strategy Zone.

**Recommendation 13**

4.39 The committee reaffirms recommendation 17 from its 2006 report which called upon Commonwealth, state and territory governments to provide additional funding to new and existing rehabilitation facilities in order to provide a quality service while meeting current demand.

**Recommendation 14**

4.46 The committee considers the provision of successful programs in remote Indigenous communities to be a highly specialised area for which mainstream programs and 'one-size-fits-all' solutions are not necessarily appropriate. The committee recommends that in order to maximise local ownership and effectiveness of programs, the awarding of contracts in remote Indigenous communities must take into consideration a tenderer's:

- on-the-ground presence, reputation and standing in the region;
- existing relationships, networks within the region and support or endorsement from communities; and
- ability to provide tailored programs to individual communities or groups of communities in response to the diverse cultural expectations, kinship systems and protocols of the region.

### **Recommendation 15**

4.59 The committee reaffirms the recommendation of its 2006 report that the Commonwealth, state and territory governments immediately provide long term, flexible funding, especially for successful programs already operating in communities, to address the sporadic nature and short term focus of current funding models.

### **Recommendation 16**

4.60 That governments and departments within governments, work to design application and accountability processes which avoid duplication and reduce the number of contracts that service providers are required to enter into and aspire to a single contract where possible. This is to minimise the reporting and administrative burden on service providers. The committee notes that governments should aspire to providing a single contract where possible.

### **Recommendation 17**

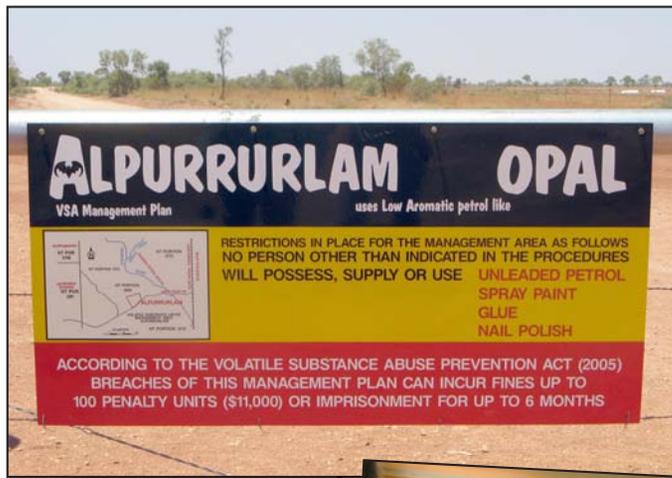
4.66 That additional resources be provided for adult education classes in communities where the reduction in petrol sniffing has created a need for these services, and that appropriate adult education engagement and training methodologies are used, delivered by qualified adult educators.

### **Recommendation 18**

4.77 The committee reaffirms recommendation 3 of its 2006 report that the Commonwealth government provide adequate additional resources to the Aboriginal and Torres Strait Islander Social Justice Commissioner to monitor and report annually on the progress towards implementing the above mentioned recommendations until the Commissioner can report that all recommendations have been sufficiently addressed.

*Visits by the Committee to Yuendumu,  
Alpurrurlam, Mutitjulu and APY Lands*





THE SENATE COMMITTEES inquiring into Petrol Sniffing and Substance Abuse is visiting Mutitjulu Community. They would be very pleased to meet Mutitjulu community members and representatives if they are in the community.  
 Sunday afternoon 1 March 2009  
 Venue: Rec-Hall  
 Time: 4:00pm

# Chapter 1

## Introduction

### Terms of reference

1.1 On 17 June 2008 the Senate referred matters relating to petrol sniffing and substance abuse in central Australia to the Community Affairs Committee for inquiry and report by 16 October 2008, as follows:

(1) The Senate:

(a) notes the report of the Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, dated June 2006, and the current expenditure on programs aimed at addressing petrol sniffing; and

(b) expresses concern at recent reports on the increase of petrol sniffing in central Australia.

(2) That the following matters be referred to the Community Affairs Committee for inquiry and report by 16 October 2008:

(a) the ongoing effectiveness of the eight-point plan in combating petrol sniffing in central Australia;

(b) the extent of the roll out of Opal fuel;

(c) the delivery of youth services in affected areas;

(d) the effectiveness and adequacy of resources provided to address petrol sniffing and substance abuse in central Australia; and

(e) what more needs to be done to effectively address petrol sniffing.<sup>1</sup>

1.2 Due to the committee's heavy workload with other concurrent inquiries, the reporting date was extended to the last sitting day in March 2009.<sup>2</sup>

### Conduct of the inquiry

1.3 The inquiry was advertised regularly in *The Australian* newspaper and on the committee's website. Interested parties were also contacted directly and invited to contribute to the inquiry. A list of those who made submissions is attached at Appendix 1. The committee visited the communities of Yuendumu, Papunya, Alpururulam (Lake Nash), Mutitjulu, Amata and Hoppy's Town Camp (Alice Springs) to meet with elders, community members and service providers to better inform itself about petrol sniffing and substance abuse.

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1 *Journal of the Senate*, 17 June 2008, No. 15, p. 495.

2 *Journal of the Senate*, 18 September 2008, No. 32, p. 877.

1.4 Three public hearings were conducted. The first in Alice Springs on 29 October 2008, the second in Adelaide on 4 March 2009 with the final hearing in Canberra on 12 March 2009. A list of witnesses who appeared at the committee's hearings is at Appendix 2.

### ***Central Australian Petrol Sniffing Strategy Unit***

1.5 The committee was initially frustrated by FaHCSIA's apparent lack of cooperation with making staff from the Central Australian Petrol Sniffing Strategy Unit (CAPSSU) available to appear before the committee at its Alice Springs hearing. FaHCSIA advised the committee that as CAPSSU is an organisational unit within the department and that there were three other Commonwealth agencies involved in the petrol sniffing strategy the best way to provide a coordinated and comprehensive response to the committee's enquiries was to have all representatives appearing together at a Canberra hearing. The committee was pleased to be able to receive evidence from CAAPSU at its Canberra hearing.

## **Background**

1.6 When the committee tabled its report *Beyond petrol sniffing: renewing hope for Indigenous communities* in the Senate in June 2006, Senator Webber stated:

I, for one, hope that this is the last ever report on petrol sniffing. I hope that we can agree to adopt the recommendations and find the real solution so that none of us here ever again will have to stand up and talk about yet another inquiry and yet another report. If we do, we will have failed what is in the title of this report, which is the need to renew hope for our Indigenous communities.<sup>3</sup>

1.7 Although the committee has undertaken another inquiry into petrol sniffing in central Australia this does not necessarily indicate a failure to address the issue of petrol sniffing. Rather, in mid 2008 following reports of a growing number of incidents of petrol sniffing as well as the tragic death of a young Indigenous boy, members of the committee decided that there was a need to revisit the issue of petrol sniffing in order to ascertain how well current measures are addressing petrol sniffing and where there maybe gaps in the response. Subsequently, on the motion of Senator Siewert, the Senate referred the inquiry to the committee.

### ***Beyond petrol sniffing report 2006***

1.8 The committee does not intend to revisit issues addressed in its 2006 report however a brief outline of the report's findings and recommendations appears below to provide context.

1.9 In the 2006 report the committee gave an extensive overview of previous inquiries and reports on petrol sniffing dating back to the 1985 Senate Select

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3 Senator Ruth Webber, *Senate Hansard*, 20 June 2006, p. 55.

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Committee on Volatile Substance Fumes report. The committee expressed its dissatisfaction with the lack of action. Subsequently, the report called for immediate action:

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 they live with hope, dignity, purpose and opportunity.<sup>4</sup>

1.10 Importantly, the committee recognised that 'a whole-of-government approach matched with ongoing commitment and sustained funding of programs to engage Indigenous communities'<sup>5</sup> was the only way forward. The recommendations within the report were unanimous and included:

- improving Indigenous health and population data collection;
- providing long-term funding and support for programs;
- increasing the police presence and empowering police to intervene and prevent petrol sniffing;
- providing community safe houses and rehabilitation facilities;
- providing sustainable funding for community-based diversionary and development programs; and
- increasing the supply and roll out of Opal fuel.

1.11 The recommendations emphasised the urgency of fully implementing the findings of earlier inquiries and establishing sound arrangements for measuring and monitoring the extent of petrol sniffing and supporting programs addressing petrol sniffing.

### ***Eight Point Plan***

1.12 At the time of the committee's earlier inquiry, the Eight Point Regional Strategy for Central Australia (the Eight Point Plan) was being developed by the South Australian, Western Australian, Northern Territory and Commonwealth governments to address petrol sniffing in a designated area of central Australia for a period of 10 years. Since that time, the plan has been partially implemented with some extensions and changes (discussed in Chapter 2).

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4 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, foreword.

5 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, foreword.

1.13 At the Commonwealth level the Eight Point Plan is implemented by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR) and the Attorney-General's Department (AGD). The Central Australian Petrol Sniffing Unit (CAPSSU) is the multi agency unit responsible for the local implementation of the PSS based in Alice Springs. State offices of the Commonwealth departments also work with state and territory governments in implementing the strategy.<sup>6</sup>

1.14 The eight points in the plan are:

- consistent legislation;
- appropriate levels of policing;
- further rollout of Opal fuel;
- alternative activities for young people;
- treatment and respite facilities;
- communication and education strategies;
- strengthening and supporting communities; and
- evaluation.<sup>7</sup>

1.15 The overall 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.<sup>8</sup>

1.16 Originally, the PSS Eight Point Plan applied to a tri-state region in central Australia. In 2006 two new areas were declared as Petrol Sniffing Zones: the central Australia Expanded Zone in the Northern Territory and the East Kimberley in Western Australia. In December 2007 the Mornington/Doomadgee Zone in Queensland was agreed with the Queensland Government.

1.17 The Commonwealth government's submission noted that the criteria for choosing the additional zones were:

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6 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR), and the Attorney-General's Department (AGD), *Submission 14*, p. 15.

7 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 13.

8 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 14.

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- There was an identifiable petrol sniffing problem in a number of communities in the proposed region;
  - The communities agreed that there was a problem with petrol sniffing and were prepared to address the problem; and
  - The relevant State or Territory Government agreed that the proposed region had an identifiable problem and they are prepared to address this in partnership with the Australian Government.<sup>9</sup>

1.18 The central element of the Eight Point Plan was the implementation of a regional rollout of Opal fuel. Opal fuel is an unleaded fuel with very low levels of aromatic hydrocarbons, so it does not give the 'high' associated with sniffing regular unleaded petrol. The distribution of Opal fuel was seen as a key component of the solution to overcome the problems of petrol sniffing in Indigenous communities.

1.19 Committee members have followed with great interest the progress of the Eight Point Plan. As noted above, the committee considered that its first report must mark the 'turning point' for petrol sniffing in Indigenous communities. The committee has been adamant that its recommendations be implemented and it has attempted to maintain the sense of urgency for addressing the problems associated with petrol sniffing.

## **Acknowledgements**

1.20 The committee would like to thank everyone who participated in the inquiry. It would especially like to thank the community elders, members and staff of agencies and organisations who spoke with us during the inquiry and who were generous with their time and information.

1.21 The committee is grateful for the assistance of the staff from Central Australian Youth Link Up Service, in particular Tristan Ray, Blair McFarland, Hannah May Caspar and Thomas Holyoake, who organised the committee's visit to Yuendumu, Papunya, Alpururulam (Lake Nash) and Hoppy's Town Camp. The committee thanks staff from the Mt Theo Program for allowing the committee to visit during a difficult period.

1.22 The committee would like to thank members of the Mutitjulu community and staff from Mission Australia for meeting them in Mutitjulu on a Sunday afternoon.

1.23 The committee's visit to Amata was greatly assisted by officers of the South Australian government. The committee thanks the South Australian government and FaHCSIA officers for attending this visit, and local staff and community members in Amata for allowing access to organisations and the community. The committee was grateful for the opportunity to visit the Amata Anangu School, and appreciated the tour given to them by staff and students.

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9 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 14.

1.24 Due to rain, the committee was unable to undertake its planned visit to Umuwa and regrets that it was unable to meet with members of the Anangu Pitjantjatjara Yankunytjatjara (APY) Executive and staff from other organisations in Umuwa. The committee acknowledges the assistance of the APY Executive in arranging access to the APY Lands.

## Chapter 2

### Addressing petrol sniffing

2.1 Much has happened to address petrol sniffing in Indigenous communities in central Australia since the committee reported to the Senate in 2006. Progress has been made under the Eight Point Plan, structures have been put in place to improve intelligence gathering, data collection and reporting of petrol sniffing, the roll out of Opal fuel has had a distinct effect on decreasing supply and additional funding has been allocated to youth programs.

2.2 In this chapter the committee reviews some of the key developments that have happened since the committee last reported in 2006.

#### Declines in petrol sniffing

2.3 While there is a lack of verifiable data on the number of people engaging in petrol sniffing, there is consistent evidence provided to the committee that, overall, petrol sniffing has declined significantly in central Australia over the last two years.

2.4 In 2006 an estimated 600 Aboriginal people in the Central Desert region of the Northern Territory were sniffing regularly.<sup>1</sup> Estimates of the number of people now sniffing regularly vary. In their submission, the four Commonwealth government departments implementing the Petrol Sniffing Strategy (PSS) compiled information from a range of sources on the current extent of petrol sniffing. Some of the findings presented to the committee include:

- A July 2007 study estimated that there were 244 petrol sniffers in the central Australian area of the Northern Territory;
- In July 2008 the CAPSSU (drawing on advice from service providers) estimated that there were approximately 85 people currently, or recently, sniffing petrol in the central Australian area of the Northern Territory;
- Survey results showed the number of petrol sniffers in the Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) in South Australia had fallen from around 178 people in 2005 to 70 people in 2006 and anecdotal reports indicated that petrol sniffing has been very limited or non-existent in the six months to August 2008; and

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1 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 3.

- Anecdotal reports indicated that petrol sniffing in the portion of the Central Australia Petrol Sniffing Strategy Zone in the Ngaayatjarra Lands in Western Australia now only occurs sporadically.<sup>2</sup>

2.5 Further declines in petrol sniffing in the APY Lands were also confirmed in the November 2008 *Survey of prevalence of petrol sniffing on Anangu Pitjantjatjara Yankunytjatjara Lands* undertaken by the Nganampa Health Council. The survey found that:

...there was a further significant reduction of 47% in the incidence of petrol sniffing across the APY Lands in the last eighteen months, adding to the 54% reduction estimated in 2007 and the 60% reduction found between 2005 and October 2006...

... The informants in all communities also stated that sniffing was no longer an activity that took place in public but occurred inside houses or in house yards.<sup>3</sup>

2.6 Although there has been a decline in petrol sniffing on the APY Lands, the survey found that in 2008 22 people or 1.2% of the population aged between ten and forty years of age were recorded as having sniffed petrol. These people were located in the communities of Mimili, Pukatja (Ernabella) and Indulkana. The incidence of petrol sniffing also varied across these communities with Mimili recording an increase in occasional sniffing since 2007 and Indulkana and Pukatja both recording an overall reduction in the level of sniffing.<sup>4</sup>

2.7 The Commonwealth government's submission, compiled by the four departments responsible for the implementation of the PSS, noted that instances of petrol sniffing are not only limited to central Australia. Reports of outbreaks in other areas in the six months to August 2008 included:

- Tennant Creek (2 sniffers/1 community);
- Katherine (5 communities—1 large group; 4 smaller outbreaks);
- Nhulunbuy (major outbreak in one community—an increase from 1 or 2 to 24 people involved of which 14 are under 12 years old);
- Darwin (reports of a few minor incidents);
- Ceduna (described as a 'new generation of sniffers' with 4 chronic sniffers and a number of recreational users in the 14-18 year age group, 24 recent

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2 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR), and the Attorney-General's Department (AGD), *Submission 14*, p. 9.

3 Nganampa Health Council, *Survey of prevalence of petrol sniffing on Anangu Pitjantjatjara Yankunytjatjara Lands*, November 2008, p. 4.

4 Nganampa Health Council, *Survey of prevalence of petrol sniffing on Anangu Pitjantjatjara Yankunytjatjara Lands*, November 2008, p. 14.

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arrests for sniffing, bullying to coerce other young people to sniff is prevalent);

- Kununurra (small outbreaks in Kununurra and Kalumburu by a person from Balgo, where there is a group of adult sniffers);
- Cape York (2 northern communities, possible result of migrating Northern Territory families and individuals since NTER alcohol restrictions);
- Mt Isa (Doomadgee and Mornington Island, significant increase); and
- Brisbane (Cherbourg community, 35 people between the ages of 7-16).<sup>5</sup>

2.8 Many community members and staff working in communities also provided the committee with anecdotal evidence about the decline in petrol sniffing and the dramatic change this has had in communities. At the public hearing in Alice Springs, Blair McFarland from the Central Australian Youth Link Up Service (CAYLUS), described the change:

There used to be hundreds and hundreds of sniffers in the remote communities. When you went to Papunya, people there were talking about when there were 100 petrol sniffers in that community, and now there is zero. That is very consistently the story through the remote communities we work with. By a combination of Opal and community action, the number has been reduced to zero in pretty much all the communities we work with.<sup>6</sup>

2.9 These remaining outbreaks of petrol sniffing are inconsistent across the different communities in the area, and the episodic and opportunistic nature of petrol sniffing means that the number of sniffers constantly fluctuates. Other factors such as the availability of alcohol and movement of people between communities can also increase or decrease the likelihood of an outbreak of petrol sniffing in a community.

2.10 However, it is evident that overall there has been a significant reduction in petrol sniffing since the roll out of Opal fuel and the implementation of the PSS. The significant reduction must be commended and is testament to the strength and resilience of Indigenous communities that have unrelentingly pressed for action and taken a strong stand against petrol sniffing. In addition, the efforts of private sector organisations, non-government organisations and state, territory and Commonwealth government agencies must also be recognised.

It needs to be recognised that the role of community-based advocacy and desire for change was a very strong driver for reducing petrol sniffing and ensuring better policy outcomes...The role of the corporate sector, in particular BP with the development and distribution of Opal fuel, and other fuel companies in Central Australia has been central to the success of the

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5 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 10.

6 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, p. 13.

strategy. Commercial interests have not stood in the way of rolling out the non-sniffable fuel.<sup>7</sup>

## The rollout of Opal fuel

2.11 Opal fuel is an unleaded, low aromatic and non-intoxicating fuel developed by BP Australia Pty Ltd in conjunction with the Commonwealth Department of Health and Ageing (DoHA) and the Australian Institute of Petroleum specifically for supply to Indigenous communities as a replacement for standard petrol.<sup>8</sup> As Opal fuel is more expensive to produce and distribute than regular unleaded petrol, the Commonwealth government subsidises Opal production and distribution to approved communities.<sup>9</sup>

2.12 Opal fuel was officially launched in February 2005 and BP began supplying Opal to 37 remote communities in Western Australia, the Northern Territory and South Australia. While BP is the only company that produces Opal fuel, BP makes Opal available to other fuel suppliers. Opal is produced at BP's Kwinana refinery in Western Australia and shipped to the Largs North Terminal in Adelaide. From there other oil companies and distributors collect Opal for delivery to individual service station sites and retailers.<sup>10</sup>

2.13 Opal fuel is suitable for use in any engine that would normally run on unleaded petrol and is covered by BP Australia's fuel guarantee which means that:

... products will meet Australian standards or greater, and they will be fit for purpose in their application. In the early days, we did a lot of testing with Toyota in Melbourne. We ran it through Toyota, Holden and Ford engines. We also ran it through a 10 year old carburettor engine and two- and four-stroke motors. To date, we have not had one claim against our fuels guarantee for Opal fuel where the outcome has been fuel quality. The outcomes in all cases have been poor maintenance of engines in vehicles.<sup>11</sup>

2.14 At 1 July 2008 there were 117 sites supplying Opal fuel: 82 communities, 32 service stations/roadhouses and 3 pastoral properties. Of these sites, 72 were in the Northern Territory, 20 in Western Australia, 18 in South Australia and 7 in Queensland.<sup>12</sup> In terms of the Petrol Sniffing Strategy Zones, 65 sites selling Opal are

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7 The Department of Health and Ageing (DoHA), *Case-Study: Intersectoral Action to Reduce Petrol Sniffing in Remote Communities of Central Australia*, Crossing Sectors-Dialogue on Intersectoral Action conference, June 10-11 2007, Vancouver, Canada, p. 15.

8 Opal was developed to replace Avgas (aviation fuel), which was subsidised for distribution to Indigenous Communities through the Comgas Scheme that commenced in 1998. BP Australia Pty Ltd, *Submission 9*; Urbis, *Review of the First Phase of the Petrol Sniffing Strategy, June 2008*, pp. 1 and 20.

9 See FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 17–18.

10 BP Australia Pty Ltd, *Submission 9*, p. 2.

11 Mr Chris McKenzie, BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p. 32.

12 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 18.

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in the Central Desert and Expanded Central Desert Zones, 5 sites are in the East Kimberley Zone and 3 sites in the Queensland Zone.<sup>13</sup> In the APY Lands in South Australia all Indigenous communities now only have diesel and Opal fuel available for retail sale.<sup>14</sup> In evidence given to the committee in March 2009, Ms Lesley Podesta stated that 'there are approximately 120 communities and outlets providing Opal fuel across Australia in communities that service Aboriginal people'.<sup>15</sup>

2.15 In Queensland Opal fuel now attracts a subsidy under the Queensland Fuel Subsidy Scheme in line with other standard retail fuel products, as recommended by the committee in its 2006 report.<sup>16</sup> This is an initiative of the Queensland government.

2.16 There is now an increased production and therefore increased supply of Opal fuel. This increased supply has allowed more communities and regions to have access to Opal fuel. BP noted that production of Opal at its Kwinana refinery has increased from 1 million litres in 2005 to current production levels of 18 million litres per annum.<sup>17</sup> There is capacity to produce up to 40 million litres of Opal per annum at the Kwinana refinery.<sup>18</sup>

2.17 In their submission the Commonwealth government noted that the supply of Opal to more areas is planned, including Tennant Creek, Katherine and Kakadu in the Northern Territory, the Nullarbor in South Australia and the Gulf and Cape York regions in Queensland.<sup>19</sup> At its Adelaide hearing, the committee was informed by BP Australia that Opal is now being transported to Gove for supply to Nhulunbuy.<sup>20</sup>

2.18 The committee understands that there are two ways communities get Opal: if they are within a particular zone, as is the case of communities in designated PSS zones, or if they voluntarily request Opal they can be assisted by the Commonwealth. Ms Lesley Podesta explained this in the following way:

It is one of those issues where, if the communities come to us and we approve it, it is relatively straightforward and it will not be a problem. The issue will be if they come to us and there are either logistics issues or management and safety and security of fuel supply issues that then need to be worked through. Without knowing what the conditions are in each one of those communities, if they are in a position to have secure fuel, they have community support and they apply, it is pretty quick. That is

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13 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 19.

14 South Australian government, *Submission 15*, p. 5.

15 Ms Lesley Podesta, *Committee Hansard*, 12 March 2009, p. 3.

16 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p.113.

17 BP Australia Pty Ltd, *Submission 9*, p. 3.

18 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp 18–19.

19 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 20.

20 Mr Chris McKenzie, BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p.28.

the way the program has run out all the way through the country, except that when we made a decision we would designate an area and then go forward and try to win hearts and minds to come onto the program, which was a little different. But where there is a voluntary wish to take up the program, we and the Indigenous Coordination Centres help to resolve logistics, security and management issues, and we—as a health department—help with fuel distribution issues, and the supply issue is relatively straightforward.<sup>21</sup>

2.19 At the Canberra hearing the Commonwealth government provided information about the process for providing Opal fuel in certain communities and gave a status report of plans for wider availability of Opal fuel in certain locations.

#### *Tennant Creek*

2.20 The committee heard that fuel distribution to Tennant Creek is a significant logistical challenge because the fuel is stored in bulk at Largs North in South Australia and it is difficult to transport it to Tennant Creek. The committee understands that the Commonwealth is working with the fuel industry to overcome some of the problems and have undertaken consultation with service stations and local government in Tennant Creek however until 'that fuel distribution issue is resolved in regard to Tennant Creek, we are not able to supply Tennant Creek'.<sup>22</sup>

#### *Katherine*

2.21 The community of Bulman, approximately 300 kilometres from Katherine, has been approved for the supply of Opal fuel and received its first delivery of Opal in June 2008. There is one bowser supplying Opal fuel in Katherine but consultation has been undertaken with stakeholders for the rollout of Opal in all locations in Katherine, Mataranka and Timber Creek, including roadhouses and communities. If fuel distribution issues can be resolved the Commonwealth expects 'rollout to be completed by the end of this year'.<sup>23</sup>

#### *Kakadu*

2.22 There is one site receiving Opal fuel in Kakadu at the moment with four more sites having been identified for supply: Jabiru, Bark Hut, South Alligator and Coinda. The Commonwealth advised that distribution was a problem that had to be resolved before Opal could be supplied however if these issues could be resolved, supply could begin by July 2009.<sup>24</sup>

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21 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 14.

22 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 10.

23 Ms Tarja Saastamoinen, DoHA, *Committee Hansard*, 12 March 2009, p. 11.

24 Ms Tarja Saastamoinen, DoHA, *Committee Hansard*, 12 March 2009, p. 11.

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*Gulf region and Cape York, Queensland*

2.23 The committee heard that there were three sites in the Gulf region of Queensland receiving Opal fuel and one in Cape York.<sup>25</sup>

2.24 While the committee notes the progress that is being made to expand and offer Opal in more locations, it is concerned with the process of communicating the availability of Opal to Indigenous people and communities. The committee was very pleased to hear that Opal could be supplied to communities that request it,<sup>26</sup> however little evidence was presented to the committee about how communities found out about this option, apart from having officers in communities who could mention it to community members.<sup>27</sup>

2.25 Given the difficulties many Indigenous people and communities experience understanding the services that are available to them, and the problems that government agencies and others have in making information accessible, the committee is keen to ensure that this option is promoted widely in an effective and accessible way. On this basis the committee recommends that the Department of Health and Ageing promote this service to communities through an explicit and comprehensive communication and engagement strategy. As the Commonwealth has provided evidence that the revised communication strategy is still under development<sup>28</sup> the committee considers that this provides an ideal opportunity to include information about how communities can request and be supplied with Opal fuel.

### **Recommendation 1**

**2.26 Given that the Department of Health and Ageing provides assistance with the supply of Opal fuel to any community that requests it, and that there was no evidence given to the committee to indicate that communities were aware of this, the committee recommends that the department actively promote this option in a way that is accessible and well understood by Indigenous people and their communities.**

### *Health risks of Opal fuel*

2.27 Although Opal fuel is low aromatic and does not give a 'high' when it is sniffed, it is nevertheless a volatile substance which can have serious health effects if inhaled.<sup>29</sup> In April 2007 an Indigenous boy died from accidental suffocation secondary

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25 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 12.

26 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 14.

27 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 29.

28 Ms Tarja Saastamoinen, DoHA, *Committee Hansard*, 12 March 2009, p. 8.

29 BP Australia Pty Ltd, *Submission 9*, p. 2.

to the inhalation of vapour from Opal fuel.<sup>30</sup> The Coroner investigating the death recommended:

That the Northern Territory Government, the Commonwealth Government and BP Australia ensure that any promotion in relation to Opal does not give the impression that it is a harmless substance or that it cannot cause death if ingested or sniffed.<sup>31</sup>

2.28 BP has subsequently ensured that the term 'non-sniffable' is not used in its marketing of Opal fuel to help avoid any impression that Opal is in anyway safe to sniff.<sup>32</sup> The committee notes that the government's communication strategy for Opal was suspended in late 2007 as a result of the coroner's findings. The Commonwealth government departments advised that they are currently working with BP Australia—as recommended by the committee in its previous report—and communication experts to review the Opal fuel communication strategy and develop a suitable campaign.<sup>33</sup>

### ***Opal fuel rollout in Alice Springs***

2.29 A number of submitters, as well as the Urbis Review, drew attention to the troubled roll out of Opal fuel in Alice Springs.

2.30 The first attempt to introduce Opal in Alice Springs in 2006 was not accompanied by a comprehensive communication strategy and as a result false information regarding Opal fuel, primarily its negative effect on car engines, circulated throughout the community. As noted in the Urbis Review and the submission from the Commonwealth government, the backlash led to many service stations ceasing their supply of Opal.<sup>34</sup>

2.31 The Alice Springs Town Council noted:

The rumour and misinformation spread as to the damaging effect of Opal on vehicles was widespread and had currency with many. An official campaign to address this was generally conceded to be unsuccessful, and it took a concerted campaign by the tourism industry amongst others, using research by a respected "independent" motoring organisation, (the RAA, who tracked down every rumoured breakdown attributed to the use of Opal and showed the lack of veracity to these claims) to bring acceptance to the use of Opal.<sup>35</sup>

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30 Inquest into the death of Kenny Malthouse [2008] NTMC 026, p. 3.

31 Inquest into the death of Kenny Malthouse [2008] NTMC 026, p. 10.

32 BP Australia Pty Ltd, *Submission 9*, p.5.

33 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 22.

34 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 24; FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 21.

35 Alice Springs Town Council, *Submission 16*, p. 3.

2.32 Following research by DoHA which highlighted a 'major lack of accurate and factual information about Opal in the Alice Springs community', a communication campaign was developed and implemented at the same time as the second roll out of Opal in February-March 2007. DoHA noted that:

The campaign materials were thoroughly developed based on extensive consumer research into attitudes surrounding *Opal* fuel and were thoroughly market tested in Alice Springs to ensure they met the information needs of Alice Springs consumers.<sup>36</sup>

2.33 However, the Urbis Review and other submitters highlighted issues about timing and appropriateness of the communication campaign accompanying the second roll out in 2007. The Central Australian Youth Link Up Service (CAYLUS) stated:

Government information campaigns on Opal have been poorly timed and targeted and there has been a growth in Premium unleaded usage in the region from 10% prior to Opal to 50% currently...

... We hope the campaign significantly improves, this strategy is crucial to keeping the community informed and committed to Opal, especially as it is a voluntary program that could be discontinued at any time by the retailers in Alice Springs.<sup>37</sup>

2.34 The Urbis Review also noted concerns from DoHA and other stakeholders that as the communications campaign was launched at the same time the rollout began it did not sufficiently prepare people to accept the switch to Opal fuel. This again contributed to 'some "backlash" from locals, although less severe than with the initial (aborted) rollout of Opal in mid-2006'.<sup>38</sup> In light of the experience in Alice Springs the Review recommended that in any future rollout of Opal fuel there should be 'an appropriate communications strategy in operation a few weeks in advance'.<sup>39</sup>

2.35 The Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council was primarily concerned with the content and appropriateness of the communications campaign, noting that DoHA opted for standard newspaper advertisements which NPY believed was not as effective as an alternative campaign that had been developed, using radio as well as print advertising, and which featured well-known personalities such as Lee Kernaghan. NPY Women's Council stated:

The communication strategies in relation to Opal have unfortunately fallen far short of the mark...

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36 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 21.

37 Central Australian Youth Link Up Service (CAYLUS), *Submission 10*, p. 6.

38 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 25.

39 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 47.

...We remain very concerned that the adverse affects of the early bad publicity have not been overcome, and are considering designing and running our own campaign.<sup>40</sup>

2.36 Although there have been issues with the rollout of Opal fuel in Alice Springs, the four Commonwealth departments reported that since March 2007 all 11 service stations in Alice Springs have completely replaced regular unleaded petrol with Opal fuel.<sup>41</sup> CAYLUS noted that the voluntary replacement of standard unleaded fuel with Opal by all retailers in Alice Springs is a remarkable achievement that has made an enormous difference.<sup>42</sup>

2.37 Although Opal is has now replaced standard unleaded petrol the committee is concerned by the anecdotal evidence and reports from Alice Springs of an abnormal increase in sales of premium unleaded fuel since Opal was introduced—CAYLUS suggests it has increased from 10 per cent to 50 per cent of sales—which may indicate that there are some lingering suspicions about Opal fuel within the community.<sup>43</sup>

2.38 The rollout of Opal fuel in Alice Springs demonstrates the importance of an advanced targeted communications campaign which should be considered before the rollout of Opal fuel in similar areas.

## **Recommendation 2**

**2.39 That any future rollout of Opal fuel be accompanied by an appropriate communications strategy that is implemented well in advance of the rollout. As such, the committee urges the government as a matter of priority to finalise the revised communications strategy before the next phase of the rollout of Opal fuel. The committee does not consider that this should cause any delay to the further rollout of Opal fuel.**

## **The success of Opal fuel**

2.40 The supply of Opal fuel has been a resounding success in helping to reduce petrol sniffing. Whilst visiting communities the committee heard about the difference that Opal fuel is making. Community members in Papunya described Opal fuel as a 'helping hand' that was said to have brought 'smiling back in the community'. In Mutitjulu Opal fuel was described as having completely changed the face of communities.

2.41 The Department of Health and Ageing recently conducted an impact evaluation of Opal fuel to assess the impact of the roll-out on the prevalence of petrol

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40 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 11.

41 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 21.

42 CAYLUS, *Submission 10*, p. 6.

43 CAYLUS, *Submission 10*, p. 6; see also Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 25.

sniffing. The evaluation was released in October 2008 and found that in 17 of the 20 communities studied, petrol sniffing had declined with an overall decrease of 70 per cent across all communities included in the study. Central Australia and the APY Lands were the areas that recorded the largest decreases of 94 per cent and 93 per cent respectively. The evaluation also found that:

- there is a statistically significant relationship between the distance from each community to the nearest ULP outlet, and the size of the decrease in the prevalence of sniffing at each community, which indicates that the use of Opal fuel has had a significant role in the decrease in the prevalence of sniffing; and
- qualitative feedback indicates that most residents of the communities who have experienced a decline in sniffing attribute the cause of that decline, at least in part, to the introduction of Opal fuel.<sup>44</sup>

2.42 Many submissions also accredited much of the reduction in sniffing to Opal fuel, as Brian McCoy noted:

The roll out of Opal fuel has made a significant difference in its ability to limit access by young people to sniffable fuel. Most sniffers are young and with limited access to income as also vehicles. They remain dependent on what they can access within their own communities.<sup>45</sup>

2.43 The submission from Maggie Kavanagh noted that in Balgo in Western Australia there is:

...agreement in the community that Opal has had a positive impact in Balgo. One comment in particular sums up many people's view about Opal:

*Finally with Opal in the community the issue was addressed and something concrete was being done about petrol sniffing in Balgo. We stopped wasting endless time asking why, what can we do. Opal was something that was preventing sniffing. It is a good strategy. We have to be separate from petrol here.*<sup>46</sup>

2.44 At the Alice Springs hearing the committee heard evidence from community members about the changes that Opal fuel and the reduction in petrol sniffing have made to various communities. Janet Inyaka, Vice-Chairperson of the NPY Women's Council, from Amata in the APY Lands said:

All our communities have good petrol...there is no sniffing of petrol in the communities. We are having good peaceful sleeps at night and the young people have youth activities. There is no petrol sniffing and we do not want them to go back to the old ways.<sup>47</sup>

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44 Commonwealth Department of Health and Ageing, Peter d'Abbs and Gillian Shaw, *Executive Summary of the Evaluation of the Impact of Opal Fuel*, October 2008, p. 2.

45 Mr Brian McCoy, *Submission 7*, pp. 2-3.

46 Maggie Kavanagh, *Submission 18*, p. 1.

47 Janet Inyaka, NPY Women's Council, *Committee Hansard*, 29 October 2008, pp. 40 and 42.

2.45 The committee also heard that as a direct result of the introduction of Opal fuel some of the associated problems with petrol sniffing, such as burglary by young people in search of petrol, have also ceased. In Alpurrurulam one community member told the committee that the school's lawn mowers can now be left outside as everyone knows they are run on Opal fuel and as such they are no longer a target for theft by sniffers.

2.46 The committee notes that the overall reduction in petrol sniffing across many communities provides a real window of opportunity to address the issue of substance abuse and increase the community and service providers' capacity to case manage the remaining individuals who are still sniffing petrol. For example, the committee heard that in Mutitjulu any outbreaks of petrol sniffing can now be monitored and managed by the elders as previously the sniffers were too numerous and powerful within the community.

### ***Opal is only part of the solution***

2.47 Although Opal has been extremely successful in reducing the incidence of petrol sniffing, there were consistent calls in submissions and in oral evidence for the recognition that long term benefits to communities will only come from a comprehensive response to address the underlying causes of petrol sniffing and substance abuse. Opal fuel, while fundamentally important in helping to address the supply side of petrol sniffing, is not in itself the solution. As the South Australian government notes, the reduction in petrol sniffing so far is the likely result of 'the combination of supply, demand and harm reduction measures'.<sup>48</sup>

2.48 While the committee was in Papunya, members of the community outlined the key aspects they believe have enabled them to stop petrol sniffing in the community, which included having good communication, strong leaders, family groups and ties, having support and assistance from organisations such as the Tangentyere Council and CAYLUS and a sports program for young people.

2.49 The Commonwealth government's submission noted reports from communities where Opal fuel has been introduced that some sniffers were substituting petrol for other substances such as glue, paint, marijuana, alcohol and mouthwash. This highlights 'that supply reduction strategies such as Opal fuel, although effective, are only one element in addressing substance use'.<sup>49</sup>

2.50 Without a long-term comprehensive response to petrol sniffing and substance abuse it is inevitable that many young people will substitute petrol sniffing for other forms of substance abuse for which there is no Opal fuel panacea. And while the dysfunctional and destructive affects of petrol sniffing have for the most part subsided, it is critical to use this opportunity to support sustainable long-term

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48 South Australian government, *Submission 15*, p. 8.

49 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 23.

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programs that address the underlying causes of substance abuse in order to build stronger communities for the future. As BP Australia observed:

Opal can only ever be one part of a more comprehensive effort to address the underlying causes and devastating impact of petrol sniffing.<sup>50</sup>

### **Northern Territory Volatile Substance Abuse Prevention Act**

2.51 The roll out of Opal fuel has so far been on a voluntary basis. There is no law mandating that only Opal be supplied in Petrol Sniffing Zone areas and as such regular fuel is still accessible within or in close proximity to many communities.

2.52 Since the committee last reported there has been progress towards creating a legislative framework that would ban regular unleaded fuel in communities in the Northern Territory. Under the *Northern Territory Volatile Substance Abuse Prevention Act 2005*, individual communities can put in place a community management plan banning and/or controlling the supply and sale of petrol and other volatile substances in a community council area. This is an area defined as either a shire council under the *Northern Territory Local Government Act 2008* or an Aboriginal corporation as defined under the *Commonwealth Aboriginal Councils and Associations Act 1976*.<sup>51</sup> The community management plans are then subject to Northern Territory ministerial approval.<sup>52</sup>

2.53 The community of Papunya was the first to put in place such a management plan banning petrol sniffing and allowing contractors and others to be fined if they bring intoxicating fuel within the community boundary. The committee heard in Papunya that although it took some time for the community management plan to have official legal status, the community decided that petrol sniffing would be illegal and enforced this law themselves before the official enactment of the management plan on 1 May 2007. The committee observed that this option—which was promoted to the community by CAYLUS—assisted in empowering them to take control of their own community and the fight against petrol sniffing. Papunya's message now to other communities with a petrol sniffing problem is that 'communities have to be strong, to stand on their own two feet and be proud of their kids'.

2.54 The Northern Territory Member for MacDonnell, Alison Anderson, who assisted with the development of the Management Plan in Papunya stated:

It's great to see the community come together to celebrate the new Management Plan that will assist the fight against the scourge of petrol sniffing...

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50 BP Australia Pty Ltd, *Submission 9*, p. 3.

51 This act was repealed and replaced by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

52 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 22.

...The supply of petrol and other volatile substances within the Papunya community is now punishable under Territory law.

There is also the capacity for mandatory treatment orders...

...The Territory approach has already attracted interest from around the world with a group of Canadian health workers visiting Papunya today to see how Government measures and Opal Fuel have reduced sniffing.<sup>53</sup>

2.55 CAYLUS noted that it has been working with the Northern Territory government to implement the Volatile Substance Abuse Prevention Act in communities. CAYLUS stated that:

The original promise of the legislation proved hard to realize, with numerous bureaucratic obstacles to its effectiveness. It is currently under review, and we hope it will become more streamlined in its application. It is still the best hope for protecting the community from inhalant addicts, whilst not criminalizing these people for their addictions.<sup>54</sup>

2.56 The Commonwealth government indicated in their submission that a number of other communities in the Northern Territory are working to establish similar bans however it was not aware of any equivalent legislation enabling community bans in other jurisdictions outside of the Northern Territory.<sup>55</sup>

### Recommendation 3

**2.57 That Western Australia, South Australia and Queensland provide similar mechanisms to those in place in the Northern Territory which empower individual communities to ban the importation, supply and sale of regular petrol and other volatile substances in a designated local council or shire area.**

### Services available for young people

2.58 Another fundamental strategy included in the Eight Point Plan and a central element in reducing substance abuse is the availability of alternative activities for young people. As the committee has observed throughout both of its inquiries, community based youth services are fundamental to effectively address petrol sniffing and substance abuse. Well resourced youth programs with strong community engagement and support are essential in order to tackle the complex causes of petrol sniffing, such as a lack of educational opportunities, high unemployment, low self esteem and boredom and as well as the general lack of basic resources and opportunities for young people that would be available to them if they lived in urban communities.

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53 Ms Alison Anderson, Member for MacDonnell, 'Papunya Celebrates New Laws To Combat Sniffing', Media Release, 22 May 2007.

54 CAYLUS, *Submission 10*, p. 12

55 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 23.

2.59 Organisations that currently provide services for young people in central Australia include:

- CAYLUS;
- YouthTraX Local Community Partnership;
- BushMob Inc.;
- Waltja Tjutangku Palyapayi Aboriginal Corporation;
- Alice Springs Youth Accommodation and Support Services Inc.;
- Mission Australia;
- The Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council; and
- The Mt Theo Program<sup>56</sup>

2.60 Submitters were adamant that a 'one size fits all' approach does not work for youth programs in remote Indigenous communities, with providers needing to harness local knowledge, skills and networks as well as consult with communities to develop local solutions that meet the community's needs and priorities.

One size fits all does not work in Aboriginal Communities...services ...need to be designed and implemented in consultation with the community. For a service or a program to work effectively in an Aboriginal community, it is important for the community to have ownership over the program.<sup>57</sup>

### ***Northern Territory Integrated Youth Service***

2.61 The Northern Territory Integrated Youth Services Project (NTIYSP) was the key youth program funded under the PSS. The program operates in the four communities of Mutitjulu, Aputula (Finke), Kaltukatjara (Docker River) and Imanpa.<sup>58</sup> The NTIYSP is targeted to young people aged between 5 and 25 years of age and addresses several key elements of the Eight Point Plan including providing alternative activities for young people, education and strengthening communities.

2.62 The services delivered through the NTIYSP were outlined in the submission from the Commonwealth government. These include:

- Youth activities, including sport, cultural, recreational, and other diversionary activities;
- Linking to more specialised case management services to provide support for at-risk individuals at the local level (including assistance to remain connected to family);

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56 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 26–27.

57 Association of Children's Welfare Agencies, *Submission 8*, p. [3].

58 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 6.

- Assistance to remain connected to or engage with education, training and employment; and
- Links to community health and education initiatives.<sup>59</sup>

2.63 Mission Australia was awarded the contract for the NTIYSP following a tender process and was allocated funding of \$8 million over a three year period as well as an additional \$4 million for infrastructure such as construction and upgrades of recreation halls and youth worker accommodation.<sup>60</sup> Mission Australia stated:

In setting up the NTIYS, the federal government acknowledged that an innovative and comprehensive service delivery model was needed to provide more effective services for youth. Rather than repeating the mistakes of the past by setting up ad hoc, poorly resourced and understaffed youth services, the NTIYS recognised that effective services needed a number of things, such as adequate staffing. That includes staff who have the necessary skills, maturity, experience and the motivation to do the job. We also need infrastructure, including housing for workers, recreation halls and vehicles.<sup>61</sup>

2.64 Through the NTIYSP Mission Australia provides a range of activities, including:

- working to re-engage young people with education;
- sport and recreation activities such as football, basketball, softball, band practice and recording, rollerblading, BMX riding;
- nutrition/cooking, pizza and camel stew nights;
- hygiene and hair care;
- cultural activities such as visiting sacred sites with community elders;
- school pick-up services; and
- lunch time activities to help encourage school attendance.<sup>62</sup>

2.65 Mission Australia reported that in the month of June 2008, 4 125 children and young adults participated in activities run under the NTIYSP, with the largest total participation rate over the four communities being boys aged between 10 and 14 years. Mission Australia's data also shows that although the NTIYSP is targeted at young people between 5 and 25 years there were over 300 children under the age of 5

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59 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 27.

60 Funding is provided through FaHCSIA, AGD and DEEWR see FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 27.

61 Mr Paul Phyland, Mission Australia, *Committee Hansard*, 29 October 2008, p. 62.

62 Mission Australia, *Submission 5*, p. [2].

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participating over the same month in NTIYSP activities which is around 8 per cent of the total.<sup>63</sup> The reason given for this is that:

Older children may be left to look after their younger brothers and sisters. Our youth workers will not separate the younger children from their older siblings as doing so could mean leaving the younger ones unattended or the older ones not participating in activities.<sup>64</sup>

2.66 During this inquiry the committee visited Mutitjulu and spoke with youth workers from Mission Australia as well as other community members. The committee visited the youth facilities which included a computing room, a band practice room, a recreational hall with pool tables, a play station and an arts and craft room. There was also a separate room with gym equipment for the older males. The committee was advised that the hardest group to engage with was young women between 15-25 years of age as many of the facilities were mainly used by the men, and due to their child care responsibilities. The committee was pleased to learn of the successful collaboration between the youth service and the Voyages Ayers Rock Resort 20 kilometres from Mutitjulu which allows the community to use the swimming pool in the afternoons.

2.67 Although the NTIYSP is regarded as successful, Mission Australia notes there were some issues with its initial implementation. The committee was advised that 'from the outset we [Mission Australia] have acknowledged in our submission and in our opening statement that the early days of the program were difficult'.<sup>65</sup> Some of the difficulties outlined by Mission Australia include:

- a prior lack of presence in the region, including lack of networks and relationships on which to build the service and ensure community ownership;
- difficulties associated with establishing services in remote areas;
- inappropriate initial staffing structures, with inadequate decision making authority among staff located in communities; and
- lack of clear direction and control from management and lack of support for community-based staff resulting in high staff turnover and inadequate reporting and monitoring.<sup>66</sup>

2.68 Similar concerns regarding the implementation of the NTIYSP were also expressed to the committee during its inquiry. CAYLUS submitted that there:

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63 Mission Australia, *Submission 5*, Attachment 1.

64 Mission Australia, *Submission 5*, p. [2].

65 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 29 October 2008, p. 64.

66 Mission Australia, *Submission 5*, pp. [3–6].

...appeared to be great confusion about how to undertake the work and unrealistic demands both from government and from Mission Australia management placed upon local workers...

These unrealistic expectations appear to be the result of several factors. One being that Mission Australia were inexperienced and over committed in their tender...Another factor appears to have been that the multiple government departments that funded the initiative didn't collate their expectations, so the workers were expected to be running youth activities by one dept whilst being truancy officers for another and research officers for yet another.

Another ongoing pressure has been that CAPSSU did not deliver suitable staff accommodation.<sup>67</sup>

2.69 Some of the lessons learnt from the implementation of the NTIYSP were outlined by Mission Australia and include the need for:

- the provision of appropriate service structures and management to enable clear decision-making processes;
- establishing local networks to assist in information sharing, coordinated responses and better relationships with the local community and organisations; and
- accountability and clear direction and control from management.<sup>68</sup>

2.70 The *Urbis Review of the First Phase of the Petrol Sniffing Strategy* also reported several broader stakeholder concerns about the NTIYSP, including that:

- it covered only four communities;
- progress has been slow due to a range of factors such as turnover of youth workers, delays in upgrading accommodation and community facilities and suspicion arising out of the NTER; and
- there was a need to focus more on developing young people's knowledge and skills.<sup>69</sup>

2.71 For further discussion of issues surrounding the tender process for youth services see paragraphs 4.40 to 4.47 in chapter 4.

### ***South Australian programs***

2.72 In addition to the PSS Eight Point Plan the South Australian government and other stakeholders in the region developed an action plan for the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands to focus on five priority areas required to improve

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67 CAYLUS, *Submission 10*, p. 8.

68 Mission Australia, *Submission 5*, pp. [5-6].

69 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 43.

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living conditions. The reduction of petrol sniffing and improvement of youth programs were a key element of the second identified priority, which is community safety.

2.73 The South Australian government's submission outlined various youth engagement strategies and programs that have been developed and implemented either in conjunction with the Commonwealth government or run by the state Department for Families and Communities. These strategies are designed to improve youth programs and to divert young people from substance abuse. During the committee's visit to Amata, the committee met with staff from the South Australian Department of Families and Communities and was impressed with the efforts staff were making, as well as the range of activities and the thought that had been put in to providing services.

2.74 The main youth activities provided include:

- sports and recreation activities;
- renovation of community buildings into Youth Centres;
- learning and playing instruments;
- horse breaking programs;
- meals programs;
- bicycle maintenance programs;
- holiday recreation programs; and
- dirt bike (motor cross) programs.<sup>70</sup>

2.75 Some of the main programs and strategies implemented in the APY lands so far include:

- The APY Lands Sport, Multi Sport and Youth Recreation program which has provided funding to the South Australian National Football League (SANFL) to coordinate and manage sporting competitions on the APY Lands along with an after school multi skills youth program. There are also training opportunities being provided for future work in sport, youth work or in pool management.<sup>71</sup> The primary goal of the project is to address the research finding that petrol sniffing is often related to boredom;<sup>72</sup>
- The APY Youth Engagement Strategy which has so far created a database of young people between 12 and 20 years who are not attending school or other training or work, has run a Pastoral Industry Training program, a trial

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70 South Australian government, *Submission 15*, p. 9.

71 South Australian government, *Submission 15*, p. 9.

72 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p.30.

construction program at Ernabella School offering training and accreditation opportunities and a trial Bush Mechanics program;<sup>73</sup>

- The training of youth workers through Relationships Australia which has been contracted by the Department of Families and Communities in South Australia to provide formal training sessions which have covered key topics including program planning, crisis management, sports and recreational skills, mental health first aid (depression, suicide, and psychosis), youth development and applying for funding. Since July 2007 twenty two youth workers have attended the training;<sup>74</sup> and
- A Specialist Intervention Support service that engages an Intensive Support Service Practitioner to provide counselling and support/ response service for people with violent/aggressive and challenging anti-social behaviours and incorporates support for family and other members of the APY Lands communities.<sup>75</sup>

2.76 The Urbis Review stated that it was too early to provide a comprehensive report on the outcomes of these initiatives in the APY Lands. However it noted there was some anecdotal evidence suggesting that the initiatives will have positive effects. For example the SANFL program has:

...reportedly been "very well received by the community and very well-supported", as evidenced by the high numbers of participants, and the fact that the project has engaged not only young people but also a range of other community members as well (eg as trainers, preparing food at football matches, and getting involved in fund-raising). Similarly there is anecdotal evidence that the...project has helped increase the level of participation in sport and recreation activities across the APY Lands.<sup>76</sup>

2.77 In addition, when the committee visited the community of Amata in the APY Lands the manager of youth services advised that the AFL competition has been extremely popular with the young men in the community, with parallel softball matches organised for young women. In addition to AFL, young men have also been able to access motorcycle training and licensing in the community through the support of Motorcycle Australia who visited the community in order to prepare them to enter the Finke Desert Race which is an off road, multi terrain two-day race through the desert from Alice Springs to Aputula (Finke). This has been a great success with one of the young men chosen for a professional team.

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73 South Australian government, *Submission 15*, pp. 8-9.

74 South Australian government, *Submission 15*, p. 10.

75 South Australian government, *Submission 15*, p. 12.

76 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p.30.

### ***Western Australian programs***

2.78 Both the NPY Women's Council and the Urbis review of the petrol sniffing strategy noted that the provision of youth services under the petrol sniffing strategy in Western Australia has been slower than in other jurisdictions.<sup>77</sup>

A Ngaanyatjarra Lands (WA) Youth Substance Abuse Strategy was prepared for CAPSSU by the Ngaanyatjarra Council and Shire and includes a consultation report, mapping exercise and implementation plans. NPYWC and many other agencies working in the Ngaanyatjarra Lands were involved in the preparation. This Strategy was submitted to Kalgoorlie ICC in June 06 and until very recently there had been no action on substance abuse prevention and intervention in the Ngaanyatjarra Lands.<sup>78</sup>

2.79 Although progress has been slow there are some youth services and infrastructure projects under way in both the Ngaanyatjarra Lands and the East Kimberley zones. The Western Australian government notes that the Ngaanyatjarraku Shire is currently working to establish Youth Treatment Camps to provide education and connection to country for young people in the area. In conjunction, Juvenile Offender Camps are also being initiated for 12-16 year olds to treat alcohol and other drug dependencies together with family and community involvement and sport and recreational activities.<sup>79</sup> There has also been a considerable investment in youth worker accommodation in the Ngaanyatjarraku Shire area with the Commonwealth government providing over \$2 million.

2.80 In addition, the NPY Women's Council advised that it is funded by the Commonwealth government to employ a full-time youth development worker based at Warakurna, and occasionally engages casual or part-time staff when funds are available.

### ***School holiday programs***

2.81 Providing young people with activities during the school holidays is extremely important as there is a greater possibility that young people will sniff petrol during the long breaks especially where school may otherwise provide the only daily activity within the community. As Pauline Fietz noted in her paper *A Good Practice Model for Youth Program Development in Southern Central Australia*:

Regular and consistent activities are of particular importance for young people during the school holidays, periods known to induce high levels of boredom and potentially outbreaks of petrol sniffing.<sup>80</sup>

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77 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 9; Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p.31.

78 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 9.

79 Western Australian government, *Submission 12*, p. [2].

80 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11d*, p. 4.

2.82 CAYLUS have also noted that these programs are particularly useful in communities without a fulltime youth program.<sup>81</sup>

2.83 Since December 2007, the South Australian government has—in conjunction with NPY Women’s Council—run specific targeted school holiday programs in each of the communities in the APY Lands. Activities have included:

- hip hop dance and arts activities;
- music workshops and recordings, bush trips, and film and multi-media programs;
- Circosis—circus skills that include hula hoops, juggling and acrobatics; and
- Ngarpartji Ngarpartji: Film making and theatre games program.<sup>82</sup>

2.84 The NPY Women's Council also runs school holiday programs in Western Australia in Warakurna and Kiwirrkurra—the most remote school in Western Australia—but noted it no longer ran programs in the Northern Territory as that is now the role of Mission Australia under the Northern Territory Integrated Youth Services Project (NTIYSP).

2.85 CAYLUS also highlighted the success of a school holiday program run in Balgo over the last summer break. The directors of Wirrimanu Aboriginal Corporation (WAC) provided half the funds and asked CAYLUS to assist in jointly running the program with funding from the Commonwealth Department of Health and Ageing. The activities targeted a range of age groups and involved a range of organisations in the community including the police, church, school, WAC, the local store and Palyalatju Marpanpa Health Committee. CAYLUS reported that local residents noticed a 'substantial reduction in the levels of breakins which often [were] perpetrated by hungry and bored kids in the community at this time of the year'.<sup>83</sup> The success of the program has led the directors of WAC to seek support from the Attorney General's Department for its continuation over the upcoming school holidays.

2.86 CAYLUS also provided as an attachment a detailed costing of how these school holiday programs could operate on an individual community level through already existing local youth programs.

### ***Other non-government services***

2.87 BP Australia and Yirara College in Alice Springs provided information about a 'return to school program' developed with Teen Challenge for Indigenous youth

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81 CAYLUS, *Submission 10*, p. 9.

82 South Australian government, *Submission 15*, p. 11.

83 CAYLUS, *Submission 10a*, p. 3.

from remote communities such as Hermannsburg and Papunya to support students at risk to return to studies.<sup>84</sup> Some of the activities included holiday camps, supporting students at court, visiting communities and a 'Sand Play' therapy program.

2.88 The communities of Balgo, Mulan and Bililuna in Western Australia have a youth service run by the Palyalatju Marpanpa Health Committee funded mainly by non-government sources including St. John of God Subiaco hospital campus and CARITAS. The youth service provides case management, counselling and support, discos and 'family nights', photography projects, digital filmmaking courses and employment and training for young people to work with Palyalatju.<sup>85</sup>

### **Levels of policing**

2.89 Policing levels in remote Indigenous communities within the PSS zone have increased since the committee reported in 2006. This is in large part due to the measures within the Northern Territory Emergency Response which has seen the establishment of a permanent police presence in many Northern Territory communities. The Commonwealth government's submission notes that in the central desert region there are new or additional police in Haasts Bluff, Imanpa, Mutitjulu, Nyirripi, Santa Teresa and Willowra.<sup>86</sup>

2.90 This is an important development as the NPY Women's Council notes:

A suitable level of policing, based in communities, is pivotal to the success of Opal in the battle to eradicate sniffing...[and] In order to prevent the substitution of liquor and illicit drugs for sniffable fuel, there must be diligent and comprehensive policing.<sup>87</sup>

### ***Substance Abuse Intelligence Desk***

2.91 The Substance Abuse Intelligence Desk (SAID) was established in January 2006 and operates out of Alice Springs. The SAID is a coordinated effort of the Northern Territory, Western Australian and South Australian police forces to 'achieve consistent policing strategies in the cross border region in central Australia'. The Commonwealth government's submission commented on the success of the SAID:

It has been notably successful in limiting the trafficking of illicit substances, has seized sizeable quantities of drugs, guns, and money, and led to significant arrests.<sup>88</sup>

2.92 For example, between January 2006 and March 2008 the SAID:

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84 BP Australia Pty Ltd, *Submission 9*, p. 3; Yirara College, *Submission 6*, p. [1].

85 Maggie Kavanagh, *Submission 18*, p. 2.

86 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 6.

87 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 5.

88 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 6.

- laid 1 206 drug related charges;
- had 177 police interventions related to incidences of petrol sniffing;
- seized 17.9 litres of petrol;
- seized 33.104 kilograms of cannabis;
- seized 16 firearms;
- seized \$87 300 cash; and
- seized 1 178.45 litres of alcohol.<sup>89</sup>

2.93 A second Substance Abuse Intelligence Desk was opened in Katherine in June 2008 as part of the Northern Territory Emergency Response.<sup>90</sup>

### *Developments on the APY Lands*

2.94 Prior to 2008 there were eight police officers stationed in the administrative centres of Umuwa and Murputja on the APY Lands. The South Australian Commission of Inquiry into Children on the APY Lands in 2008 found that additional police stations and police officers were required within the major communities as response times to reported incidents were too slow. The report recommended that:

...fully operational police stations with an adequate number of personnel be established at all of the main communities on the Lands, namely Pipalyatjara or Kalka, Amata, Pukatja (Ernabella), Kaltjiti (Fregon), Mimili and Iwantja (Indulkana)...

...That the police stations be established as a matter of urgency.<sup>91</sup>

2.95 In response to the Commissioner's recommendations the South Australian Police (SAPOL) have provided four additional police with a long-term commitment to provide 19 permanent officers.<sup>92</sup> The South Australian government's submission also noted that three new police stations and accommodation facilities will be built at Amata, Pukatja and Mimili with the first station at Amata due to be completed in August 2009.

### **Treatment and rehabilitation services**

2.96 Since the committee last reported additional rehabilitation facilities have been built in the PSS zones. These are important developments, as the committee noted in its previous report:

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89 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 14.

90 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 14.

91 Commissioner the Hon E Mullighan QC, Commission of Inquiry Report, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*, April 2008, p. 245.

92 South Australian government, *Submission 15*, p. 4.

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The ability to provide high level care and early rehabilitation intervention is imperative for communities suffering from the effects of petrol sniffing.<sup>93</sup>

2.97 The Commonwealth government's submission noted that in 2006 the Council of Australian Governments (COAG), in 'recognition of the importance of tackling the debilitating effect of substance abuse on Indigenous Australians', agreed to work to fund and administer measures to compliment the petrol sniffing strategy in order to address substance abuse in central Australia.<sup>94</sup> COAG funding for treatment and rehabilitation services provided since 2006 is outlined in detail in the Commonwealth government's submission.<sup>95</sup>

2.98 Organisations for which COAG has provided funding for residential and non-residential rehabilitation services in the Northern Territory, South Australian and Western Australian areas of central Australia, include:

- Mt Theo/Yuendumu Substance Misuse Aboriginal Corporation;
- Drug and Alcohol Services Association Alice Springs Incorporated;
- Nganampa Health Council Incorporated;
- Ngkarte Mikwekenhe Community Incorporated;
- Ilpurla Aboriginal Corporation; and
- Central Australian Aboriginal Alcohol Programs Unit.<sup>96</sup>

### ***Substance Misuse Facility in Amata***

2.99 The committee's previous report noted that funds had been allocated by the Commonwealth and South Australian governments for a rehabilitation facility in the APY Lands.<sup>97</sup> The Substance Misuse Facility, as it is known, has since been built in Amata and was officially opened in August 2008. The facility is managed by Drug and Alcohol Services South Australia (DASSA) and provides residential rehabilitation services for people with substance abuse problems. The facility also operates a mobile outreach service—which has been in operation since 2006—and has to date has assisted more than 110 people<sup>98</sup> by providing:

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93 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 88.

94 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 32.

95 See FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 32-36.

96 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 33.

97 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 89.

98 South Australian government, *Submission 15*, p. 5.

...assessment, counselling and drug education in communities...and supports family members of people affected by petrol sniffing and substance abuse.<sup>99</sup>

2.100 The committee was very pleased to be able to visit this facility in Amata which was built in consultation with the local community who advised on its location as well as the facilities that should be available. For example, the beds are at ground level and there is a covered breezeway as many of the Indigenous residents prefer some access to fresh air rather than air conditioning.

2.101 Janet Inyaka from Amata described the community's positive reaction to the new facility during evidence given to the committee in Alice Springs:

The treatment centre was there and we were very happy. The ones who used to sniff before are now damaged. They cannot think and they are sick. They have a lovely place at Amata where they can go and sit down and that is for other people as well to come and stay.<sup>100</sup>

2.102 The opening of this facility on the APY Lands is a crucial step in implementing the Eight Point Plan as well as complying with recommendation 17 made by this committee and recommendations by the South Australian coroner in 2002 and 2005.<sup>101</sup> However, although the facility is now operational, the delays in its construction has been an issue which was discussed at length during the previous inquiry and again raised by the NPY Women's Council during this inquiry.

2.103 An additional concern raised by the NPY Women's Council was in relation to possible difficulties in staffing the remote facility:

NPYWC has expressed serious concern as to whether the SA Department for Families and Communities will be able to attract and keep suitable staff in this location.<sup>102</sup>

### ***Bushmob House in Alice Springs***

2.104 Also noted in the committee's previous report was the Northern Territory government's commitment to provide funds to build a new treatment and rehabilitation

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99 The Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs and Jay Weatherill MP, South Australian Minister for Aboriginal Affairs and Reconciliation, 'APY Lands Substance Misuse Facility officially opened', Joint press release, 12 August 2008.

100 Janet Inyaka, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 40.

101 See Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 97; South Australian State Coroner, Wayne Chivell, 'Inquest into the deaths of Kunmanara Ken, Kunmanara Hunt and Kunmanara Thompson', Number 11 of 2002, 6 September 2002; South Australian State Coroner, Wayne Chivell, 'Inquest into the deaths of Kunmanara Ward, Kunmanara Ken, Kunmanara Ryan and Kunmanara Cooper', Number 17, 18, 19 and 20 of 2004, 14 March 2005.

102 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 27.

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facility in Alice Springs.<sup>103</sup> The new facility, Bushmob House, began operating in April 2008 and is a dedicated volatile substance abuse, alcohol and other drugs residential treatment service for young people between 12 and 18 years of age. It provides safe accommodation, counselling services, drug and alcohol detoxification and rehabilitation and life skill development programs. Young people admitted to the program are supported by a comprehensive assessment and care plan and may stay anywhere up to three months depending on their circumstances.<sup>104</sup>

2.105 Bushmob House is currently funded for five beds but has around 65 clients staying regularly and has accepted clients as young as 10 years old as well as referrals from interstate. Bushmob House assisted 47 petrol sniffers throughout 2008 and there have been an additional three users accessing the service so far in 2009.<sup>105</sup>

### ***Adult rehabilitation facility in Alice Springs***

2.106 In August 2007 the Drug and Alcohol Services Association (DASA)—with Northern Territory government funding allocated through COAG—funded an additional ten beds in the newly opened residential facility to offer rehabilitation and case management services for adult sniffers of petrol and other inhalants in and around Alice Springs.

### **Review of Indigenous Coordination Centres**

2.107 In the committee's previous report it recommended that the government evaluate the effectiveness of Indigenous Coordination Centres' (ICCs) implementation of the whole-of-government policy with a view to improving coordination of government programs.<sup>106</sup>

2.108 The evaluation was undertaken in July 2007 with the final report released publicly in February 2009. The evaluation assessed the progress of ICCs against:

- working in partnership with Indigenous communities;
- whole-of-government leadership;
- flexibility and responsiveness;
- whole-of-government collaboration; and
- ICC capacity and governance.

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103 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 89.

104 Bushmob Inc, *Submission 19*, p. [3].

105 Bushmob Inc, *Submission 19*, p. [1].

106 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 54.

2.109 The committee noted previously that evidence it had gathered suggested that whole-of-government coordination was not working effectively. This was supported by the findings of the evaluation which found that:

Overall, the implementation of whole-of-government collaboration in ICCs is an area requiring significant improvement. Many of the issues that impede whole-of-government collaboration are structural and have little to do with ICC staff and management's willingness to collaborate.<sup>107</sup>

2.110 Whole-of-government collaboration within ICCs was found to require significant improvement particularly in the areas of:

- information sharing;
- developing flexible funding solutions; and
- co-location of the appropriate line agency staff.<sup>108</sup>

2.111 The committee encourages the government to continuously monitor the progress and implementation of the ICC model in order to maximise the coordination of government programs to ensure that quality service delivery and support is available to communities.

### **National Inhalants Information Service**

2.112 In June 2008 the Alcohol and other Drugs Council of Australia (ADCA) launched the National Inhalants Information Service (NIIS) which is a clearinghouse of information on inhalants abuse. According to the ADCA:

The NIIS has filled a vital missing information gap on inhalant abuse, and will help to increase knowledge and awareness of this issue across Australia. The new website and service also aims to enhance the ability for people to respond to inhalant abuse in Indigenous and non-Indigenous communities...

...ADCA believes the new NIIS website and support service will significantly assist with addressing the effectiveness and adequacy of resources currently provided on petrol sniffing and substance abuse in central Australia.<sup>109</sup>

2.113 The committee considers this to be a very comprehensive information service. The committee also notes that while mainstream programs have been successful in reducing the harmful impacts of substance use and misuse on the general population, they have failed to effectively reach Indigenous people and communities. The committee hopes that this service will address this problem and deliver more appropriate information to Aboriginal and Torres Strait Islander audiences.

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107 FaHCSIA, *Evaluation of Indigenous Coordination Centres*, Final Report, July 2007, p. 27.

108 FaHCSIA, *Evaluation of Indigenous Coordination Centres*, Final Report, July 2007, p. vii.

109 Alcohol and other Drugs Council of Australia, *Submission 3*, pp. [1-2].

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## Levels of other substance abuse

2.114 Petrol sniffing is not the only substance abuse issue of concern in central Australia. Throughout this inquiry the committee consistently heard that marijuana use has been on the increase and has generally been the substance used in substitution for petrol.

2.115 Many submissions expressed concern about the increase in use of substances other than petrol. UnitingCare Adelaide reported in its submission that some leaders on the APY Lands had recently expressed:

...their concern that the abuse of other substances – particularly marijuana - has increased in the wake of the roll-out of Opal fuel.<sup>110</sup>

2.116 The committee asked CAYLUS whether they were aware if marijuana use has increased in some communities where petrol sniffing had decreased. CAYLUS advised that marijuana:

...is an issue. There was marijuana use before and people would smoke marijuana when they could get it, and when they ran out, they would sniff petrol. There is marijuana getting into the communities. Some people say there is more and others say that it is just more obvious now. Because people are not sniffing petrol all the time, it is a bit more obvious that they are stoned.<sup>111</sup>

2.117 Daisy Ward, an NPY Women's Council worker from Warburton in Western Australia, advised the committee that young people in her community are using:

...things like petrol, drinking grog, smoking marijuana and what is the other thing—sniffing glue when the builders come in and they renovate the house. They forget, the glues are there, and then they break in and steal glue and sniff all that.<sup>112</sup>

2.118 At the committee's hearing in Adelaide many of the witnesses also agreed that marijuana was a large and increasing problem. The South Australian government noted that:

Anecdotal evidence and evidence from the police probably supports the notion that people substitute one drug for another. When they cannot get petrol, they have substituted cannabis. From the local sources of information that we have, we think that cannabis use in some communities has been on the rise. However, SAPOL have been working really hard to stop supply into those communities. That is the benefit of having Operation Midrealm and extra policing on the lands—certainly for Mutitjulu and other

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110 UnitingCare Wesley Adelaide, *Submission 13*, p. 4.

111 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, p. 22.

112 Ms Daisy Ward, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 29.

communities adjacent to it. They can stop or reduce the supply of cannabis coming into the lands.<sup>113</sup>

2.119 The Aboriginal Drug and Alcohol Council of South Australia (ADAC) also told the committee that:

Mr Perry—Yes, cannabis is a big problem.

Senator BOYCE—And increasing?

Mr Perry—Yes. Also, other solvents are increasing, with paint and glue in the communities—and that is not just remote but also regional communities. In places like Port Augusta they are having problems with paint at the moment.<sup>114</sup>

2.120 ADAC also noted that as well as there being an increase in the use and availability of marijuana both its price and potency had increased. This is exacerbating mental health problems in the communities as well as leaving less money for food and clothing 'so we are finding that the children are missing out more and more.'<sup>115</sup>

2.121 The Nganampa Health Council's *Survey of prevalence of petrol sniffing on Anangu Pitjantjatjara Yankunytjatjara Lands* recorded incidents of occasional glue and paint sniffing but noted that:

All informants stated that marihuana was the main drug of choice on the Lands, and, that petrol was only sniffed by past sniffers when they were unable to obtain marihuana.<sup>116</sup>

2.122 The Commonwealth government's submission provided a summary of the current situation observed by staff in Indigenous Coordination Centres:

ICC Managers report that in general, petrol sniffing is associated with remote areas, and that the inhalant drug of choice in urban settings tends to be paint (chroming).

Marijuana is a widespread problem in both urban and non-urban areas. Anecdotally, in some instances, where petrol sniffing has decreased, marijuana use has increased (for example, Darwin region, APY Lands).

Alcohol is a widespread problem where it is available (and often also where it is restricted). Anecdotally, petrol sniffing has increased in some places where alcohol has been banned. The ICCs report that petrol sniffing appears to have 'migrated' into some communities (such as a few in Cape York and the East Kimberley, as well as Katherine in the Northern Territory) as a result of alcohol bans in the Northern Territory. This

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113 Ms Kim Petersen, South Australian government, *Committee Hansard*, 4 March 2009, p. 43.

114 Aboriginal Drug and Alcohol Council, *Committee Hansard*, 4 March 2009, p. 20.

115 Aboriginal Drug and Alcohol Council, *Committee Hansard*, 4 March 2009, p. 21.

116 Nganampa Health Council, *Survey of prevalence of petrol sniffing on Anangu Pitjantjatjara Yankunytjatjara Lands*, November 2008, p. 4.

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appears to sometimes occur when a family moves, with the older people looking for access to alcohol and the younger people using petrol.

Other drugs, such as amphetamines, appear to be more of a problem in urban areas (where presumably they are more freely available). However, there are reports of growing use of methamphetamines (including Ice) in the north west of Western Australia.<sup>117</sup>

2.123 A recent media report also outlined an incident in the Goldfields town of Leonora in Western Australia in which a group of teenagers allegedly stole more than 30 cans of paint from a visiting contractor's vehicle.<sup>118</sup>

2.124 The continuing presence and effects of substance abuse in Indigenous communities in central Australia, along with sporadic outbreaks of petrol sniffing, highlight that although there has been an overall reduction in petrol sniffing, substance misuse and alcohol still remains a serious concern. It is important that governments, communities and non-government sectors do not become complacent.

The restriction of access to sniffable fuel has been an important factor to limit sniffing within this region. At the same time, the memory of past sniffing and a historical cycle of intermittent sniffing suggest that young people may in the future return to sniff petrol or will seek access to other forms of inhalants.<sup>119</sup>

2.125 The next chapter considers what more needs to be done to effectively address petrol sniffing and other substance abuse issues for the long term.

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117 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 10.

118 ABC News Online 'Goldfields visitors urged to keep solvents locked away', 2 January 2009. Available at: <http://www.abc.net.au/news/stories/2009/01/02/2458130.htm>

119 Mr Brian McCoy, *Submission 7*, p. 2.



## Chapter 3

### Effectiveness of the Eight Point Plan

3.1 Much of the evidence received by the committee indicates that the substantial reduction in petrol sniffing in central Australia has occurred as a result of the implementation of the Eight Point Plan with the rollout of Opal fuel being the single greatest contributor at this point in time. However, as noted in chapter 2, for the Eight Point Plan to be effective in the long-term the rollout of Opal fuel must be accompanied by adequate progress and greater focus on the other seven points of the plan.

3.2 The committee believes that there remains a great deal of progress to be made especially in expanding the rollout of Opal fuel, providing for it to be more widely distributed and implementing appropriate and adequately resourced youth and other support programs in all affected communities.

3.3 This chapter will discuss the effectiveness of the Petrol Sniffing Strategy (PSS) as well as gaps in the response so far. It will also identify key areas where a greater focus is required to effectively address and control petrol sniffing and other substance abuse issues.

#### *Independent review of the strategy*

3.4 In 2006 an independent review of the first phase of the Petrol Sniffing Strategy was undertaken for the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The report, *Review of the First Phase of the Petrol Sniffing Strategy* (Urbis Review), is publicly available and provides a comprehensive analysis of the basis for the PSS and its early implementation.<sup>1</sup> The Urbis Review reported positively on many aspects of the strategy, including the policy basis and the regional approach taken. However, it also found that while some elements of the Eight Point Plan were well advanced (such as the roll out of Opal fuel), no progress had been made on others (such as agreeing on uniform legislation).<sup>2</sup>

3.5 The Urbis Review concluded that the PSS Eight Point Plan was 'well conceived as a response to petrol sniffing in Aboriginal communities and the broader context within which sniffing has occurred'.<sup>3</sup> It also noted that part of the strategy's effectiveness has been the combination of appropriate supply and demand measures which has resulted in:

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1 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 43.

2 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 44.

3 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 41.

- a greatly reduced level of petrol sniffing through the introduction of Opal which has created 'a valuable breathing space or "window of opportunity", giving new heart to communities and reinvigorating community opposition to sniffing'; and
- more active and visible policing as well as more youth programs and activities for young people which has 'helped to keep down levels of sniffing and antisocial behaviour'.<sup>4</sup>

3.6 The Commonwealth government's submission noted that the PSS continues to evolve:

Over time implementation of the strategy will develop in response to evidence regarding success of the Strategy and remaining areas of need, needs expressed by communities and other stakeholders, and to developing Government policy.<sup>5</sup>

### **Effectiveness of the Eight Point Plan**

3.7 The committee considers that the evidence it received throughout the inquiry was very supportive of the overarching strategy, its goals and the eight steps as outlined in the plan. While concerns about the plan were raised, these were largely related to progress with implementation and the level of coordination between departments and jurisdictions.

3.8 Most of the submissions commended the achievements of the PSS in substantially reducing the incidence of petrol sniffing in central Australia. The Commonwealth government's submission stated that it is committed to the Eight Point Plan and considers it to be:

...a comprehensive, flexible and holistic approach to tackling petrol sniffing in remote Indigenous communities...

...To date all evidence, including the recent Review of the First Phase of the Petrol Sniffing Strategy has indicated the 8 Point Plan is well conceived and consistent with priority areas identified by the Overcoming Indigenous Disadvantage headline indicators and COAG Closing the Gap priority areas.<sup>6</sup>

3.9 However, other submissions attributed much of the success of the strategy to the rollout of Opal fuel and noted that many other areas of the plan have not been fully implemented. Mission Australia noted that 'the measures in place to control supply need to be complemented by measures to lessen demand...to steer people away from

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4 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 41.

5 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR), and the Attorney-General's Department (AGD), *Submission 14*, p. 38.

6 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 38.

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the practice'.<sup>7</sup> Dr Brian McCoy stated that for the Kutjungka region the Eight Point Plan 'has been largely confined to the roll out of Opal fuel'.<sup>8</sup>

3.10 In addition CAYLUS noted:

The 8 Point Plan resulted from good intention by government, the plan has led to increased resources some of which have been well used and some of which arguably have been misdirected. The 8 Point Plan hinges on multiple Commonwealth Departments working closely together to implement programs, eliminate red tape and fill service gaps. The reality has been that this has not always happened and that this has undermined some initiatives.<sup>9</sup>

3.11 The committee met with representatives of Voyagers Ayers Rock Resort and The GPT Group in Yulara. While these representatives had no concerns with the actual PSS, they were concerned about the execution of the strategy and what they saw as the poor coordination between levels of government and their respective agencies.

3.12 This sentiment was supported by the Urbis Review which found that:

To date the implementation of the PSS has not involved a consistent or comprehensive whole of government approach...and at present there is relatively little awareness in one jurisdiction of what is happening in the others. Planning and coordination among Commonwealth Departments at SES level was part of the original intention, but to date there has not been a great deal of involvement at the most senior level.

As noted elsewhere, there appears to be substantial room for improvement in relation to a whole of government approach to implementation of the Strategy.<sup>10</sup>

3.13 The Department of Health and Ageing (DoHA) recognised that the PSS:

...could do more to address youth specific drug and alcohol treatment and rehabilitations services, utilise social health teams in primary health care services, and connect more strongly with mental health policies and programs.<sup>11</sup>

3.14 The committee also notes that the recent *Evaluation of the Impact of Opal Fuel* by DoHA 'found no reports of individuals accessing substance use services to help with the move away from sniffing'.<sup>12</sup> This could either indicate that insufficient

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7 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 29 October 2008, p. 64.

8 Dr Brian McCoy, *Submission 7*, p. 4.

9 CAYLUS, *Submission 10*, p. 5.

10 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 45.

11 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 38.

12 Commonwealth Department of Health and Ageing, Peter d'Abbs and Gillian Shaw, *Executive Summary of the Evaluation of the Impact of Opal Fuel*, October 2008, p. 2.

efforts are being made to assist the remaining sniffers to seek assistance or it could also indicate a lack of appropriate services available within close proximity to the sniffers community.

3.15 Overall the committee considers that the Eight Point Plan remains an effective strategy for addressing petrol sniffing in central Australia. The committee is also pleased to see the proposed implementation of the strategy in locations outside the area originally nominated, as recommended in the committee's previous report, and hopes the government will continue to extend the strategy's implementation to all communities with a substantial petrol sniffing problem.

3.16 However, while there has been progress made to reduce petrol sniffing the committee is aware that in many communities petrol has largely been substituted for other substances and that the causes of hopelessness and boredom that drive the demand for petrol sniffing have not been sufficiently addressed.

3.17 The Eight Point Plan was developed to simultaneously address the full range of complex interrelated causes of petrol sniffing and substance abuse and it is essential that all points in the plan are implemented. The committee is of the view that some points of the plan have not been implemented to the extent required for the strategy to effectively and holistically address the causes and issues associated with petrol sniffing and substance abuse in the long term.

3.18 The committee notes the following issues that were raised both in the Urbis Review and in evidence during this inquiry as areas where improvements can be made in order for the strategy to deliver its broad intention.

### ***The role of CAPSSU***

3.19 The Urbis Review noted that the Central Australian Petrol Sniffing Strategy Unit's (CAPSSU) responsibilities so far have related only to the implementation of the Eight Point Plan in the Northern Territory. This is despite the fact that the designated implementation area was extended to an additional 18 or so remote communities as well as the town camps of Alice Springs.<sup>13</sup>

3.20 The committee notes that it is often the preference of Indigenous people to have services and government officers located in their regions, as opposed to being centrally located in Canberra. The committee questions why CAPSSU has not received commensurate funds and staff to implement the full range of PSS programs in the extended zone. The government should make more of the opportunity that CAPSSU offers to engage effectively with Indigenous communities and organisations in the region.

3.21 The Urbis Review noted that staffing shortages in CAPSSU were partly the result of the states and territory governments not contributing staff as originally

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13 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 16.

intended, which means that CAPSSU to date has only been staffed by the Commonwealth government. In relation to the funding of CAPSSU, the Review notes that as:

...no significant funds [were made] available under the PSS for activity in the expanded NT zone, one of CAPSSU's concerns has been to try to identify other possible funding sources for this purpose.

In particular CAPSSU has been successful in obtaining funds available under the NTER for a program of school holiday youth activities in several communities in the expanded zone; it continues to seek funding through the NTER for various other youth activities.<sup>14</sup>

3.22 In addition, the Urbis Review noted that increased pressure was put on CAPSSU's resources when it was required to assist with measures under the Northern Territory Emergency Response, as CAPSSU and FaHCSIA representatives observed 'carrying out these NTER responsibilities has inevitably reduced the CAPSSU staff time available for progressing the Eight Point Plan, and "strained the whole organisation"'.<sup>15</sup>

3.23 Both CAYLUS and the NPY Women's Council expressed concerns that CAPSSU was not operating effectively as a coordination body for the implementation of the plan in central Australia. At the hearing in Alice Springs the committee inquired as to whether the role of CAPSSU should be reviewed to assess its efficiency. Vicki Gillick from NPY Women's Council responded:

What are the costs and where is the efficiency in having that unit if the main thing they have administered is one contract...

...It is probably timely to have a look at the CAPSSU, what it has achieved, and what it is expected to do. It was expected to deal with a tri-state approach to this issue and various aspects of an eight-point plan. But that quickly seemed to be whittled down to dealing with the Northern Territory...

...If they are monitoring a contract to one service provider and a bit of school holiday funding do you really need a substantial unit made up of various arms of government?<sup>16</sup>

3.24 CAYLUS suggested that the Commonwealth government:

...in order to best maximise the use of current and future 8 Point Plan resources and ensure better coordination, consider locating remaining and future 8 Point Plan resources within one department. Based on experience

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14 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 18.

15 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 17.

16 Ms Vicki Gillick, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Committee Hansard*, 29 October 2008, pp. 44-45.

of on the ground results we would suggest that Health would be the most appropriate.<sup>17</sup>

3.25 When the committee met with the GPT Group in Yulara they noted that CAPSSU had performed well given the difficult circumstances but they considered that the implementation of the PSS would be more efficient and better implemented through a coalition of NGOs, government and community representatives.

#### **Recommendation 4**

**3.26 While the committee recognises the importance of a local 'on the ground', coordinated presence for the effective implementation of the Eight Point Plan, it is concerned about the Central Australian Petrol Sniffing Strategy Unit's ability to effectively implement the Petrol Sniffing Strategy. The committee recommends that the Commonwealth government immediately commission an independent review of the role and function of the Central Australian Petrol Sniffing Strategy Unit, specifically:**

- **its capacity to implement the strategy effectively;**
- **whether its current location in the Alice Springs Indigenous Coordination Centre as part of FaHCSIA delivers the requisite level of accountability and governance standards;**
- **processes in place for the effective ongoing monitoring, evaluation and reporting of the Unit's role;**
- **its ability to effectively engage and consult with Indigenous people and communities; and**
- **the effectiveness of the tri-state whole-of-government approach including the staffing and collaboration between departments.**

#### **Consolidating the rollout of Opal fuel**

3.27 The committee acknowledges the already extensive voluntary rollout of Opal fuel in central Australia. This is a testament to the combined commitment and effort of the communities, governments and the private sector and has done much to reduce the incidence of petrol sniffing in central Australia. There has also been considerable work undertaken to expand the Opal fuel rollout to areas outside the zones defined by the Petrol Sniffing Strategy which is also a welcome development.

3.28 Although the rollout of Opal fuel has been extensive, much of the evidence provided to the committee indicated that further attention and commitment is required to achieve a comprehensive rollout of Opal fuel in the central Australian region. Given the newly increased production capacity at the BP refinery there is the potential to almost double the current production levels of Opal fuel and further increase the

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17 CAYLUS, *Submission 10*, p. 6.

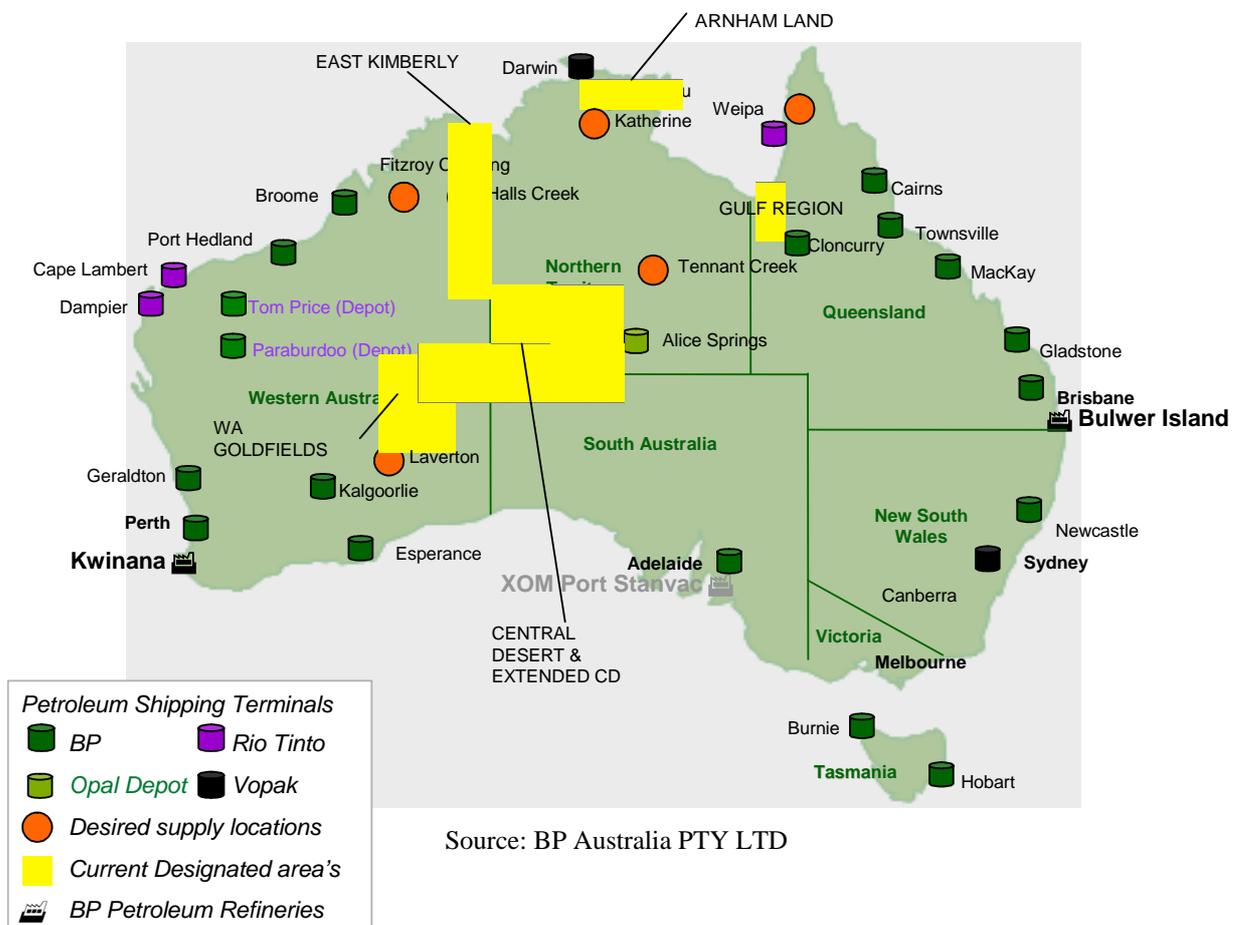
number of communities supplied with Opal fuel which would go some way to addressing the remaining sources of sniffable fuel.

3.29 In the conclusions and recommendations of the Urbis Review it was recommended that the government give further consideration to the:

...need to bring into the fold a small number of service stations which have to date refused to stock Opal fuel, and also to consider the introduction of Opal in places such as Laverton (WA) which function as service centres for some Central Desert communities. The effect of the continued ready availability of premium unleaded fuel also needs further consideration.<sup>18</sup>

3.30 At the Adelaide hearing the committee was provided with a map (see below) by BP Australia showing desired supply areas and existing petrol supply terminals across Australia. The map shows that there is only one Opal depot outside of Adelaide and that is in Alice Springs. While there is a fuel terminal in Darwin, it is owned by a third party, Vopak, where regular fuel is normally sourced from Singapore for distribution to northern Australia. The committee understands that BP has been in discussion with DoHA about how Opal supply can be increased around Australia paying particular attention to the areas depicted on the map in orange.

### BP Australia Terminals and Opal Supply Current and Future



3.31 In addition to expanding the rollout of Opal fuel to remote communities the Commonwealth government noted:

...petrol sniffing is a problem that affects many communities outside the zones defined by the Petrol Sniffing Strategy, for example, urban areas such as Brisbane's Fortitude Valley. Addressing outbreaks of petrol sniffing in areas outside the declared Petrol Sniffing Strategy zones and in areas that are not as isolated as communities in central Australia is an obvious challenge for the Strategy.<sup>19</sup>

### *Mandating Opal fuel*

3.32 There is currently no legislation to mandate the use of Opal fuel; uptake so far has been on a voluntary basis. Although there has been some resistance to Opal fuel in a few communities, as noted in chapter two, the committee acknowledges the overwhelming voluntary uptake. With this level of cooperation there has been little requirement for the introduction of legislation to mandate the supply of Opal fuel.

3.33 However, over the course of the inquiry the committee has consistently heard that supplies of unleaded petrol are continuing to enter some communities as a result of several strategically located retailers—particularly Rabbit Flat Roadhouse (NT), Ti Tree Roadhouse (NT), Tilmouth Well Roadhouse (NT) and Laverton Roadhouse (WA)—in the Expanded Central Desert Zone continuing to refuse to stock Opal fuel. The committee was advised that in addition to these five roadhouse there are an additional five—Laramba store (NT), Maryvale Station (NT), Cadney Park (SA), Jervois roadhouse (NT), Ross River Resort (NT) and the Urandangi community store (QLD)—that have also refused to stock Opal fuel.<sup>20</sup>

3.34 The submission from Maggie Kavanagh in Balgo notes that as a result of the continued sale of unleaded petrol at both Rabbit Flat and Halls Creek opportunistic sniffing still occurs and involves a significant number of young people.<sup>21</sup> The submission notes that the delays in supplying Opal fuel in Halls Creek are the result of a wider distribution problem—discussed in more detail later in this chapter—however the issues with Rabbit Flat roadhouse are described as 'philosophical'.

The community feels let down that the [C]ommonwealth government has not been more pro active in driving the rollout of Opal into these areas. The community has written to Rabbit Flat Roadhouse and Shell asking them to put Opal fuel in as soon as possible<sup>22</sup>. Balgo community would clearly benefit from a petrol free quarantined region that includes the closest outlets of Halls Creek and Rabbit Flat.<sup>23</sup>

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19 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 19 and 21.

20 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 5.

21 Maggie Kavanagh, *Submission 18*, p. 3.

22 Note: both letters were tabled at the committee's hearing in Alice Springs 29 October 2008.

23 Maggie Kavanagh, *Submission 18*, p. 3.

3.35 The committee also heard evidence that there are still fairly frequent outbreaks of petrol sniffing in Laramba community in the Northern Territory—despite its strong history of controlling petrol sniffing—because it is situated in close proximity to the Tilmouth Well roadhouse and Laramba store which still persist in supplying regular unleaded petrol.<sup>24</sup>

3.36 On the committee's visit to Alpurrurulam—which is outside of the designated PSS zone—the committee heard that although Opal has been in the community for almost two years there are still some instances of sniffing because regular unleaded petrol is being brought in from towns cross the border in Queensland such as Mt Isa, Urandangi and Emerald Station. The committee was advised that Urandangi Station had agreed to switch to Opal but as yet there were no suppliers of Opal fuel in that area of Queensland. However at the committee's hearing in Canberra the Commonwealth government advised that this store had actually refused to supply Opal fuel, as Ms Lesley Podesta noted:

There might have been a reason that they declined that they did not disclose to us, but we approached them and they declined to participate.<sup>25</sup>

3.37 The committee enquired about whether attempts had been made by the communities and organisations to approach roadhouse owners and communicate the impact of their refusal to stock Opal. CAYLUS responded:

I spoke to Bruce Farren, who runs Rabbit Flat, and at that stage Bruce said that no Aboriginal had ever requested that he stock Opal. Subsequently the Balgo community wrote to him and requested that. The police from Balgo have been to visit him and also asked for that. We asked for that. People from Yuendumu asked for that, but there has been no response in any case...

...At the Ti Tree roadhouse, I have not been able to speak to the owner but I have met the owner at various forums. I have seen him in forums since before Opal came, and he has opposed it from the very beginning, and continues to oppose it. He does not live in Ti Tree so he does not have to live with the effects, but he has continued to oppose Opal roll-out there. Because he owns it outright, he can do that.<sup>26</sup>

3.38 The committee understands that the Commonwealth government is continuing 'to consult with these stakeholders to progress the introduction of Opal fuel to these locations'.<sup>27</sup> The Northern Territory government has also been in contact with the roadhouse owners in the hope that 'people will soon see the benefits rather than the disincentives, and they usually come on board once they are able to get all the

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24 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, p. 16.

25 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 13.

26 Mr Tristan Ray, CAYLUS, *Committee Hansard*, 29 October 2008, p. 15.

27 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 19.

information'.<sup>28</sup> However, numerous submissions and witnesses raised concerns that the recalcitrant roadhouses are unlikely to ever voluntarily introduce Opal fuel and noted the lack of progress following years of consultations. The committee also notes that one of the roadhouse owners has publicly voiced their personal opposition to supplying Opal fuel.<sup>29</sup> These remaining sources of regular unleaded petrol within the Petrol Sniffing Strategy Zone are a concern to the committee and agree with the NPY Women's Council that:

It is absolutely vital that the widest possible coverage of Opal is achieved in the Central region so as to close off opportunities for sniffing.<sup>30</sup>

3.39 In order to overcome this barrier preventing a comprehensive rollout of Opal fuel, submissions and witnesses argued that legislation mandating its supply was necessary. Alderman Melanie van Haaren on the Alice Springs Town Council argued that the use of Opal fuel should be legislated:

I believe it should be legislated...Given the depth and gravity of the problem, particularly in the Top End of the Northern Territory, it would be negligent not to do something to that affect...There can be no room for complacency around that. We have evidence and proof that it is a simple initiative with an enormous benefit for youth and families. There really should be no excuse for not moving on it.<sup>31</sup>

3.40 Similarly, the NPY Women's Council was of the view that:

...legislation is necessary in order to maximise the reduction of supply. This reduction is of course the main advantage of the implementation of Opal fuel and the main reason for its success in vastly lowering the incidence of sniffing in the region.<sup>32</sup>

3.41 CAYLUS also agreed stating that the roadhouses:

simply refuse, for no good reason, to stock the fuel. It is also not good enough to simply rely on the future good will of retailers in an environment like ours. The use of Opal in our region needs to be legislated in order to ensure that the gains of the Opal Rollout are more than temporary. If the NT Government is unwilling the Commonwealth Government should act.<sup>33</sup>

3.42 In addition, when the committee met with representatives of The GPT Group, a member of the Opal Alliance, in Yulara they recommended that a legislative framework be put in place to mandate the supply of Opal fuel in a specified area.

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28 Ms Marion Scrymgour, Northern Territory Indigenous Affairs Minister, in Natasha Robinson, 'Roadhouses ignore sniffing revival', *The Australian*, 12 April 2008.

29 See Natasha Robinson, 'Roadhouses ignore sniffing revival', *The Australian*, 12 April 2008.

30 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 7.

31 Ms Melanie van Haaren, Alice Springs Town Council, *Committee Hansard*, 29 October 2008, p. 79.

32 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 3.

33 CAYLUS, *Submission 10*, p. 6.

3.43 NPY women's Council provided the committee with legal advice it had sought in relation to legislation mandating the use of Opal fuel. The advice from Blake Dawson Waldron lawyers notes that:

The regulation of the sale of petrol is generally a matter for the States rather than the Commonwealth...each State approaches the regulation of the sale of petrol differently. South Australia, for example, requires retailers and wholesalers to have a licence to sell petrol, while Western Australia does not have a licensing scheme but regulates from whom retailers purchase petrol. The Northern Territory requires that wholesalers who supply fuel to retailers have a licence...

...Given the disparate regulatory regimes in each State, it is difficult to recommend a uniform approach to drafting legislation which mandates the use of Opal across an area that covers South Australia, Western Australia and the Northern Territory.<sup>34</sup>

3.44 The advice provides three options for mandating the use of Opal fuel through cooperation by each state and territory to enact similar legislation in each jurisdiction which would either expressly or by necessary implication mandate the use of Opal.

3.45 The Gilbert + Tobin Centre of Public Law at the University of New South Wales provided evidence on the constitutional powers available to the Commonwealth to create laws mandating the supply of Opal fuel. The submission recommended, in contrast to the legal advice from Blake Dawson Waldron lawyers, that the most efficient method was for the Commonwealth government to take responsibility for enacting the legislation rather than each state and territory as 'it is difficult to pull off uniform complementary legislation and then hard to keep it in sync'.<sup>35</sup> The Centre concluded that there was no 'constitutional barrier to the enactment of Commonwealth legislation requiring the replacement of standard unleaded fuel with low aromatic fuel (OPAL) in Central Australia'.<sup>36</sup> The submission recommended a combination of the Commonwealth's constitutional corporations power and the territories power which could effectively:

...prohibit the stocking of standard unleaded fuel, and thus promote its replacement with OPAL, in areas within or near the Territory.<sup>37</sup>

3.46 The committee inquired as to whether the Commonwealth government had looked into introducing legislation to mandate the use of Oapl fuel, to which DoHA replied:

We are certainly undertaking some work to do a detailed cost-benefit analysis in regard to potentially introducing legislation. It is advice that has not been provided to government. As a department, we are not in a position

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34 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11b*, pp. 3-4.

35 Gilbert + Tobin Centre of Public Law, *Committee Hansard*, 29 October 2008, p. 3.

36 Gilbert + Tobin Centre of Public Law, *Submission 17*, p. 2.

37 Gilbert + Tobin Centre of Public Law, *Submission 17*, p. 2.

to give advice to government yet, because we have not undertaken that work. I am sure you will be aware, Senator, that it is Australian government policy that a regulatory impact statement, including detailed cost-benefit analysis, is part of a process. We are about to commence work around a cost-benefit analysis, so it is probably premature of me to speculate on benefits or otherwise about legislation.<sup>38</sup>

3.47 The committee recognises and agrees that a concerted effort has been made on behalf of both government, non-government organisations and affected communities to encourage retailers to supply Opal fuel. Following evidence provided to the committee it appears that for several years there has not been any positive signs of progress and the committee is now of the view that legislation to mandate the supply Opal fuel appears to be the only way to achieve a comprehensive rollout of Opal fuel in central Australia.

#### *Linking Opal fuel to the BasicsCard*

3.48 The committee has also considered the proposal of making the exclusive supply of Opal fuel at a roadhouse or other retail outlet a condition of approval as a merchant for the BasicsCard. The BasicsCard is used by people whose Centrelink payments are being income managed so they can purchase essential goods and services through the usual method of EFTPOS. As retailers have to apply to become an approved BasicsCard merchant there has been some suggestion that the approval should be contingent on the retailer supplying Opal fuel. This would mean that roadhouses in the Northern Territory as well as those in or nearby other income management trial areas in Western Australia would have to switch to supplying Opal fuel if they wished to be an approved BasicsCard merchant. This would avoid the need to introduce legislation at the current time although it would have little effect on the Laverton roadhouse where the BasicsCard is generally not in use.

3.49 The committee inquired about this option for encouraging the use of Opal fuel in areas where income management was in place. The Commonwealth government advised that:

...there are some complex both legal and practical issues associated with that—particularly when you are dealing in the Territory, where there is mandatory income management—such as whether, if you took away the BasicsCard, that would disadvantage certain elements of the community because they cannot access services in the most convenient way. I think it is a very complex problem and not one that I am aware that we have actively explored at this time.<sup>39</sup>

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38 DoHA, *Committee Hansard*, 12 March 2009, p. 23.

39 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 6.

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## Recommendation 5

**3.50** Given the continuing resistance to Opal fuel by some retailers across all jurisdictions in central Australia, the committee recommends that the Commonwealth government complete, as a matter of priority, the necessary work to determine whether legislation is both possible and practicable.

**3.51** If these retailers do not voluntarily agree to supply Opal within 6 months, and if it is established that there are no legal impediments to the implementation of Commonwealth legislation, the Commonwealth government should immediately commence the drafting of legislation to mandate the supply of Opal fuel within the petrol sniffing strategy zone.

## Recommendation 6

**3.52** In the event that the introduction of Commonwealth legislation is not possible, the committee recommends that state and territory governments introduce legislation to mandate the supply of Opal within the petrol sniffing strategy zone.

### *Contractors and the use of Opal fuel*

**3.53** In its previous report the committee recommended that similar procedures to those implemented by the community of Maningrida in Arnhem Land, where all contracts were conditional on the contractors not bringing unleaded fuel into the community, be used by other communities.<sup>40</sup>

**3.54** The committee was informed during this inquiry that contractors still bring sniffable fuel and other volatile substances into communities, such as Mutitjulu in the Northern Territory. DoHA's impact evaluation of Opal fuel also found that contractor's equipment is a common source of the regular unleaded petrol currently used for sniffing. The evaluation recommended that:

...educative material and verbal reminders given by staff working with communities experiencing sniffing stress the need for Councils and other employers to stipulate that contractors must use Opal fuel, and lock away any volatile substances such as glues that they use.<sup>41</sup>

## Recommendation 7

**3.55** Given that the committee in its 2006 report recommended that all governments replicate the procedure used in Maningrida to prevent contractors bringing regular unleaded petrol into communities by making it a term of contract, the committee reaffirms this recommendation and recommends that contracts for service in areas where petrol sniffing is a problem contain terms

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40 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, pp.112 and 114.

41 Commonwealth Department of Health and Ageing, Peter d'Abbs and Gillian Shaw, *Executive Summary of the Evaluation of the Impact of Opal Fuel*, October 2008, p. 4.

**which prevent regular unleaded fuel entering the community and require that all other volatile substances and inhalants be locked away when not in use.**

*Central Australian exclusion zone*

3.56 During the previous inquiry the committee considered areas that should be included in the initial Opal fuel rollout in order to strategically limit the supply of sniffable fuel and maximise the effectiveness of the rollout. The committee concluded then that:

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.<sup>42</sup>

3.57 Some of the last fuel stops identified during the previous inquiry included Laverton, Leonora, Yulara, Curtin Springs, Mt Ebenezer, Eraldunda, Marla and Coober Pedy.<sup>43</sup> The committee notes that much of the evidence received during this inquiry indicated that many of these 'last fuel stops' are yet to supply Opal fuel and as such remain a source of sniffable fuel for central desert communities within the PSS zones.

3.58 The NPY Women's Council noted that its 'members frequently complain that regular unleaded fuel gets to Warburton and other Ngaanyatjarra communities' through Laverton. During the hearing in Alice Springs Valerie Forster, the NPY Women's Council Director, from Wanarn in Western Australia advised the committee that:

In our communities, we have Opal right across the Ngaanyatjarra region, but we have petrol sniffing because there is premium from people who come back from Kalgoorlie and Laverton. They bring in premium. I believe that is where they get petrol and that is when the kids start sniffing petrol, when people or visitors bring in premium petrol. There are a couple of roadhouses that are situated between Kalgoorlie and Laverton and they also sell premium. If we can try to get Opal into those places, maybe petrol

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42 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 113.

43 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 108.

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sniffing will somehow come down and we can stop young kids who are now sniffing and do other activities.<sup>44</sup>

3.59 The Western Australian government confirmed that Laverton was 'identified as the primary source of supply associated with the latest outbreak' of petrol sniffing in Warburton.<sup>45</sup>

3.60 In addition at the Alice Springs hearing Ms Julie Anderson advised the committee of an additional source of sniffable fuel in the region:

Some of our young people sniff petrol at Finke, but that is being brought in from a nearby place called Mount Dare....Mount Dare is a roadhouse on the edge of the national park on the road to Dalhousie Springs.<sup>46</sup>

3.61 The Alice Springs Town Council reiterated that an effective exclusion zone for central Australia would need to include areas:

...more than one tank's range out of the region. That may mean incorporating up to Tennant Creek and down to Coober Pedy, which is out of our area. But that is probably the kind of radius you would need if you wanted to create an exclusion zone in Central Australia, because otherwise a vehicle could make it from those destinations into our region and still have half a tank of sniffable fuel.<sup>47</sup>

3.62 The South Australian government also noted that communities in the Nullarbor region would also benefit from the:

...rollout of Opal fuel along the Eyre Highway [which] would reduce a ready source of petrol to a small number of sniffers at Yalata and the Maralinga Tjarutja Lands which join the APY Lands in the West of South Australia.<sup>48</sup>

3.63 Dr Brian McCoy noted that the ongoing access to sniffable fuel in neighbouring communities outside the designated Opal fuel rollout area is compromising the effectiveness of the roll out.<sup>49</sup>

### ***Opal fuel supply in northern Australia***

3.64 The committee notes that significant supply chain and fuel distribution logistics issues are limiting the rollout of Opal fuel to northern Australia, especially across the East Kimberley Zone, as well as causing delays in expanding the rollout to other communities outside the designated zones. For example in Balgo:

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44 Valerie Forster, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Committee Hansard*, 29 October 2008, p. 26.

45 Western Australian government, *Submission 12*, p. 2.

46 Ms Julie Anderson, *Committee Hansard*, 29 October 2008, p. 43.

47 Alice Springs Town Council, *Committee Hansard*, 29 October 2008, p.79.

48 South Australian government, *Submission 15*, p. 13.

49 Dr Brian McCoy, *Submission 7*, p. 4.

The commonwealth government has been informing Balgo that Opal will be put into Poinciana Roadhouse in Halls Creek since December 2007. Shell has still to make an agreement about supplying Opal to Halls Creek and Opal fuel has still not been established in Halls Creek or Rabbit Flat roadhouse. The community understands that the delay in Halls Creek is due to delays in supply issues.<sup>50</sup>

3.65 This was confirmed by the Shell Company of Australia in a written response to the Senate Select Committee on Regional and Remote Indigenous Communities in December 2008 regarding the supply of Opal fuel in Halls Creek. Shell explained that regular unleaded fuel is currently supplied to the area via Darwin or Broome and that to supply Opal to Halls Creek via road would be a 12 000 km round trip which is not feasible. One possible solution was to:

Put tanker barrels on the railway from Adelaide to Darwin and then hook the barrels up to a prime mover and drive them from there. The round trip for a driver would be 4 days from Darwin as compared with 3 days from Broome, from where Halls Creek is currently supplied. The round trip time for the truck barrel would be somewhere between 12 and 14 days and would require 2 dedicated trucks during low season and 3 dedicated trucks in peak season...<sup>51</sup>

3.66 However Shell discounted this option as:

...Shell's primary estimates are that the cost of delivering fuel in such a manner to Halls Creek would significantly exceed the subsidy (30 cpl) offered by the Federal Government at present for delivering low aromatic fuel to Northern Australia...

...By far the simplest and most cost effective solution would be to have a supply of low aromatic fuel in Darwin (and Broome if possible), available for distribution to Northern Australia...once such a supply is available, delivery of low aromatic "Opal" fuel to northern service stations and communities will be a far more practical proposition.<sup>52</sup>

3.67 The possibility of the construction of a bulk storage facility in Darwin was noted in the Commonwealth government's submission.

To overcome the supply chain issues, DoHA is working to identify a more efficient and accessible option for Opal fuel distribution in remote areas in northern Australia. This is likely to be achieved by establishing a bulk storage facility for Opal fuel in Darwin, in addition to the current storage site in Adelaide. This is expected to be resolved by the end of the 2008-09 financial year.<sup>53</sup>

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50 Maggie Kavanagh, *Submission 18*, p. 3.

51 Correspondence received, Shell Company of Australia, 8 December 2008, pp 1-2.

52 Correspondence received, Shell Company of Australia, 8 December 2008, pp 1-2.

53 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 19 and 21.

3.68 However, at the hearing in Canberra the committee was advised that the option of constructing a bulk storage facility was:

...still under investigation. We have scoped it. It is a very costly and complex infrastructure project. It would take a considerable period of time. It is Northern Australia. It is a very expensive issue. If we do this, it will require us to enter into very long term tenure. We are looking at it but we are also actively pursuing what other fuel distribution mechanisms are available across Northern Australia. It is a very high cost option.<sup>54</sup>

3.69 At the hearing in Adelaide BP Australia explained in greater detail the possible issues with a bulk storage facility in Darwin:

Mr McKenzie—We do not have spare tanks in Darwin, so the issue of supply ex Darwin does make sense... We... just do not have a tank for it. So if we want to build a tank we need tenure, we need capital and we need volume to give Vopak what they need in order to have a reasonable rate of return.

Senator SIEWERT—What volume are you talking about?

Mr McKenzie—It is all dollars, I suppose. Hypothetically, if we were to build a five million litre tank that would be almost two years in construction. It would then need at least a five-year tenure and probably throughputs of about 10 million litres a year. Just to remind everyone, the throughputs out of Adelaide are at 17 million litres at the moment. Some of these communities are looking at about 120,000 to 150,000 litres a year, so it is one road train, one truck worth of volume per annum. To move 10 million litres is still a considerable amount of volume in a place where diesel is the majority use fuel.<sup>55</sup>

3.70 The committee acknowledges the considerable cost and investment required by the Commonwealth government to construct a bulk storage facility in Darwin. However, without such a facility the supply of Opal fuel to northern Australia will remain costly and prevent Opal from being widely available. BP Australia provided the committee with an example of the current effort required to get Opal into Nhulunbuy which took three months of planning.

The physical movements are from Kwinana to Adelaide by ship—a small component of a very large ship—into a reasonably small bulk terminal. From there it goes onto a road train. Road trains run from Adelaide to Darwin; they carry about 140,000 litres of product. There will be a few compartments of Opal; it is mostly diesel with up to, say, 50,000 litres of Opal. The road train would then run to Alice Springs. It would probably put half the Opal into Alice Springs as part of its regular movement. You do not run trucks empty, so it would fill those empty compartments with diesel and take those all on to Darwin. At Darwin it gets discharged into a depot and the Opal gets loaded onto an isotainer, which is a container with a tank

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54 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 26.

55 Mr Chris McKenzie, BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p. 28.

inside. A barge operator then picks it up from that Darwin depot, takes it to the wharf and puts it on his barge, which runs weekly into Gove with every other supply for that region. It takes two days to get to Gove, and then at Gove it gets put into the Rio diesel terminal, which is a safe place to store fuel.<sup>56</sup>

3.71 Although the committee agrees with BP Australia's comment at the Adelaide hearing that in regards to supplying Opal fuel 'nothing is impossible; it just takes lots of conversations, lots of willingness,<sup>57</sup> the committee does not believe that these complicated supply chains and high delivery costs are sustainable in the medium to long term. Even BP noted that the process in place to supply Nhulunbuy with Opal is only a short term solution. The committee concludes that without the construction of a dedicated bulk storage facility in Darwin the costs and supply chain logistics associated with distributing Opal fuel to northern Australia will be prohibitive and unnecessarily complicated.

### *Opal fuel in Yalata*

3.72 Given the additional production capacity at the BP refinery for Opal fuel there is scope to actively encourage and expand the supply of Opal fuel to other communities. One such community which has been consistently raised during this inquiry is Yalata in South Australia where the incidence of petrol sniffing has not declined in contrast to the substantial declines seen in the APY Lands where Opal fuel has been made available.

3.73 UnitingCare Wesley Adelaide raised particular concerns about the delay in the fulfilment of the commitment to supply Opal to Yalata community and the surrounding areas in the Nullarbor region of South Australia.<sup>58</sup> UnitingCare Wesley Adelaide suggest that Yalata has been overlooked even though the community has a long history of petrol sniffing:

It is the first community that is mentioned in the Hansard of the South Australian parliament, back in I think 1979, around petrol sniffing. It is not a fleeting mention; it is a serious situation there. It does come and go. There was a coronial inquest out there into a petrol sniffing death last December and there appeared to be no sniffing in the community at that time, but it has gone like this for 30 years.<sup>59</sup>

3.74 The Commonwealth government in its submission outlined plans to introduce a portable fuel tank system in Yalata, given that there is currently no suitable infrastructure for normal retail fuel supply.

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56 BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p. 29.

57 BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, pp. 28-29.

58 UnitingCare Wesley Adelaide, *Submission 13*, pp. 1-3.

59 Mr Jonathan Nicholls, UnitingCare Wesley Adelaide, *Committee Hansard*, 4 March 2009, p. 8.

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The portable facility will enable community members to purchase Opal and Diesel fuels from two 30,000 litre fuel tanks set inside specially constructed shipping containers. An outdoor payment terminal will provide the opportunity for 24 hour access and a cashless system of fuel supply with significant labour cost reductions.<sup>60</sup>

3.75 The Commonwealth government noted at the hearing in Canberra that the delays with the supply of Opal fuel in Yalata are only due to the issues associated with the lack infrastructure as the community has been approved to receive Opal. The government advised that it has also agreed to provide the funding for the infrastructure—which has not previously been granted in other cases—as it considers the need in this community to be such that this support was warranted.<sup>61</sup>

3.76 The Commonwealth government advised the committee that the provision of Opal fuel in Yalata is progressing with the government currently:

...working with the community to look at the business opportunity that this [infrastructure] will provide, to look at the plans that need to be put in place to make sure the community has the capacity to maintain the upkeep of that fuel unit and to make sure that the revenue that is generated is managed appropriately within that community. The South Australian government and the Ceduna Indigenous Coordination Centre are working with that community. There is currently an Indigenous Small Business Fund application to complete this work. Once this has been approved, we will undertake some work with a consultant to provide relevant skill training within that community to ensure that they are able to operate this as a business.<sup>62</sup>

3.77 The South Australian government also noted that some of the delays in Yalata are due to:

...a sense of reservation from, in particular, the Yalata community—and from other communities—around the impact and effects of Opal fuel on vehicle maintenance and vehicle running. That has been part of the conversations around allaying those particular fears. There is obviously also the issue of the previous roadhouse that was located close to that community and about the re-establishment of that roadhouse and the implications that may have for that community in terms of broader fuel supply. The fact that they are located on the Eyre Highway also has other implications for the supply of Opal to communities further west of that area...Those are the types of conversations that are happening in relation to community concerns about mandated processes for their communities versus other, non-Indigenous communities located along the highway...<sup>63</sup>

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60 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 20.

61 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 3.

62 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 3.

63 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 42.

3.78 The committee believes that this seems to be a reasonable explanation for the delay and urges the Commonwealth government to better communicate these delays with the community and other interested stakeholders to avoid any unnecessary confusion or adverse media attention, which was the case with the recent media coverage from the committee's Adelaide hearing.<sup>64</sup>

3.79 In addition, UnitingCare Wesley raised concerns with delays in the rollout of Opal fuel to the surrounding communities of Ceduna and Nundroo which is where Yalata currently gets its supply of regular unleaded fuel. The concern is that if these communities are also not converted to Opal fuel once Yalata's supply is in place the remaining core group of 5 petrol sniffers will still be able to access sniffable fuel. UnitingCare Wesley stated that:

...we were originally given information saying, 'We are exploring its rollout into surrounding centres.' That is no longer on the radar. A serious question is: why hasn't it already being provided to Nundroo, which is the closest community, so for the last three years people could have got Opal from that community?<sup>65</sup>

3.80 In response to this concern the Commonwealth government advised the committee that it is not responsible for the delay of the supply of Opal fuel to the surrounding communities. The issue is that these communities have not made an application to DoHA for the supply of Opal fuel, the process for which is outlined in chapter 2 of this report.<sup>66</sup> Were the communities to apply to DoHA and be approved the supply of Opal could begin providing there were no safety concerns or delays associated with supply logistics to be overcome.

## **Recommendation 8**

**3.81 The committee reaffirms its previous recommendation that the Commonwealth, state and territory governments revise and agree upon priorities to consolidate and extend the rollout of Opal fuel to utilise the current production capacity of 40 million litres per annum. The immediate focus should be on:**

- **delivering a comprehensive exclusion zone in central Australia;**
- **the option of establishing a bulk storage facility in Darwin in order to provide a sustainable long-term distribution system in northern Australia; and**
- **actively expanding the rollout of Opal fuel to the far west coast region of South Australia and Arnhem Land in the Northern Territory.**

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64 See ABC News, 'Yalata 'missing out' on un-sniffable fuel,' 4 March 2009.

65 Mr Jonathan Nicholls, UnitingCare Wesley Adelaide, *Committee Hansard*, 4 March 2009, p. 8.

66 DoHA, *Committee Hansard*, 12 March 2009, p. 14.

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### *Premium fuel*

3.82 One particular remaining challenge to further reduce the supply of sniffable fuel is the availability of premium fuel—necessary for use in some high performance vehicles and cars manufactured before 1986—for which there is currently no low-aromatic alternative.

3.83 In the absence of an alternative to premium fuel at present the Commonwealth government, in association with the fuel industry and community organisations, have developed guidelines outlining preferred standards for the responsible sale of premium unleaded petrol. The guidelines stipulate that:

- bowsers should be secured and locked when not in use;
- sales of premium unleaded petrol should be monitored and in particular sales in small containers should be limited; and
- suspect purchases should be reported to the Substance Abuse Intelligence Desk.<sup>67</sup>

3.84 BP Australia also noted that the formulation of these guidelines is:

...where we have been focusing our efforts with the department on developing guidelines for retailers on the responsible sale of premium fuel to try and educate them and help them provide service to those communities.<sup>68</sup>

3.85 The committee also asked the Commonwealth government whether the fuel retail industry had provided any feedback so far on whether they were happy to implement the guidelines. DoHA responded:

The fuel industry have been incredibly receptive and very responsible in regard to this and we have made sure that they complement the existing guidelines around the responsible sale of volatile substances. We think it is very positive. We have continued to periodically seek advice from industry about what options they see in regard to alternatives to the premium. It is a commercial process from their point of view and they have chosen not to share that with us at this stage.<sup>69</sup>

3.86 The committee notes that the development of these guidelines is essential in order to regulate the supply of premium fuel and it is important to provide support to retailers at the local level to promote the importance of and assist with the implementation of the guidelines as the only short to medium-term solution available.

3.87 The NPY Women's Council recommended the government go further than provide guidelines and instead regulate the sale or supply of premium fuel through

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67 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 19.

68 Mr Gavin Jackman, BP Australia, *Committee Hansard*, 4 March 2009, p. 25.

69 DoHA, *Committee Hansard*, 12 March 2009, p. 7.

legislation requiring retailers to store the fuel 'in a locked bowser accessible only to specific persons or their employees and it is supplied directly into the tank of a vehicle whose driver can demonstrate that their vehicle cannot operate without premium fuel'.<sup>70</sup>

3.88 Although the above measures for regulating the sale of premium fuel could be effective to limit the supply of sniffable fuel they do not necessarily obviate the need to consider the development of an alternative low aromatic Opal equivalent premium fuel. As the Alice Springs Town Council noted 'the availability of sniffable Premium fuel in Alice Springs does mean that a source of sniffable fuel is still relatively easily available'.<sup>71</sup>

3.89 BP Australia was asked whether an alternative to standard premium fuel was being considered, BP responded:

Our focus so far has been on addressing the 80 per cent of the problem. As I mentioned, Opal itself is a very small production run—we are talking several million litres compared to billions of litres. Premium is even smaller than that again. So it would—because of the small production runs—again, increase the cost exponentially, I would imagine.<sup>72</sup>

3.90 The Commonwealth government was also asked at the Canberra hearing if it was undertaking any work to develop an alternative to premium fuel and if so what progress has been made. The government responded:

We do not have any information on what work is being done with regard to an alternative to premium. It is a commercial operation and it is the company's decision whether or not to be public on that.<sup>73</sup>

3.91 Therefore it appears that neither DoHA nor BP Australia are actively involved in the development of an Opal alternative to premium fuel. The committee understands the potential high costs involved—due to the smaller quantities required—as well as the additional logistical barriers to supplying an Opal equivalent premium fuel especially when such barriers have not yet been overcome for regular Opal fuel.

## **Recommendation 9**

**3.92 The committee considers that the 'guidelines for the responsible sale of premium unleaded petrol' are a necessary response to the availability of sniffable premium fuel and recommends the Commonwealth government finalise and distribute the guidelines without delay, making sure that adequate support is provided to ensure their implementation.**

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70 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 11.

71 Alice Springs Town Council, *Submission 16*, p. 3.

72 Mr Gavin Jackman, BP Australia, *Committee Hansard*, 4 March 2009, p. 25.

73 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 7.

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## Recommendation 10

**3.93 That twelve months after the distribution of the 'guidelines for the responsible sale of premium unleaded petrol', the Commonwealth government undertake an audit of both the uptake and effectiveness of the guidelines in reducing access to premium fuel for the purpose of sniffing.**

**3.94 Subsequently, if the audit finds that these guidelines are not proving effective, the committee recommends that, while conscious of the potential commercial costs, consideration is given to subsidising the development of an Opal equivalent substitute for premium fuel.**

### *Mintabie, South Australia*

3.95 Some additional concerns were raised about the opal mining town of Mintabie in South Australia that is situated on land leased from the APY Council. At the Alice Springs hearing Janet Inyaka reiterated that on the APY Lands there is one town:

...making problems for all the communities and that place is called Mintabie. That is the only place that is destroying our communities.<sup>74</sup>

3.96 Other NPY Women's Council members have frequently cited Mintabie as a source of cannabis, premium fuel and alcohol for the NPY region, noting that:

The NT MLA for McDonnell, Ms Alison Anderson, has advised NPYWC that on or around 11th July 2008, whilst attending the funeral of her late brother at Amata on the APY Lands, she observed four young people sniffing petrol at a house in the community. The main resident of the house informed her that the (premium unleaded) fuel had come from the Mintabie Opal Field and was selling for \$70 a soft drink bottle.<sup>75</sup>

3.97 Protracted negotiations regarding a new lease have been undertaken by the APY Council and the Mintabie Progress Association. Negotiations on the terms for the new lease have stalled on issues of restrictions on retail activities in the town due to concerns raised APY Land community members. UnitingCare Wesley Adelaide argued that:

...the protracted lease negotiations be concluded as quickly as possible and that the final lease increase APY and the State Government's capacity to reduce the amount of sniffable petrol and other prohibited substances entering the APY Lands via Mintabie.<sup>76</sup>

3.98 The South Australian government advised the committee that negotiations between the APY Council executive and the Mintabie Progress Association over restrictions on the retail businesses in the community are progressing and that:

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74 Janet Inyaka, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 40.

75 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 4.

76 UnitingCare Wesley Adelaide, *Submission 13*, p. 7.

In the last 12 months there have been some fairly constructive conversations in relation to the operation of Mintabie community on the APYs. That lease was due to expire at the end of last year. The APY executive have agreed to extend that so the negotiations can continue to allow for resolution.<sup>77</sup>

### **Delivery of youth services**

3.99 Providing alternative activities for young people is a key plank in the Eight Point Plan to combat petrol sniffing in central Australia. Indeed there is universal agreement about the need for dedicated diversion and prevention programs for young people to prevent them from turning to substance abuse. As the plan is designed to operate for a period of ten years the committee expects that the implementation of the plan and considerable progress on its objectives can be made.

3.100 The committee acknowledges that considerable progress has been made in relation to reducing petrol sniffing. The space created by this decline is a window of opportunity to be embraced. While youth services are recognised as a key element of the plan, there is significant unmet need:

As a result of poverty, illness, poor educational outcomes and high levels of substance misuse in communities there are high levels of need amongst Indigenous young people in the region. Stakeholders in the region clearly state that there are substantial levels of unmet need. This is across the spectrum of what is commonly characterised as "youth services" including sport, recreation and cultural activities, activities to supplement mainstream educational programs and facilities, to health related services including substance misuse programs.<sup>78</sup>

3.101 At its hearing in Alice Springs the committee heard evidence that services and interventions for prevention and diversion were working but that much more was needed to continue and expand this good work. Sean Brennan from the Gilbert + Tobin Centre for Public Law put it this way:

...we urge governments to boost their investment in complementary measures, such as well designed youth services on a community development model, because it is vital that the window of opportunity created by Opal is not wasted for want of adequate resources on that front.<sup>79</sup>

3.102 As noted in chapter 2, the key youth service funded under the Petrol Sniffing Strategy operates in only four communities. Mission Australia stated that it is sufficiently resourced to provide services to the four communities and that 'the approach of being intensive in selected communities rather than trying to spread a

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77 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 49.

78 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 24.

79 Sean Brennan, Gilbert + Tobin Centre for Public Law, *Committee Hansard*, 29 October 2008, p. 2.

small amount too far is appropriate', however they also 'believe there is a case to extend that [youth services] to other communities'.<sup>80</sup>

3.103 A recent survey undertaken by CAPSSU of youth services in around 22 communities in the central desert region of the Northern Territory (outside Alice Springs) found that youth program staffing included one substance abuse worker, 16 youth workers, 16 casual Anangu trainee youth workers, 3 outreach workers, 2 education officers and 5 sport and recreation workers of which 8 youth workers and the Anangu trainee youth workers were part of the NTIYSP. In addition, the Mt Theo youth rehabilitation program in Yuendumu employed a further 10 elders, 14 workers in the youth program, and 75 casual participant/workers.<sup>81</sup> Considering that 8 youth workers are employed in just four communities under the NTIYSP the fact that the remaining 18 communities have only 8 youth workers among them indicates a continuing lack of both staff and services for young people in the area.

3.104 In addition, the DoHA commissioned *Evaluation of the Impact of Opal Fuel* completed in October 2008 found that 'the access to and quality of youth services were patchy, and the funding sources for youth services were widely varied'.<sup>82</sup> The study also found that in the sample of 20 communities across the region:

- 6 communities did not have a youth program;
- 7 communities experienced no change in the availability of youth services; and
- 2 communities experienced a decrease in the availability of youth services.<sup>83</sup>

The study also recommended that the six communities without access to youth services be provided with them.<sup>84</sup>

3.105 The committee is also concerned by the finding in the DoHA study that 'there has been no coordination between the provision of Opal fuel and access to youth services in communities in the sample'.<sup>85</sup> This coordinated approach to supporting the rollout of Opal fuel with other elements of the Eight Point Plan, especially that of youth services, is one of the fundamental principles of the PSS and the committee

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80 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 29 October 2008, p. 65.

81 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 26.

82 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

83 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

84 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

85 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

acknowledges that a coordinated approach to consistently providing youth services has clearly not happened. In order for this to occur further effort and commitment is required from all governments.

3.106 Most witnesses and submissions also expressed concern about the lack of youth services in areas outside the four NTIYSP communities. Dr Brian McCoy noted that in the Kutjungka region, youth services are:

...limited in both personnel and resources. The Balgo youth centre (formerly the old Mission girls' dormitory) can no longer be used; it is more than 40 years old and needs to be replaced.<sup>86</sup>

3.107 The NPY Women's Council raised the issue in relation to the community of Kiwirrkurra in Western Australia which has:

...150 young people in a community of about 300, so they have a really high population. However, because they are not part of the Ngaanyatjarra shire they do not get those services. There is also no accommodation or funding for youth workers. We provide some services. We run some school holiday programs with funding from the Commonwealth Attorney-General's Department and people from our domestic violence service, our youth service and others visit that shire on a regular basis...

... Kiwirrkurra is forgotten and it is a long way away. It does not have youth programs and, in some ways, it is not even on the radar for those programs.<sup>87</sup>

3.108 The submission from Maggie Kavanagh in Balgo notes that:

There are not enough organised activities for young people under the age of 14 years. Currently the community relies on school volunteers to run after school basketball for younger kids in conjunction with the Garnduwa program. People would like to see weekend camping trips, a properly funded after school program, school holiday programs and structured activity based programs for younger children.<sup>88</sup>

3.109 The Commonwealth government's submission stated that 'central Australia is a particularly difficult region in which to provide youth services' due to the:

- patchwork of programs and providers;
- difficulty in attracting and retaining qualified and experienced workers;
- lack of infrastructure; and
- high levels of need in the client group.<sup>89</sup>

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86 Dr Brian McCoy, *Submission 7*, p. 3.

87 Vicki Gillick, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 33.

88 Maggie Kavanagh, *Submission 18*, p. 2.

89 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 28.

3.110 While the committee acknowledges these difficulties it believes that there is an urgent need for the reach of youth services to be expanded to all areas covered by the PSS zone. The committee also recognises that providing comprehensive youth services—including treatment, diversion and preventative programs—is resource intensive, however the committee believes that the costs of not providing these services far outweighs the costs of providing them. As Tristan Ray from CAYLUS put it:

...we need them, and we need the underlying infrastructure across the region, not just in a few communities but in all of the communities in the region. We think that they are financially effective in terms of preventing a whole range of problems. We see them doing so many things.<sup>90</sup>

3.111 In addition, the provision of youth services is not consistent across all three state and territory jurisdictions, and while there have been significant gains in some locations, there is still much to be done. Indeed, in some areas covered by the PSS there are no services at all for young people. In its submission the Western Australian government acknowledged that while there were plans to offer youth services for affected communities, these had not yet commenced.<sup>91</sup>

#### ***Recruitment, retention and training of staff***

3.112 Another serious issue of concern is the ability of youth services to attract and retain qualified staff. The committee was very pleased to be able to meet with several enthusiastic and committed youth workers during their visit to Mutitjulu, one of whom had worked in Kaltukatjara (Docker River) for several years. The committee recognises that building relationships in Indigenous communities is very important and is best served by long term staff who are well supported and trained to work with young people, often in difficult and challenging circumstances.

3.113 The submission from the Association of Child Welfare Agencies advocates the need to allocate adequate resources in regional and remote Aboriginal communities, and to implement a strategy to encourage the recruitment and retention of committed and qualified staff.<sup>92</sup>

3.114 The committee asked the Commonwealth government what programs were in place to address this issue. Steven Vaughan from CAPSSU noted that in relation to training local Anangu workers:

At the moment Mission are working with their Anangu workers to continue their training. That contract finishes in 12 months time. No decision will be made for some time yet as to where that will go. That is something that the department and government have to decide. But the whole scene has

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90 Mr Tristan Ray, CAYLUS, *Committee Hansard*, 29 October 2008, p.12.

91 Western Australian government, *Submission 12*, p. 2.

92 Association of Child Welfare Agencies, *Submission 8*, p. 5.

changed since Mission Australia came on board. We have had the NTER and we have had the shires come in. They were not really thought of when this all started, and the shires have taken over responsibility right through the Territory for those communities so they have their own local government shire structure, which is still, in some cases, in its infancy, but it is developing. So they will have community coordinators, youth workers and sport and rec workers within their structure, employed by the shires. We have encouraged them to work with DEEWR and Training to start to train their staff, particularly the CDEP staff, for instance—it is not just training people in the youth work environment but also to train people to take up this sort of work.<sup>93</sup>

3.115 The committee is pleased to see that the Commonwealth government is considering this issue. The committee considers that training, developing and supporting youth workers to ensure that there is an adequate pool of people who are able to deliver continuous quality services in remote communities is a matter of urgency. This issue should be given greater attention to develop a comprehensive policy framework and a long term resourcing commitment.

### *Integrating early childhood services*

3.116 Although the PSS officially defines youth as aged between 12 and 20, as noted in chapter 2, a significant number of young children aged between 0 and 5 years have been attending the activities run by Mission Australia under the Northern Territory Integrated Youth Services Project even though they are outside the target age group. This is quite a familiar occurrence in other remote Indigenous communities with many older children having responsibility for their younger siblings.

3.117 The committee notes that through COAG the Commonwealth, state and territory governments have signed the National Partnership Agreement for Indigenous Early Childhood Development which commenced on 1 January 2009.

This Agreement represents the first stage of the reform program and builds on current activity; with a focus on Indigenous children aged 0-3 years. The evidence shows that substantial benefits accrue from investments made in the first few years of life and this is even more so for children from disadvantaged backgrounds. A greater focus on interventions in the early years will also contribute significantly to the achievement of COAG targets relating to later life outcomes.<sup>94</sup>

There is also a commitment from the Commonwealth government to provide universal access to early childhood education for all four year olds, including those in remote communities, by 2013.<sup>95</sup>

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93 Steven Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 25.

94 National Partnership Agreement for Indigenous Early Childhood Development p. 3.

95 The Hon Julia Gillard MP and The Hon Maxine McKew MP, 'Delivering access to universal early childhood education', Joint media release, 9 June 2008.

3.118 It appears that by not anticipating the participation of young children as a condition of attracting and maintaining the participation of older youth in remote Indigenous communities there is a missed opportunity to provide targeted early childhood specific programs to this captive audience. In addition, the attendance of these younger children demonstrates an existing gap in alternative early childhood services and facilities which if addressed could reduce the likelihood that those children will turn to petrol sniffing and substance abuse.

3.119 The committee believes that further consideration should be given to including or combining early childhood programs with existing youth services to provide targeted activities for all community members under 25 years of age in remote Indigenous communities.

### **Consistent legislation**

3.120 While the Urbis Review was generally positive about the basis of the PSS and its implementation, the review noted that the development of uniform legislation is an area where little progress had been made:

So far as this review could establish, there has been little activity to date in relation to uniform legislation. Thus it appears that there is a need for inter-governmental consultation to reach agreement on relevant policy issues, as a prerequisite for enactment of appropriate legislation...

...There has evidently been no progress towards ensuring greater consistency of legislation across jurisdictions.<sup>96</sup>

3.121 Appendix 3 of the committee's previous report provided a summary of existing state and territory legislation on inhalant abuse which was compiled by the National Inhalant Abuse Taskforce in 2006. Since this time South Australia has enacted the *Statutes Amendment (Petroleum Products) Act 2007* which has broadened the offences for supplying petrol and made it an offence to sell petrol without a licence.<sup>97</sup> Yet there has been no real movement towards consistency between jurisdictions with varying definitions of a volatile substance, the range of restrictions on the sale of volatile substances and the grounds for apprehension. However the committee does note that in Western Australia, the Northern Territory and South Australia it is uniformly illegal to knowingly sell or supply petrol for the purpose of sniffing.

3.122 The South Australian government outlined that it is working with the Western Australian and Northern Territory governments through the Cross Border Justice Project to develop generic legislation to enable police to operate throughout the NPY Lands. This 'would act as a deterrent to those who take flight across borders in order

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96 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, pp. 43 and 44.

97 *Statutes Amendment (Petroleum Products) Act 2007 (SA)*, section 4 and section 8.

to escape apprehension with respect to a broad range of offending, petrol sniffing and mental health issues'.<sup>98</sup>

3.123 The committee was concerned by the lack of progress on this issue and the subsequent effect this delay may be having on current cross-boarder police operations. The committee raised these concerns with the South Australian government at its hearing in Adelaide. The South Australian government responded:

The need to ensure that there is consistency in those orders has required the time for all legal parties to have conversations about it. I think the fact that it has progressed within three years is probably a good sign given that legislative review and changes can take some time. The end product in this process will mean that any individual, regardless of where they originate and regardless of whether there are laws in place or impositions placed on them will be treated equally by all jurisdictions.<sup>99</sup>

3.124 The committee has subsequently been advised that the South Australian Cross Border Justice Bill—on similar timeframes to the Northern Territory bill—has recently passed the South Australian House of Assembly, and is waiting to be introduced into the Legislative Council with the view to it being operational on 1 July 2009.<sup>100</sup>

3.125 The inclusion of consistent legislation in the Eight Point Plan illustrates its vital role in effectively controlling petrol sniffing in central Australia. The committee believes that a greater focus on providing law enforcement agencies with a consistent and appropriate legal framework to respond to incidences of petrol sniffing as well as other substance abuse would further improve the effectiveness of the PSS.

### **Policing levels**

3.126 As discussed in chapter 2 there has been a notable increase in police levels in Indigenous communities since the committee last reported. This has been an encouraging development and has no doubt contributed to the greater regulation and prevention of petrol sniffing in Indigenous communities.

3.127 In its previous report the committee concluded and recommended that all levels of government commit to prioritising strategies to achieve a permanent police presence in all Indigenous communities, recruit Aboriginal Liaison and Community Officers, establish and support night patrols and consider multi-function police centres.<sup>101</sup> These recommendations were echoed by the Mullighan Inquiry into Children on the APY Lands in 2008 which found that:

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98 South Australian government, *Submission 15*, p. 3.

99 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 41.

100 South Australian government, answers to Questions on Notice, 4 March 2009, p. 1

101 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 75.

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It is essential that the permanent police presence in the communities be established without further delay...Safety in the communities is essential. It cannot occur without the permanent police presence, which requires the building of police stations. They should be established as a matter of urgency.<sup>102</sup>

3.128 The committee is concerned that some areas and communities remain without appropriate levels of policing and this continues to place vulnerable community members at risk and reduce the effectiveness of the Petrol Sniffing Strategy in these areas.

3.129 For instance, on the committee's visit to Hoppy's Town Camp in Alice Springs community members expressed concerns for their safety noting that there were no regular police patrols and that community night patrols were inadequate for the number of residents in the town camps around Alice Springs. The residents of town camps, many whom are elderly, therefore have no protection from any violent antisocial behaviour perpetrated by petrol sniffers in the area.

3.130 The NPY Women's Council in its submission identified communities that still lack a permanent police presence and noted that no APY Lands communities have a permanent sworn police presence although two stations are in the process of being constructed, as noted in Chapter 2. This is a concern as:

It has been argued many, many times that there is no substitute for a sworn police presence in communities, both for deterrence and apprehension...<sup>103</sup>

3.131 The NPY Women's Council also noted, in a letter to the Chief Minister provided to the committee, that in the Northern Territory:

The situation remains completely unsatisfactory with no permanent police presence at Aputula/Finke or Docker River/Kaltukatjara. We are well aware of what services do exist, and make no criticism of officers located in the region. Patrols to these communities from, respectively, Kulgera and the WA-NT cross-border post at Warakurna, do not constitute a sufficient police service. A previous commitment to a post at Docker River seems to have evaporated. Further, there are no police at Titjikala or Ayeronga, communities which are near the NPY region although not members, and which have been also been lobbying strenuously but in vain for a police presence. Other aspects of the intervention and in particular, any attempts to reduce alcohol and illicit drug supplies, will inevitably fall short of their potential without police based in communities.<sup>104</sup>

3.132 In addition, the submission from Maggie Kavanagh notes that although Balgo has a multi functional police centre in the community the centre has responsibility for

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102 Commissioner the Hon E Mullighan QC, Commission of Inquiry Report, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*, April 2008, p. 245.

103 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 6.

104 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11c*, p. 2.

two additional communities, those of Bililuna and Mulan, and thus the two police officers currently police a population of approximately 850, which makes it the busiest remote centre in Western Australia. The submission further noted that:

There is an urgent need for the policing levels to be doubled as per the recommendation in the 2004 Coronial Inquiry into Youth Suicide and Substance Abuse in Balgo and the Kutjungka Region of Western Australia. Policing has had a positive and major impact on the safety of the community. In particular the actions of the police in dealing swiftly with outbreaks of sniffing in Balgo has been a significant strategy in ensuring that petrol sniffing levels do not escalate and become an entrenched activity. However it is not feasible to expect the two current officers to maintain this level of engagement for prolonged periods.<sup>105</sup>

3.133 The committee also notes the recommendation from the Mullighan Inquiry that police stations on the APY Lands be staffed with four police officers for the reasons that:

...serious problems are likely to arise if the permanent police presence becomes effective and is limited to two sworn officers at each station. Arrests will be made and there will be the obligation to care for prisoners safely and adequately, even though in the short term.

Persons in custody will require frequent observation...If there are only two police officers at a police station whenever there is a person in custody, only one police officer will be available for operational work.<sup>106</sup>

3.134 Although this is a recommendation for police staffing levels on the APY Lands the committee has been advised that the staffing of the Balgo police station with just two officers has led to the exact same issues as described by the Mullighan Inquiry.

The police service is greatly stretched and particularly so when there are offenders in custody. In these situations the police are unable to respond to other matters until custodial care has been completed as it is not feasible for one officer to be left on duty on their own. Transporting offenders out of the community is a costly exercise and further restricts the policing that can occur.<sup>107</sup>

3.135 The committee commends the considerable effort on the part of governments to make improvements in this area, however many Indigenous communities remain without a permanent police presence. The committee understands that policing is traditionally a state and territory responsibility but as it is included in the PSS and after the success of the SAID, the committee urges all levels of government to work towards establishing a permanent police presence in every community.

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105 Maggie Kavanagh, *Submission 18*, p. 3.

106 Commissioner the Hon E Mullighan QC, Commission of Inquiry Report, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*, April 2008, p. 246.

107 Maggie Kavanagh, *Submission 18*, p. 3.

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## Strengthening and supporting communities

3.136 The committee notes that this is an area where little specific activity has occurred. Any activities undertaken so far related to strengthening and supporting communities have largely been confined to initiatives to provide increased services for and engagement of young people. The Urbis Review noted that:

...one government stakeholder was of the view that the community support element of the Eight Point Plan had not been thought through adequately at the outset – as reflected in the fact that no budget had been allocated for this purpose. Some FaHCSIA stakeholders also observed that, given that there is no allocated budget, there is also some ambiguity as to whether certain activities relating to this component should be regarded as falling under the PSS, given that strengthening communities is core business for FaHCSIA.<sup>108</sup>

3.137 The South Australian government outlined in their submission that:

There is a need for continued investment in providing communities with information relating to the causes, effects and strategies for addressing: petrol sniffing, individual safety, disability and child abuse and neglect. This approach, coupled with support for community members, will enable the historical effects of such issues to be addressed and will assist with future community safety planning. Community driven change provides a sound basis for individual family change.<sup>109</sup>

3.138 The Commonwealth government's submission stated that the Petrol Sniffing Strategy Senior Executive Service Steering Committee will, in addition to the recommendations of the Urbis Review, consider the 'need for focussed strategic intention in identifying and developing opportunities for education, training and employment activities within the 8 Point Plan'.<sup>110</sup> The committee considers this area of education, training and employment for all members of the community to be extremely important in increasing the resilience of individuals and the community and thus reducing the demand for petrol sniffing and substance abuse.

### *Preventative drug education*

3.139 The committee considers that preventative drug education should be an essential part of strengthening the resilience of communities and reducing the demand for petrol sniffing and substance abuse. It also appears to be an area of the response to petrol sniffing that has not had sufficient focus from all levels of government.

3.140 The submission from Maggie Kavanagh in Balgo notes that there has been no 'outside delivered drug and alcohol awareness or outreach programs (currently this

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108 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 37.

109 South Australian government, *Submission 15*, p. 12.

110 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 16.

only happens through the work of Palyalatju's youth and men's' health projects as part of their work').<sup>111</sup>

3.141 This issue was also raised with the committee on its recent visit to Mutitjulu in the Northern Territory. The community noted that there has not been a drug education program in language with the appropriate visual aids to teach the young people about the dangers of petrol sniffing and substance abuse issues. Given that Mutitjulu was one of the original four designated communities in the Central Desert Zone—and that for many community members that English is their second or third language and English literacy levels are low—such a tailored education program should be an essential element of the government's response to petrol sniffing.

3.142 This is an area the committee believes the Commonwealth government should focus greater attention on in order to improve the effectiveness of the Eight Point Plan.

## Evaluation

3.143 The committee notes that evaluation activities have only recently commenced and have not yet produced substantial results and conclusions to date. The Urbis Review reported that the capacity of the relevant areas to progress evaluation activities has improved markedly in 2009 and outlines five key evaluation activities undertaken, including the:

- development of an Evaluation Plan for the PSS;
- collection of baseline data by DoHA and FaHCSIA;
- an evaluation of the Communications Strategy for Opal;
- an impact evaluation of the Opal fuel rollout; and
- a national audit of communications materials relating to petrol sniffing and petrol sniffing programs.<sup>112</sup>

3.144 In its previous report the committee recommended that the Commonwealth government, as a matter of priority, work to improve data collection on substance abuse by Indigenous people.<sup>113</sup> CAYLUS notes in their submission that data collection on petrol sniffing has been patchy.<sup>114</sup> The committee notes that some data collection has occurred and recognises that the DoHA commissioned Opal impact survey used the same methodology to collect qualitative data on the prevalence and frequency of petrol sniffing as the Nganampa Health Council *Survey of prevalence of petrol sniffing*

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111 Maggie Kavanagh, *Submission 18*, p. 4.

112 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 38.

113 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 36.

114 CAYLUS, *Submission 10*, p. 16.

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on *Anangu Pitjantjatjara Yankunytjatjara Lands*. This consistency of methodology is a step towards gathering accurate and comparable data on substance abuse.

3.145 However, the committee is particularly concerned with the lack of progress on consistent data collection on petrol sniffing and substance abuse in Indigenous communities across all the jurisdictions. Much of the evidence presented to this committee on current rates and declines in both petrol sniffing and substance abuse were anecdotal.

3.146 Evaluation is an extremely important aspect of the Eight Point Plan and is essential for the ongoing effectiveness of the PSS in the longer term. The committee believes that a greater focus is needed in this area and agrees with the Urbis Review that evaluation should be made a 'priority in the near future, and where feasible, that specific funds are ear-marked to enable external evaluations to be conducted'.<sup>115</sup>

### **Recommendation 11**

**3.147 That the Commonwealth government, as a matter of priority, expand current efforts to improve data collection on the prevalence and trends over time in relation to petrol sniffing and substance abuse in Indigenous communities so as to collect comparable data across all jurisdictions.**

### **Restorative justice**

3.148 The Commonwealth government's submission notes that although the consistency of legal frameworks across jurisdictions was included in the Eight Point Plan 'broader relationships with the law and justice system were not explored'.<sup>116</sup> The Commonwealth government's submission states that restorative justice models can address some of the anti-social behaviour associated petrol sniffing which would have the flow on effect of reducing arrest and incarceration rates in Indigenous communities. The submission states:

The intention of these restorative justice initiatives is to employ Restorative Justice Officers to coordinate models for helping local people develop mechanisms for managing anti-social behaviour associated with petrol sniffing, in a manner that meets communities' social and cultural requirements.

Restorative justice processes encourage communities to articulate their values and expectations, and to understand the underlying causes of crime or the unacceptable behaviour. It empowers them to determine what can be done to repair the damage caused. In doing so, restorative justice responses can reduce future harm for communities...

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115 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 40.

116 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 36.

...Restorative justice responses have the potential to tackle substance misuse, where this is a factor in offending, and therefore the potential to contribute to greater community safety.<sup>117</sup>

3.149 The committee notes the potential benefits of restorative justice programs but cautions that these programs must not substitute for appropriate and adequate support for young people to address the underlying causes of substance abuse and antisocial behaviour. In addition these programs should only be introduced following community consultation and where there is widespread community support, nor should they be used in any way for incidents related to violence or threats of violence.

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117 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 37.

## Chapter 4

### The effectiveness and adequacy of resources

4.1 The committee acknowledges the considerable resources directed towards the issue of petrol sniffing and substance abuse in central Australia since it last reported.

4.2 The Commonwealth government outlined that four specific Budget measures and initiatives have funded the Petrol Sniffing Strategy (PSS) and roll out of Opal fuel:

- In 2005–06, \$9.6 million was allocated over four years under the *Addressing Indigenous Needs – Combating Petrol Sniffing* budget measure to supply Opal fuel to 23 communities;
- In September 2005, \$9.5 million was allocated to the above measure through the additional estimates process, including \$6 million over two years to supply Opal fuel in central Australia, funding for the Substance Abuse Intelligence Desk and \$3 million from the Aboriginal Benefit Account to support diversionary and rehabilitation programs;
- In 2006–07, \$55.1 million was allocated over four years under the *Reducing Substance Abuse (Petrol Sniffing)* budget measure to extend the services in the existing Central Desert Petrol Sniffing Strategy Zone and extend the strategy to two more zones; and
- In July 2006, \$12 million was allocated to the above measure through additional estimates for the roll-out of Opal fuel to Alice Springs.<sup>1</sup>

4.3 In addition to funding specifically for the PSS, the Commonwealth government noted that other measures, such as drug and alcohol treatment and rehabilitation are relevant in tackling substance abuse in central Australia. The Commonwealth government's submission provided an overview of these funding sources, including all the Council of Australian Governments (COAG) initiatives for each state and territory as well as measures under the Northern Territory Emergency Response.<sup>2</sup>

4.4 At the committee's hearing in Canberra the Commonwealth government advised:

The way we work the petrol sniffing strategy is evolving in response to that changing environment. Wherever possible, we seek to build partnerships

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1 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR), and the Attorney-General's Department (AGD), *Submission 14*, pp. 31–32.

2 See FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 32–36 for details.

and to link government programs. As a result, we do not depend just on funds associated with the petrol sniffing strategy; we draw on whatever programs or resources we can and work with Indigenous communities, with non-government organisations, with shires and local councils, with state governments and with the whole range of Australian government programs. We also work outside the Central Australian petrol sniffing strategy zone, and one of the challenges we have is to address outbreaks—to stop petrol sniffing in other areas before it becomes entrenched.<sup>3</sup>

### **Adequacy of resources**

4.5 Although considerable resources have been committed the committee notes that there are some areas of the PSS that many witnesses and submissions identified as lacking adequate resources. This was also identified by the Urbis Review as a factor that may have adversely affected the strategy's implementation.<sup>4</sup>

4.6 The Alice Springs Town Council raised concerns regarding a lack of additional resources to implement aspects of the Eight Point Plan in Alice Springs, noting that it has not been provided with any additional resources:

That is the only disappointment about the roll out of Opal fuel. We very vigorously and effectively dealt with the problem but not with the causes. As a result of the lack of funding, the initial plans relating to looking at addressing the causes of petrol sniffing have all been put to one side.<sup>5</sup>

4.7 The Town Council also pointed out that anecdotal reports suggest that as Papunya received less resources for complementary activities proposed under the PSS, sniffers from Papunya moved into Alice Springs to continue sniffing which simply transferred the problem. The Council notes that again no additional funds were received to:

...deal with the...problem of sniffers from the Communities, leaving stretched resources to attend to the problem. In fact resources for Youth supportive structures in Alice Springs are now less than before the roll-out of Opal.<sup>6</sup>

4.8 The NPY Women's Council also identified that although the Substance Abuse Intelligence Desk is operating effectively at the current funding level additional resources should be provided to expand its capacity:

...at least threefold, including both officers and sniffer dogs, in order to allow it to collect more and improved intelligence in the region and work more effectively with State and Territory forces to work towards the

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3 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 2.

4 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 43.

5 Ms Melanie van Haaren, Alice Springs Town Council, *Committee Hansard*, 29 October 2008, p. 78.

6 Alice Springs Town Council, *Submission 16*, p. 3.

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eradication of liquor and illicit drug trafficking and enforce existing and any new laws relating to the supply of premium unleaded fuel.<sup>7</sup>

### *Youth services*

4.9 The inadequacy of resources for youth services across the central Australian region was consistently raised in submissions and by witnesses during this inquiry.

4.10 The committee notes that Mission Australia has been provided with \$8 million over three years to provide services in four communities, as outlined in chapter 2. This is approximately \$2.6 million a year and around \$660 000 per community, which Mission Australia believe is a sufficient amount to run effective youth services in these communities.

4.11 At the hearing in Canberra the Commonwealth government outlined further funding sources for youth services in the region, stating that:

...there is a range of youth services available in communities within petrol-sniffing zones outside those ones funded by this particular [NTYISP] program. They have subsequently been supplemented in the Northern Territory part of the zone through the Northern Territory emergency response where the department has used approximately another \$8 million of Northern Territory response money on youth related activities. The department, through other programs such as Reconnect, also funds other youth services. The Territory, state governments and local governments also have a variety of services available. Certainly, this particular program focused on four communities but there is what I would describe as a bit of a jigsaw puzzle of services across the area, funded from a variety of sources.<sup>8</sup>

4.12 CAPSSU have also recently awarded a \$2.4 million tender to the MacDonnell Shire to provide infrastructure for youth services in the six communities of Kintore, Papunya, Ikuntji, Mount Liebig, Ntaria and Areyonga. The committee was advised that this funding will:

...provide houses for youth workers in three of those communities. It provides youth worker infrastructure, training and employment for people across six communities. From memory, I think there are seven Toyota four-wheel-drive 'Troopie' vehicles for transport of young people and for use in those communities by the youth workers and the sport and recreation workers.<sup>9</sup>

4.13 It was also noted that there are other sources of funds such as the Aboriginal Benefits Account which has provided resources to the Tangentyere Council and CAYLUS for major infrastructure which will assist to remove 'the barriers to the roll-

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7 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 12.

8 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 16.

9 Mr Steve Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 21.

out of services' that has hampered current efforts to provide youth services in the region.<sup>10</sup>

4.14 However, although there are additional resources available for youth services outside of the PSS it is only the four NTYISP communities that are receiving an adequate level of resourcing directly under the PSS. Many of the other communities in central Australia, both within and outside of the PSS zones, are left without adequate resources for basic youth services and infrastructure.

4.15 The Commonwealth government was asked why only four communities were chosen at the hearing in Canberra.

In terms of funding only four under this program, I guess there is constant tension: do you try to do something more comprehensive in a smaller number of locations or do you spread the resources more thinly across a wider number of locations? I cannot give you all the background on why those four in particular were chosen ...But there really is that tension over choosing four that have particular issues. Some of those communities were seen as having particular issues with petrol sniffing at the time and it was about trying to make a difference in those particular communities.<sup>11</sup>

4.16 In addition, the committee asked whether there was any additional funding for youth services planned for the other communities in Central Australia under the PSS beyond the four communities currently funded, to which FaHCSIA replied:

Not at this point through this program. We do take opportunity. As I said, with the Northern Territory emergency response and other programs we try to be opportunistic where we can and we see other opportunities to put money into those activities, but at this point not under the petrol sniffing strategy itself.<sup>12</sup>

4.17 CAYLUS noted that:

Despite a large amount of funding being spent in the region, little has been targeted to provide the infrastructure to provide ongoing services. Much has been spent on short term programs, and infrastructure such as BMX tracks that are in no way key resources...When the \$55 million was announced for the 8 point plan, service providers in the region rejoiced, as this investment could have seen the infrastructure needs in the region fully met, plus the operational needs met for many years to come. Unfortunately, this has not been the case, and we are concerned that at the end of this federal funding allocation, the region will not be substantially better off than before.<sup>13</sup>

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10 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 22.

11 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 16.

12 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 17.

13 CAYLUS, *Submission 10a*, p. 2.

4.18 The committee acknowledges the substantial resources required to provide a basic youth service in remote locations owing to the difficulties in attracting a sustainable and qualified workforce as well as the general lack of existing infrastructure and housing. As the Commonwealth government's submission states:

The long distances, isolation and language and cultural complexities mean that youth workers can be difficult to attract, and they can burn out very quickly. Communities are often unwilling to engage with workers who do not have appropriate cultural knowledge, and who will not be spending long periods of time with the community...

...Communities in central Australia typically have low or non-existent levels of the community infrastructure necessary to run full time youth programs. This can include; housing for permanent youth workers; recreation halls in which to run programs (absolutely necessary in the heat and at night); basic sporting facilities (e.g. basketball courts and ovals in reasonable repair); and training rooms and office accommodation. For this reason the 2006 Budget included funds for the construction of youth worker housing and construction or repair/upgrade of recreation halls. However, construction in central Australia is expensive and can take much longer than similar construction projects in metropolitan or even regional centres. All materials need to be transported long distances; there is a national shortage of construction workers and a large amount of construction work underway or planned for the region.<sup>14</sup>

4.19 However, even given these complications and the expense, the committee believes that every effort should be made to provide adequate levels of activities for young people in these communities. The committee strongly believes that well resourced youth services are essential to the success and long term sustainability of the response to petrol sniffing and substance abuse.

4.20 The committee has considered evidence that in order to deliver youth services which follow a best practice model for youth development, a minimum level of investment is required. CAYLUS suggests that basic infrastructure required should take the form of a recreation hall or other suitable building, accommodation for two youth workers (a man and a woman), and two vehicles, one for young men and one for young women. The operational requirements are for salaries for the youth workers, a team of local workers and an adequate budget for activities.<sup>15</sup>

4.21 CAYLUS provided the committee with its estimate of the required resource needs of communities in the south west region of the Northern Territory based on the best practice model. CAYLUS estimated that the initial resource requirements for a basic level of service in the 18 listed communities would be \$21.9 million in the first

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14 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 29.

15 CAYLUS, *Submission 10*, Supplementary information p. 8.

year, to allow for the construction of recreation halls and housing, and then recurrent funding of just over \$5 million a year.<sup>16</sup>

4.22 The committee also notes that in July 2007 CAPSSU prepared a draft paper proposing a three-year approach to addressing priority needs in the Expanded Central Desert Zone which proposed that youth services be provided in the 16 communities on a level similar to the NTIYSP with a total funding requirement of some \$16 million.<sup>17</sup>

4.23 While this may seem like a significant amount of money, the committee acknowledges that providing quality services in remote communities is resource intensive. The need for adequate resources, including both a male and female youth worker for each community is supported by the evidence provided by the Aboriginal Drug and Alcohol Council of South Australia at the hearing in Adelaide on 4 March 2009. As Scott Wilson says:

...there needs to be some sort of gender balanced team...When you go into a lot of these rural or remote communities, there tends to be one worker, whether they are the youth worker or the substance abuse worker. Our own chairperson, for example, is the youth worker in one of the remote communities. Being a traditional male he has restrictions on the female side, which obviously restricts the effectiveness of that position. How you go about addressing that is obviously through the funding issue—making sure that in these communities or in projects such as Making Tracks there is that additional funding so that you can employ a male and a female.<sup>18</sup>

4.24 The committee also noted on its visit to Mutitjulu, one of the NTYISP communities, that although there were youth facilities some of the buildings were not always able to be used due to the poor insulation and lack of air conditioning. For example, the arts and craft room is unable to be used when temperatures are above 36 degrees which according to the Australian Bureau of Meteorology is on average 100 days per year, with 32 of those days above 40 degrees.<sup>19</sup> Additional resources to provide buildings that are functional all year around would improve the youth services as well as their appeal to young people.

4.25 It was also apparent to the committee on its visit to Alpururulam, which is outside of the PSS zone but still with has outbreaks of petrol sniffing, that youth services were under resourced. The community has a population of approximately 400 people and almost half are under the age of 25. Boredom was raised as a real problem in the community. The community advised the committee that it had been allocated

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16 See CAYLUS, *Submission 10a*, Attachment 1.

17 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 16.

18 Mr Scott Wilson, Aboriginal Drug and Alcohol Council (SA) Inc, *Committee Hansard*, 4 March 2009, p. 21.

19 Climate statistics for Australian locations, Yulara Aero, available at: [http://www.bom.gov.au/climate/averages/tables/cw\\_015635\\_All.shtml](http://www.bom.gov.au/climate/averages/tables/cw_015635_All.shtml)

\$200 000 to construct a new recreation hall but this funding was insufficient to build a multi-purpose air conditioned facility.

4.26 Yirara College noted that additional resources are also required for holiday residential programs recommending that there needs to be:

...additional funding for holiday residential programs...Funding for schools or other agencies involved in communities to run such programs would be necessary, as schools are not normally funded for these kinds of activities off-campus...

...The program would encourage students to use their time more productively with the aim to encourage and support students returning to regular daily attendance at their community school and encourage eligible students to attend Yirara College (and supporting the transition).<sup>20</sup>

4.27 A real improvement in activities and the quality of life for young people will require agencies to budget for the true cost of providing sustainable services in remote communities. As Mission Australia says:

Our experience in providing the NTIYS has demonstrated that a high level of financial resources is required in order to properly fund the provision of services that will have a sustainable impact on the lives of young people in the remote communities of Central Australia.<sup>21</sup>

4.28 The committee believes that in order to address the complex mix of interrelated causes and contextual factors contributing to petrol sniffing and substance abuse in central Australia, adequate resources must be provided to run, at the very least, basic youth services in *all* remote communities. The provision of alternative activities for young people is one of the fundamental elements of the PSS program logic and policy context and must be adequately resourced if the PSS is to be effective.

## **Recommendation 12**

**4.29 That the Commonwealth government, in partnership with state and territory governments, provide adequate resources to enable the extension of quality youth services and the employment of a male and a female youth worker for each community in the Petrol Sniffing Strategy Zone.**

## **Rehabilitation services**

4.30 As the Commonwealth government outlined in its submission the 'Petrol Sniffing Strategy has not received specific funding through its Budget measures to implement treatment and rehabilitation programs'<sup>22</sup> and instead funding is allocated

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20 Yirara College, *Submission 6*, p. [3].

21 Mission Australia, *Submission 5*, p. 5.

22 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 31.

through the COAG measures to the states and territories. The committee acknowledges that a substantial investment of resources has been made recently in this area and new services have opened since the committee last reported such as the Substance Misuse Facility in Amata and Bushmob House in Alice Springs both of which the committee has since visited.

4.31 The Commonwealth government's submission also noted that COAG has specifically developed a \$130 million package over four years and in December 2007 the Commonwealth government agreed to contribute an additional \$50 million for substance and alcohol rehabilitation and treatment services.<sup>23</sup>

4.32 Some concerns with funding shortfalls and gaps were raised with the committee during this inquiry including for Mt Theo Outstation and Bushmob House. The committee notes the importance of adequate and appropriate rehabilitation facilities in order to address petrol sniffing and substance abuse. This is an essential area of the response which needs greater investment by all levels of government.

### ***Mt Theo Outstation***

4.33 During the previous inquiry the committee reported extensively on the success and importance of the Mt Theo program and the committee visited the Mt Theo Outstation rehabilitation facility. The committee is pleased to report the continuing success of the Mt Theo Outstation which:

...remains a powerful diversionary initiative with 78% of total clients this year referred by Department of Community Corrections (35%), Police (26%), FACS (9%), or were family/self referred (30%).

Out of a total of 61 clients cared for at Mt Theo, 30% had been sniffing petrol, primarily in Alice Springs.<sup>24</sup>

4.34 During this inquiry, both CAYLUS and the NPY Women's Council noted that the Mt Theo Outstation has a continuing funding gap to pay for food, clothing, transport and bedding for Department of Community Corrections clients at the rehabilitation facility. CAYLUS notes that:

...under the 8 Point Plan the Commonwealth Attorney Generals Department provided CAYLUS with one off funds to broker to the outstations to pay for clients to undertake programs. This led to a clear service improvement particularly at Ilpurla, which has very limited administrative capacity. The funds were however one off and were expended according to contract by June 30. At the time of writing the services are looking after a number of the most high needs clients from Central Australia and the top end with no guarantee of how their client

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23 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 7.

24 Warlpiri Youth Development Aboriginal Corporation, *Annual Report 2007-08*, p. 10.

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costs will be covered. The outcome currently hinges on an eSub for the next round of funding which was submitted in May this year.<sup>25</sup>

### ***Bushmob House***

4.35 The committee visited Bushmob House in Alice Springs and spoke with the staff assisting young people with substance abuse issues. The submissions from both Bushmob and CAYLUS noted that within just six months of operation Bushmob House has already 'double the number of clients attending the service than they have beds and funding for'.<sup>26</sup> Bushmob House has sometimes provided clients with swags on the floor as they are reluctant to turn young people away, especially as there are no other similar services in the area.

4.36 Bushmob House outlined in their submission that there are 60-70 beds for adults with volatile substance abuse and alcohol and other drug problems while for young people there are just the five funded beds at Bushmob House and five unfunded beds for carer support. Bushmob House asked:

Why are our children denied real support to access therapeutic and clinical treatment for Volatile substance abuse and other drug use in Alice Springs?<sup>27</sup>

4.37 Services such as that provided by Bushmob are obviously in great demand in the region. The committee urges both the Northern Territory and Commonwealth governments to provide adequate resources in order to effectively meet the current demand for youth specific treatment and residential facilities to address substance abuse and petrol sniffing issues.

### ***Ilpurla Outstation***

4.38 CAYLUS raised the issue of Ilpurla Outstation which accepts clients from all over the Northern Territory on mandatory treatment orders, bail and correctional services court orders from any community.<sup>28</sup> CAYLUS stated that Ilpurla requires targeted support and increased resources as:

At the moment, their lack of administrative capacity could have lead to a situation that threatens the ongoing capacity of the service. CAYLUS will continue to provide support to try to keep Ilpurla open as we know how crucial this service is, but we wonder why so far into the 8 point plan this key resource has received so little support from the initiative?<sup>29</sup>

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25 CAYLUS, *Submission 10*, p. 12.

26 CAYLUS, *Submission 10*, p. 11.

27 Bushmob House Inc., *Submission 19*, p. [1].

28 This is an important distinction as Mt Theo can only take Warlpiri clients for cultural reasons.

29 CAYLUS, *Submission 10a*, p. 2.

### **Recommendation 13**

**4.39 The committee reaffirms recommendation 17 from its 2006 report which called upon Commonwealth, state and territory governments to provide additional funding to new and existing rehabilitation facilities in order to provide a quality service while meeting current demand.**

### **Tendering processes**

4.40 Concerns with the processes used for awarding tenders for services in Indigenous communities was raised during the inquiry.

4.41 CAYLUS noted that they have run school holiday programs for over five years in many of the communities within the PSS zone. However recently the provision of school holiday programs was centralised and put out to a competitive tender to which CAYLUS contend they were not consulted about. The running of these programs was then awarded to Red Sun Solutions, based in Lismore, NSW. CAYLUS outlined the tender process in their submission:

The tendering has happened separately for several holiday periods...the first tender covering the Summer 2007/08 summer holiday period. CAYLUS...had spent several months preparing for provision of holiday programs... The Department of Health and Ageing funded CAYLUS to purchase a number of media kits specifically to use...CAYLUS briefed CAPSSU staff on a number of occasions about the progress of plans for the holidays. We contracted workers for a number of communities, sourced funds... In good faith we briefed CAPSSU staff about our preparations for the holidays and never once were told of the likelihood of a tender or an outside organisation being contracted. In early December only days before the commencement of our programs we found out through a third party of CAPSSUs plans. We were forced to withdraw programs... Subsequently we have established that this tender was funded at nearly twice the cost of the programs that we had planned.<sup>30</sup>

4.42 At the committee's Canberra hearing CAPSSU disagreed with CAYLUS stating that:

CAYLUS certainly had discussions with a number of communities. We followed the process that we have to follow to go to a tender process to spend the money. They were invited to a tender and, from my recollection, they did not put in a tender for that particular one.<sup>31</sup>

4.43 CAYLUS were also particularly concerned that the funding model put out to tender was a 'one-size-fits-all' model which would result in:

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30 CAYLUS, *Submission 10*, pp. 9-10.

31 Mr Steve Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 20.

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...less local ownership of the programs as local people are less involved in the design and implementation.<sup>32</sup>

4.44 The committee was particularly concerned with the selection of a non-local organisation with no previous experience in the geographical area. The committee is aware of the issues this can create as outlined by Mission Australia in chapter 2. In response to the awarding of this contract to an outside organisation, the committee asked CAPSSU what weight is given to an organisation's existing presence in the region when considering the awarding of the contract, CAPSSU replied:

We put quite a considerable weight on local knowledge and also on the contents of the responses to a tender process. That is what it is judged on...

...The process that we have gone through with the tenderers is decided on what is in the tender document, on the judgment of the tender panel for the quality of service, the costings of that and what they are going to deliver.<sup>33</sup>

4.45 The committee was also informed that there are no local people involved in the decision making process for a successful tender, the decisions are made by government officials based solely on:

...the documentation we receive from potential tenderers; how it complies with the tender's specifications, what they will deliver, when they will deliver certain services and the cost factor.<sup>34</sup>

## Recommendation 14

**4.46 The committee considers the provision of successful programs in remote Indigenous communities to be a highly specialised area for which mainstream programs and 'one-size-fits-all' solutions are not necessarily appropriate. The committee recommends that in order to maximise local ownership and effectiveness of programs, the awarding of contracts in remote Indigenous communities must take into consideration a tenderer's:**

- **on-the-ground presence, reputation and standing in the region;**
- **existing relationships, networks within the region and support or endorsement from communities; and**
- **ability to provide tailored programs to individual communities or groups of communities in response to the diverse cultural expectations, kinship systems and protocols of the region.**

## Funding cycles and administrative burden

4.47 One issue that has been consistently raised with the committee as reducing the effectiveness of resources is the short term approach to funding programs and

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32 CAYLUS, *Submission 10*, p. 10.

33 Mr Steve Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 19.

34 Mr Steve Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 20.

organisations. The committee previously recommended in its 2006 report that all governments commit to longer term funding models. The Commonwealth government noted in its submission that this issue 'is currently the subject of work being undertaken by a Cross Agency Working Group which reports to the Secretaries' Group on Indigenous Affairs'.<sup>35</sup>

4.48 The Aboriginal Drug and Alcohol Council (ADAC) also raised the issue of short term funding at the committee's Adelaide hearing, stating that the petrol sniffing manuals and other resources on substance abuse they produce are not always available and 'tend to come to an end because, as you probably know, governments tend to have a short term agenda rather than a long term funding plan, and that has been part of the problem'.<sup>36</sup> ADAC recommend that when governments have:

...funding rounds or buckets of money available...it does not change the rules or let that bucket of money disappear. I will just give you a quick example—that is what happened with the alcohol and other drug training project. The funding came out of the Indigenous capacity building fund to start off with, which was a small fund that they had within DoHA. So that was actually funded—it was a national type COAG cost-shared project. It had some good results. For example, here in South Australia 11 workers have now graduated with certificate III. Unfortunately, when the next budget cycle came around that funding was taken and put into some other initiative. As it turned out it was tobacco. Therefore, groups like us could not access that money. When we tried to suggest that there was \$20 million, for example, for Aboriginal health workers and asked if we could actually access some of that money, we got told that we are not health workers. Maybe we are not, but we are allied professionals. It comes down to education and training. Government tends to change priorities on an ongoing basis, which makes it very difficult for committee groups such as us and others to keep abreast of the changes and also to be successful when it comes to seeking ongoing funding.<sup>37</sup>

4.49 The NPY Women's Council also note that funding it receives for school summer holiday programs is:

...intermittent and comes from various sources, such as the SA Department for Families and Communities, the Australian Government Department of Education, Employment and Workplace Relations and the Commonwealth Attorney-General's Department.<sup>38</sup>

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35 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 7.

36 Mr Scott Wilson, Aboriginal Drug and Alcohol Council (SA) Inc, *Committee Hansard*, 4 March 2009, p. 17.

37 Mr Scott Wilson, Aboriginal Drug and Alcohol Council (SA) Inc, *Committee Hansard*, 4 March 2009, p. 20.

38 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, pp. 9-10.

4.50 CAYLUS stated in their submission that the government so far has not addressed this issue and continues to ineffectively manage available resources.

The federal government has still a lot to learn about managing money effectively, with its boom and bust funding cycles, the insecurity of ongoing funding, gaps between funding periods and a general high level of insecurity. It is ironic that Indigenous people were felt to need Income Management when the federal government is itself incapable of managing money efficiently. In many cases the NTER has compounded this problem with many departments currently unable to issue funding contracts of more than 12 months.<sup>39</sup>

4.51 The Commonwealth government acknowledged in its submission that:

Many youth services in central Australia (like services elsewhere) operate under short term funding arrangements. Programs attempt to meet immediate need, build capacity and address underlying causes. However, underlying causes which have evolved over a significant period of time cannot be addressed by projects funded for a 12 month period...

...Consequences of the short term nature of the funding to youth services (including in central Australia) is that organisations and communities have difficulty planning for continuity of service provision, attracting qualified and experienced staff because they cannot offer long term employment, and that communities experience high turn over of workers.<sup>40</sup>

4.52 The committee asked Associate Professor McDermott from the Flinders School of Medicine at its Adelaide hearing about the length of time programs should be funded to make them more effective. Associate Professor McDermott outlined that he could not specify an exact number of years but noted that many people report that even a three-year funding arrangement is not sufficient.

I think we need to bite the bullet and say these things are going to take time but it took time to develop them, to arrive at where they are. Aboriginal people are patient if there is some progress being made. It is more about getting it right.<sup>41</sup>

4.53 Another element related to effectiveness of resources across a broad range of service provision areas is the multiple sources of funds and the associated reporting requirements. Evidence was presented to the committee that the arrangements are complex, taking time and energy away from service provision. For example, at the committee's hearing in Alice Springs, the committee heard that CAYLUS receives program funding from 12 different sources and that the duration of this funding appears to be uncertain. CAYLUS gave evidence that they were initially funded by the Department of Health and Ageing for a three year period but once this term ended

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39 CAYLUS, *Submission 10*, p. 15.

40 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 28-29

41 Associate Professor Dennis McDermott, Flinders University School of Medicine, *Committee Hansard*, 4 March 2009, p. 105.

they were given contract extensions, initially two six month extensions which were extended by a further three months and then another nine months.<sup>42</sup>

4.54 The Commonwealth government updated the committee on the steps it has taken to address this issue at the hearing in Canberra:

FaHCSIA is actively working with the other Commonwealth agencies in the space to try to fix what I would call the 'paper side' of red tape...It is not so much about whether you have a single contract, because you can have a single contract and if you have still got all the same reporting requirements that does not make it any simpler. For instance, we have been working on the performance indicators to come down to a much simpler set and quantity of performance indicators that would be more common across the programs particularly in the Indigenous space, although we are now working to try to introduce that into the rest of FaHCSIA as well.

At the moment we are also actively working to try to make the terms and conditions...simpler for the standard terms and conditions that apply certainly to all the FaHCSIA grants...We are working with the other Commonwealth agencies and Indigenous Affairs to see if we can get them agreed to there as well. So they are all steps in the right direction and I think that we are on the verge of making some progress there. It has taken us a while to get there but we are trying to carry a lot of people and a lot of organisations along with us.

Having said that, that is still only a step and there is still a lot of work to do...there are a smaller number of providers who have a large number of grants and certainly in Indigenous Affairs there are a number of providers who have that range of grants. While we try to do the top down and try to make the structure better, we are also looking at a local level, using the ICCs and our state networks to look at some of those providers who have particularly complex arrangements to see if, from the ground up, we can help make more sense of that. I would be the first to say that we have got an awful long way to go, but I do think we are starting to build some momentum in that space.<sup>43</sup>

4.55 The committee considers that having to spend excessive amounts of time regularly chasing funding, with high levels of administrative demand placed upon service organisations by government departments, combined with the seeming inability or unwillingness of these departments to provide funding certainty to effective organisations creates unnecessary inefficiencies in the way resources are deployed.

4.56 The committee agrees with the Commonwealth government's observation that long term funding is required and notes that a number of reports have been commissioned by the Commonwealth as a way of better understanding what the

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42 Mr Tristan Ray and Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, pp. 24 and 25.

43 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, pp. 27-8.

problems are and what needs to be done, including the 2006 report by Morgan Disney titled *A Red Tape Evaluation in Selected Indigenous Communities* released in May 2006. The evaluation found that the administrative burden was greater when:

- applications for grants are required every year, rather than on a three year basis, with the latter requiring only an annual budget update.
- reporting is more frequent. However this is a necessary requirement when frequent reporting is used to monitor high risk organisations or projects.
- organisations use many sources of funds from two levels of government each with discrete reporting requirements and discrete contact staff.<sup>44</sup>

4.57 Measures cited in the report being developed to reduce red tape include:

- Developing a plain language agreement;
- Developing a significantly reduced common set of performance indicators, that will assist measurement of project and program performance, while reducing demands on service providers;
- Improving the link between funds provided and accountability/reporting requirements;
- Facilitating performance reporting across program types, and across Australian Government Agencies; and
- Greater use of multi-year and multi-agency funding that will enhance the capacity of organisations to plan co-ordinated and longer term services.<sup>45</sup>

4.58 The Commonwealth government's submission noted that the implementation of the evaluation's recommendations is:

...being oversighted by the Secretaries Group on Indigenous Affairs and will see a reduction in administrative burden placed on community organisation, while maintaining an appropriate level of accountability.<sup>46</sup>

## **Recommendation 15**

**4.59 The committee reaffirms the recommendation of its 2006 report that the Commonwealth, state and territory governments immediately provide long term, flexible funding, especially for successful programs already operating in communities, to address the sporadic nature and short term focus of current funding models.**

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44 Morgan Disney & Associates Pty Ltd., *A Red Tape Evaluation in Selected Indigenous Communities*, Final report to the Office of Indigenous Policy Coordination, May 2006, p. 6.

45 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 29.

46 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 29

## Recommendation 16

**4.60 That governments and departments within governments, work to design application and accountability processes which avoid duplication and reduce the number of contracts that service providers are required to enter into and aspire to a single contract where possible. This is to minimise the reporting and administrative burden on service providers. The committee notes that governments should aspire to providing a single contract where possible.**

### Adult education services for ex-sniffers

4.61 While the committee was visiting Papunya the school raised the issue of providing basic literacy classes to adults who had missed much of their education due to petrol sniffing. These people were now too old to return to school and existing adult education classes were too advanced for their literacy and numeracy levels.

4.62 The provision of adult education is quite a significant gap in rehabilitation services in many communities as CAYLUS outlined at the Alice Springs hearing:

It is extremely common, particularly in the west of the highway where there was really chronic sniffing for more than a decade. Basically a whole generation of kids who were not getting a great education anyway just did not get any sort of education. They were sniffing all night and sleeping all day. On the odd occasions they turned up for school, their behaviour was not very good...It becomes a really uncomfortable environment for young people to be in, so they basically opt out.

About a month after the sniffing really stopped in Papunya...16 teenage boys turned up at school and said, 'What have you got for us?' The school had to send them away because they just did not have anything to offer to them, not only because they suddenly had a big influx of people—more than they could cope with because they did not have the staff—but also because those kids had no background whatsoever in education and there was not the flexibility in the school system to work with them...<sup>47</sup>

4.63 Mission Australia was also asked whether this was an area they had been allocated resources to address. Mission Australia agreed that this:

...is the group that we are struggling with. I have said that on a couple of occasions. The key for us is to engage with the Job Network providers to provide prevocational training that will lead to a job. It is difficult. With the current employment services delivery set up there is very little contact between Job Network providers and people who need their services on communities.<sup>48</sup>

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47 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, p. 20.

48 Mr Paul Phyland, Mission Australia, *Committee Hansard*, 29 October 2008, p. 70.

4.64 The NPY Women's Council stated that one of the selection criteria for the NTYISP was to provide educational opportunities for disengaged youth.<sup>49</sup> To date the Council has not observed any such educational initiatives however they are aware of Mission Australia's plans to increase the use of job network providers.

4.65 The committee also recognises that Job Network providers may not have the appropriate resources to address this issue as much of the prevocational training available is too advanced for some of the ex-petrol sniffers, as some have no literacy or numeracy skills. Community members in Papunya advised the committee that some of the young people can only sign their name with an 'X'. These young people require specific and intensive remedial education in order to prepare them for prevocational training.

### **Recommendation 17**

**4.66 That additional resources be provided for adult education classes in communities where the reduction in petrol sniffing has created a need for these services, and that appropriate adult education engagement and training methodologies are used, delivered by qualified adult educators.**

### **Resources for early childhood services and nutrition**

4.67 Another issue that the committee believes is important to effectively strengthen and support communities and which has arisen during this inquiry is greater support and resources for early childhood programs, services and nutrition. Dr Brian McCoy stated in his submission that:

A further issue, as with all agencies within the region, lies in their resources and capabilities to take a 'whole of family' and 'whole of community' approach to petrol sniffing that would enable some of the underlying causes of petrol sniffing to be addressed. As with earlier comments it would seem difficult, if not impossible, to address petrol sniffing behaviour by young people if wider family and community needs are not also addressed.<sup>50</sup>

The submission from Maggie Kavanagh also recommended that more support be given to Balgo for early childhood, parenting and nutrition awareness programs.<sup>51</sup>

4.68 The committee observed the importance of adequate resources for a 'whole of family' approach when it visited the Homemakers' Centre in Amata on the APY Lands. This centre provides nutritious meals for babies, children and their mothers and works with the health clinic to get information on which mothers need assistance and which children are 'failing to thrive'. The committee was advised that the centre provides an essential and unique service in the community and before it was

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49 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 8.

50 Dr Brian McCoy, *Submission 7*, p. 3.

51 Maggie Kavanagh, *Submission 18*, p. 5.

operational every week there were babies were being hospitalised for malnutrition. This undoubtedly has implications for the ongoing health and cognitive development of children and young people in the community.

4.69 The committee understands that there is a funding shortfall for these centres of approximately \$300 000 per year. The South Australian government advised the committee that an additional \$200 000 would be provided to the centres as it has:

... an absolute commitment to the homemaker centres...It is a way that we can make sure that, in particular, very young babies can get looked after from a food security point of view. On the lands, as in any other remote community, that is extremely important.

There has been a lot of research done both here and overseas around food security and we know that, between the time that babies get weened and the time that they start walking, there is a gap where they cannot reach for food themselves. The homemaker program provides a way that we can teach young mums and dads about the necessity of providing high-quality food and also increases the availability of food for that section of the community.<sup>52</sup>

4.70 The committee considers such centres to be an essential part of supporting and strengthening communities and urges all governments to commit to providing adequate resources to ensure that each community has a similar facility or programs in place and that existing centres are able to provide a quality service to the community.

### **Continued monitoring**

4.71 The significance of the problem of petrol sniffing, the irreversible damage it does to young people and the effect it has on communities is such that the committee considered it necessary to revisit the issue to ensure that the government's response has been adequate and effective. So while much practical progress has been made the committee notes that a number of the recommendations of the committee's earlier report have either not as yet been implemented, or not implemented to the extent recommended by the committee.

4.72 In particular, the committee made recommendations (Recommendations 1 and 3) to ensure that there is ongoing monitoring of the recommendations of previous inquiries and reports relating to petrol sniffing and substance abuse. The Commonwealth government's submission made reference to these recommendations but did not outline whether any consideration had been given to them or not.

4.73 The committee notes that no additional resources have been given to the Aboriginal and Torres Strait Islander Social Justice Commissioner to annually review the implementation of the Royal Commission into Aboriginal Deaths in Custody and Coroners' recommendations as listed in the committee's previous report. CAYLUS

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52 Ms Kim Petersen, South Australian government, *Committee Hansard*, 4 March 2009, p. 54.

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noted that if the committee's previous recommendation was implemented it would provide 'ongoing scrutiny and ensure better implementation'.<sup>53</sup>

4.74 In addition since the committee last reported there have been two further reports that identified substance abuse as a structural factor that impacts on the prevalence of sexual abuse in Indigenous communities. These are the:

- *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"*, the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse; and
- *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry – A report into sexual abuse by Commissioner Ted Mullighan to the South Australian Government in April 2008.*

4.75 The committee believes that these reports and their recommendations provide a comprehensive framework for addressing many of the contextual issues and underlying problems that lead people to sniff petrol and abuse substances. Ongoing monitoring of progress towards implementing these recommendations is essential to ensure that recent gains in this area are sustained in the long term.

We do not want to go back to the state that we were in. We live with the fear that other sources of drugs, or whatever, will come into our communities.<sup>54</sup>

4.76 Ongoing monitoring and evaluation will also ensure accountability and avoid the need for similar inquiries and reports in the future. As the committee stated in its previous report:

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.<sup>55</sup>

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53 CAYLUS, *Submission 10*, p. 14.

54 Janet Inyaka, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 43.

55 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p.19.

**Recommendation 18**

**4.77** The committee reaffirms recommendation 3 of its 2006 report that the Commonwealth government provide adequate additional resources to the Aboriginal and Torres Strait Islander Social Justice Commissioner to monitor and report annually on the progress towards implementing the above mentioned recommendations until the Commissioner can report that all recommendations have been sufficiently addressed.

**Conclusion**

4.78 This report clearly sets out some of the remaining areas of need, based on the evidence provided to this committee from governments, communities and other stakeholders. The committee therefore looks forward to its recommendations being embraced by the Commonwealth government as part of the continuing evolution and success of the Petrol Sniffing Strategy.

**Senator Claire Moore**  
**Chair**

March 2009

## APPENDIX 1

### LIST OF PUBLIC SUBMISSIONS, TABLED DOCUMENTS AND ADDITIONAL INFORMATION AUTHORISED FOR PUBLICATION BY THE COMMITTEE

- 1 Kelly, Dr Anthony (SA)
- 2 King, Mr Allan (NSW)
- 3 Alcohol & other Drugs Council of Australia (ACT)
- 4 Winemakers' Federation of Australia (WFA) (SA)
- 5 Mission Australia (NSW)
- 6 Yirara College (NT)  
*Supplementary information*
  - Opening statement tabled at hearing 29.10.08
- 7 McCoy, Dr Brian (VIC)
- 8 Association of Children's Welfare Agencies (ACWA) (NSW)
- 9 BP Australia Pty Ltd (VIC)  
*Supplementary information*
  - Map of terminals and Opal supply tabled at hearing 4.3.09
- 10 Tangentyere Council, Central Australian Youth Link-Up Service (CAYLUS) (NT)  
*Supplementary information*
  - Copy of draft letter to Shell from the Wirrimanu Aboriginal Corporation tabled at hearing 29.10.08
  - Copy of draft letter to Mr Bruce Farrens, Rabbit Flat from the Wirrimanu Aboriginal Corporation tabled at hearing 29.10.08
  - Supplementary submission dated 23.2.09
- 11 Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation) (NPYWC) (NT)
- 12 Western Australian Government (WA)
- 13 UnitingCare Wesley Adelaide (SA)
- 14 Australian Government (ACT)
- 15 Government of South Australia (SA)  
*Supplementary information*
  - Powerpoint presentation slides tabled at hearing 4.3.09
  - Responses to questions arising from hearing, received 16.3.09
- 16 Alice Springs Town Council (NT)

- 17 Gilbert and Tobin Centre of Public Law (NSW)
- 18 Kavanagh, Ms Maggie (WA)
- 19 Bushmob Inc (NT)  
*Supplementary information*  
Provided during site visit 27.10.09
- Pamphlet 'Bushmob Inc Central Australia, For All Young People'
  - CD: Bushmob Opening
  - CD: Ltyentye Apurte horse trek, Bushmob 2008
- 20 Northern Territory Government (NT)

### **Additional information**

#### ***Site visit, Yuendumu, 27 October 2008***

Mt Theo Program:

- Mt Theo Program Overview
- Jaru Pirrjirdi 'Strong Voices' Project Brief
- Mt Theo Outstation Program Description
- Yapa-Kurlangu Yimi, June 2007
- Yapa-Kurlangu Yimi, December 2006

#### ***Site visit, Yuendumu, 27 October 2008***

The Responsible Drinkers Lobby of Alice Springs, *Enough is Enough: This is What the People of Alice Springs Think!*, A study into alcohol related harm in our community and strategies for combating it, January 2009

### ***Correspondence***

Correspondence concerning the distribution of Opal fuel authorised for publication by the Select Committee on Regional and Remote Indigenous Communities from:

- Mobil, dated 25.9.08
- Coles Express, dated 29.10.08
- Shell Company of Australia Limited, dated 1.12.08

## APPENDIX 2

### WITNESSES WHO APPEARED BEFORE THE COMMITTEE AT PUBLIC HEARINGS

*Wednesday, 29 October 2008*  
*Crowne Plaza, Alice Springs*

#### **Committee Members in attendance**

Senator Rachel Siewert (Acting Chair)

Senator Judith Adams

Senator Sue Boyce

Senator Trish Crossin

Senator Mark Furner

Senator Gary Humphries

#### **Witnesses**

##### **Gilbert & Tobin Centre of Public Law UNSW**

Mr Sean Brennan, Project Director and Senior Lecturer

Mr Jonathan Dillon, Social Justice Intern

##### **Central Australian Youth Link-up Service (CAYLUS)**

Mr Tristan Ray, Coordinator

Mr Blair McFarland, Coordinator

##### **Warburton/ Warakurna Delegation**

Ms Beryl Jennings (Warburton community)

Ms Daisy Ward (Warburton community)

Ms Eunice Porter (Warakurna community)

Ms Valerie Foster (Wanarn community)

##### **Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council**

Ms Julie Anderson, Director

Ms Janet Inyika, Vice Chairperson (SA)

Ms Vicki Gillick, Coordinator

Ms Mary Anderson, Interpreter

##### **Yirara College**

Mr Tim Conaghan, Acting Deputy Senior Houseparent

Mr Alan Russ, Community Liaison Officer

##### **Mission Australia**

Mr Phillip Leslie, State Director Northern Territory

Mr Paul Phyland, Operations Manager

Mr Mark Swindells, Service Manager

**Alice Springs Town Council**

Mr Craig Catchlove, Director, Corporate & Community Services

Mr Samih Habig, Alderman

Ms Melanie Van Haaren, Alderman

*Wednesday, 4 March 2009*

*Adelaide Town Hall, Adelaide*

*(Held in conjunction with Senate Select Committee on Regional and Remote Aboriginal Communities)*

**Committee Members in attendance**

Senator Claire Moore (Chair)

Senator Gary Humphries

Senator Rachel Siewert (Deputy Chair)

Senator the Hon David Johnston

Senator Catryna Bilyk

Senator the Hon Nigel Scullion

Senator Sue Boyce

**Witnesses****UnitingCare Wesley Adelaide**

Ms Sue Park, Chief Executive

Mr Jonathan Nicholls, Senior Policy Officer

**Aboriginal Drug and Alcohol Council SA**

Mr Scott Wilson, Director

Mr Christopher Perry, Project Office, Making Tracks

**BP Australia**

Mr Gavin Jackman, Director, Government Affairs

Mr Chris McKenzie, Fuels Marketing Program Manager

**South Australian Government**

Ms Nerida Saunders, Executive Director, Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet

Ms Kim Petersen, Director, Remote Communities, Aboriginal Affairs and Reconciliation Division, Department of Premier and Cabinet

**Women's Legal Service SA Inc**

Ms Marilyn Wright, Senior solicitor and coordinator

Ms Zita Ngor, Solicitor

Mrs Grace Miller, Aboriginal Women's Community Worker

**National Centre for Education and Training on Addiction**

Professor Ann Roche, Director

**School of Medicine, Flinders University**

Associate Professor Dennis McDermott, Indigenous health

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***Thursday, 12 March 2009***  
***Parliament House, Canberra***

**Committee Members in attendance**

|                                       |                        |
|---------------------------------------|------------------------|
| Senator Claire Moore (Chair)          | Senator Sue Boyce      |
| Senator Rachel Siewert (Deputy Chair) | Senator Mark Furner    |
| Senator Catryna Bilyk                 | Senator Gary Humphries |

**Witnesses**

**Department of Families, Housing, Community Services and Indigenous Affairs**

Ms Donna Moody, Group Manager, Program Performance Group  
 Mr Steve Vaughan, Manager, Central Australian Petrol Sniffing Strategy Unit  
 Ms Adrienne Gillam, Executive Coordinator, APY Lands Branch, Program Performance Group

**Department of Health and Ageing**

Ms Lesley Podesta, First Assistant Secretary, Office for Aboriginal and Torres Strait Islander Health  
 Ms Tarja Saastamoinen, Assistant Secretary, Family Health and Wellbeing Branch, Office for Aboriginal and Torres Strait Islander Health

**Department of Education, Employment and Workplace Relations**

Mr Stephen Goodwin, Branch Manager, Indigenous Policy Branch, Indigenous Group

**Attorney-General's Department**

Mr John Boersig, Assistant Secretary, Indigenous Policy and Service Delivery Branch, Indigenous Justice and Legal Assistance Division

***Site visits and informal meetings***

***Monday, 27 October 2008, Site visits and informal meetings at Yuendumu, Papunya and Alice Springs NT***

**Committee Members in attendance**

|                                       |                        |
|---------------------------------------|------------------------|
| Senator Rachel Siewert (Deputy Chair) | Senator Trish Crossin  |
| Senator Judith Adams                  | Senator Mark Furner    |
| Senator Sue Boyce                     | Senator Gary Humphries |

The committee travelled from Alice Springs to Yuendumu and met with Mr Brett Badger, Assistant Manager and Senior Counsellor with the Mt Theo Program.

The committee attended the signing of the Tanami Regional Partnership Agreement in Yuendumu and the official opening of the Yuendumu swimming pool.

The committee travelled to Papunya and met with the following community elders, members and staff:

Sid Anderson - former Community Council Deputy Chairman (recently elected to Macdonnell Shire Council)

Lance McDonald - former Community Council Chairman (currently on Shire work team at Papunya)

Sammy Butcher - former Community Councillor (Work for the Dole Supervisor at Papunya)

Willie Nakamara - Elder

Michael Nelson - Elder and renowned artist

Linda Anderson - former Community Councillor (Deputy Principal/Indigenous Principal at Papunya School)

Punata Stockman - Senior woman at Papunya

Graham Polson - Pastor

Sarah Stockman - Community member

Murray Raggett - Community member

Sue Sifa - School Principal at Papunya

Mark Hutchings - Government Business Manager

The committee returned to Alice Springs and met with Mr Will MacGregor, Manager, Bushmob House.

### ***Tuesday, 28 October 2008, Site visits at Alpururlam and Alice Springs NT***

#### **Committee Members in attendance**

Senator Rachel Siewert (Deputy Chair)

Senator Trish Crossin

Senator Judith Adams

Senator Mark Furner

Senator Sue Boyce

Senator Gary Humphries

The committee travelled to Alpururlam (Lake Nash) and met with community elders, members and staff, including:

Rod Richardson - Barkly Shire Services Manager

Ross Forbes - School Principal

Kerry Campbell - active community member

Gary Fowler - ESO/power and water

Craig Philomac - builder

John Percy - active community member

Irene Toby - teacher assistant

Jenny Mahoney - teacher assistant and elder

Willie Bookie - night patrol

Valerie Campbell - nutrition and school nutrition

Anna Flouris - sport and recreation/youth work

Leanne - Manager Health Clinic

The committee met with Alpururulam youth program volunteers and participants.

The committee travelled to Alice Springs and met with community elders and members at Hoppies Town Camp.

***Sunday, 1 March 2009, Site visit and informal meetings at Mutitjulu NT***

**Committee Members in attendance**

|                                       |                       |
|---------------------------------------|-----------------------|
| Senator Claire Moore (Chair)          | Senator Sue Boyce     |
| Senator Rachel Siewert (Deputy Chair) | Senator Trish Crossin |
| Senator Catryna Bilyk                 | Senator Mark Furner   |

In attendance: Mrs Furner, Mr Chris Twomey, Mr Paul Phyland (Mission Australia), Mark Swindell, and members of Mission Australia's staff, Dorothea Randall, community members.

The site visits and informal meetings undertaken 1-4 March 2009 were held by the Committee in conjunction with the Senate Select Committee on Regional and Remote Aboriginal Communities.

The committee visited Mutitjulu community and met with community members to talk generally about issues faced by the community. Issues raised included municipal services, employment and the lack of effective job network services, and child care.

The committee were then shown the youth facilities and discussed youth services offered under the Northern Territory Integrated Youth Services Project (NTIYSP).

***Monday, 2 March 2009, Site visits and informal meetings at Amata SA, Yulara NT***

**Committee Members in attendance**

|                                       |                                |
|---------------------------------------|--------------------------------|
| Senator Claire Moore (Chair)          | Senator Trish Crossin          |
| Senator Rachel Siewert (Deputy Chair) | Senator Mark Furner            |
| Senator Catryna Bilyk                 | Senator Gary Humphries         |
| Senator Sue Boyce                     | Senator the Hon Nigel Scullion |

In attendance: Mr Chris Twomey, Felix Humphries, Ms Kim Petersen and Ms Nerida Saunders (SA government), Ms Adrienne Gillam (FaHCSIA).

The committee visited Amata community and met with staff of organisations and agencies and community members. Organisations visited included:

- Substance Misuse Facility
- Amata Anangu School
- PY Ku Rural Transaction Centre
- Homemakers Centre
- Tjala Arts Centre

The committee spoke with staff and members of the community about services, funding, the community's needs and issues. The committees also inspected the new Substance Misuse Facility.

The committees then returned to Yulara and met with representatives of the Voyages Ayers Rock Resort and the GPT Group, Mr Bernie Boller and Mr Bruce Morris. The discussion focussed on the implementation of the Petrol Sniffing Strategy and what could be done to offer more incentives for business and industry to partner with Indigenous communities.

***Tuesday, 3 March 2009, Site visits and informal meetings in Adelaide SA***

**Committee Members in attendance**

|                                       |                                |
|---------------------------------------|--------------------------------|
| Senator Claire Moore (Chair)          | Senator Sue Boyce              |
| Senator Rachel Siewert (Deputy Chair) | Senator Gary Humphries         |
| Senator Catryna Bilyk                 | Senator the Hon Nigel Scullion |

The Committee attempted to visit Umuwa community however the airstrip was too wet to allow the plane to land safely. The Committee then flew to Adelaide and met with Better World Arts in Port Adelaide.

The Committee spoke with staff about the partner programs Better World Arts runs with Indigenous artists and artisans in developing countries such as Peru and India, and heard about the need for more support and information for Indigenous families connected to the arts centre.

***Wednesday, 4 March 2009, private meeting with the Hon E P Mulligan QC, Adelaide SA***

**Committee Members in attendance**

|                                       |                                |
|---------------------------------------|--------------------------------|
| Senator Claire Moore (Chair)          | Senator Gary Humphries         |
| Senator Rachel Siewert (Deputy Chair) | Senator the Hon David Johnston |
| Senator Catryna Bilyk                 | Senator the Hon Nigel Scullion |
| Senator Sue Boyce                     |                                |

The committee met with Mr Ted Mullighan, former Commissioner, to discuss the findings of his Commissions of Inquiry into child abuse on the APY lands and abuse of children in state care in SA.