

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

Submission to Senate Community Affairs Committee Inquiry into the Low Aromatic Fuel Bill 2012

July 2012

About Aboriginal Peak Organisations of the Northern Territory

Aboriginal Peak Organisations of the Northern Territory – APO NT – is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), Aboriginal Medical Services Alliance of the NT (AMSANT), North Australian Aboriginal Justice Agency (NAAJA) and Central Australian Aboriginal Legal Aid Service (CAALAS). The alliance was created to provide a more effective response to key issues of joint interest and concern affecting Aboriginal people in the Northern Territory, including through advocating practical policy solutions to government. APO NT is committed to increasing Aboriginal involvement in policy development and implementation, and to expanding opportunities for Aboriginal community control. APO NT also seeks to strengthen networks between peak Aboriginal organisations and smaller regional Aboriginal organisations in the NT.

APO NT Submission

The following is a submission from the Aboriginal Peak Organisations of the NT (APO NT) to the Senate Community Affairs Committee inquiry into the Low Aromatic Fuel Bill 2012. As an alliance of organisations that well know the damage that petrol sniffing has caused in the Northern Territory, we support the bill tabled by the Greens Senator Rachel Siewert as an important measure in reducing harms associated with petrol sniffing in Aboriginal communities in the Northern Territory.

Petrol sniffing

The evidence from evaluations that the Opal roll out has been effective is overwhelming. The 2006-07 Annual report of the Department of Health and Ageing describes the roll out of Opal fuel and subsequent reduction of harm caused by petrol sniffing as one of the year's 'significant wins in Indigenous health.'¹ According to the report, stakeholders identified three key indicators of the success of the rollout:

- the large number of communities to which Opal has been rolled out;
- the high volume of Opal sales; and
- evidence of the reduced incidence of petrol sniffing.

The rate of self harm and suicide in Aboriginal communities in the Northern Territory is simply unacceptable. Our young people are subject to lives of poverty and disenfranchisement that are amongst the worst in the nation. The overwhelming evidence of the social determinants of early childhood development, health, employment, housing, education and access to justice and social control, are reflected in a social gradient of powerlessness and ill health. Such powerlessness leads to unsafe behaviours like petrol sniffing. Given the seriousness and complexity of this situation, the

¹ DoHA 2007, p9

existence of a measure that will clearly improve outcomes for young people and their families should prompt government to take immediate action.

The Bill and the supply reduction measure contained within it need to be part of a broader and more holistic solution to petrol sniffing. The value and importance of the prevention services provided by organisations such as CAYLUS (Central Australian Youth Link-Up Service) and the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council in addressing youth issues which lead to petrol sniffing should not be underestimated.

Need for regulation

We congratulate the efforts of retailers and the Australian government to voluntarily roll out Opal fuel in central Australia. We support the initiatives of CAYLUS and the NPY Women's Council and agree that legislation should be introduced that would allow the Government to mandate the stocking of Opal fuel. We understand that use of Opal fuel has been associated with an average 70% reduction in the prevalence of sniffing across all sites, with a 94% reduction in central Australia.²

However, the benefits brought to communities by using Opal fuel are being compromised by a handful of irresponsible retailers who refuse to stock the fuel. Some retailers, despite industry and technical testing on the compatibility of Opal fuel and engine, are concerned that they may lose business by stocking Opal fuel or are frustrated by taking instructions from the Government, whilst others do not see petrol sniffing or its damaging effects as an issue.³ Such reasons cannot justify the unacceptable consequence of preventable damage being caused to communities.

We understand that such legislation is not only legally within the capacity of the federal government,⁴ but would also lead to a cost benefit of \$1.3 billion over 25 years in addition to the clear social, health and community benefit of reduced rates of sniffing. We also understand that the 2009 Senate Inquiry into Petrol Sniffing and Substance Abuse in Central Australia made a clear recommendation that this happen.⁵

The Bill provides for consultation before determining requirements relating to fuels, consultation prior to designating low aromatic fuel areas, and review of the operation of the Act after five years. APO NT considers that these consultation and review provisions are proportionate and allow for the rights of various stakeholders to be appropriately balanced.

Conclusion

Opal is no silver bullet, but it is the most important deterrent and has made a big difference to life in many communities, especially when implemented along with other measures such as community education and youth programs. While the voluntary roll out of Opal fuel has had an extraordinary uptake, five years on there are a number of sites where negotiations have clearly stalled and where this is connected to ongoing sniffing in nearby communities. As a group of organisations with considerable understanding of the situation of Aboriginal families in the Northern Territory, we believe that regulation is vital so that all communities get the full benefit of the Opal Roll Out.

2 Peter d'Abbs and Gillian Shaw 2008, Executive summary of the Evaluation of the Impact of Opal Fuel, Commonwealth Department of Health and Ageing, Canberra

3 and 5 South Australian Centre for Economic Studies 2010- Cost Benefit Analysis of Legislation to Mandate the Supply of Opal Fuel In regions of Australia.

4 Gilbert+ Tobin Centre for Public Law 2008 see http://www.aph.gov.au/SENATE/COMMITTEE/clac_ctte/petrol_sniffing_substance_abuse08/submissions/sublist.htm

5 Senate inquiry into Petrol Sniffing and Substance Abuse in Central Australia 2009 see

http://www.aph.gov.au/SENATE/COMMITTEE/clac_ctte/petrol_sniffing_substance_abuse08/report/index.htm