



Submission to the Inquiry into the Low Aromatic Fuel Bill 2012

Key Recommendations

1. The voluntary roll out of Low Aromatic Fuel (LAF) commonly known as *Opal* has been effective in reducing the incidence of petrol sniffing.

However, like many voluntary codes the time has now come to create legislative frameworks in order to;

- **Ensure the few remaining non-LAF outlets in strategically important zones assume responsibility to maximise effectiveness.**
- **Ensure authorities have capacity to act should retailers in these strategically important zones relegate their responsibility.**

2. The proposed legislative powers would play an important symbolic role and provide a strong incentive to retailers take up use of LAF voluntarily.

3. We feel the proposed bill draws a good balance between the rights and interests of the various stakeholders that are involved and provides a way to break the current deadlock in relation to Opal roll-out in some regions.

4. There are a number of factors that maintain the issue of “petrol sniffing” in these communities (and drug addiction in all communities) and this legislation should be part of a suite of coherent policy’ and programs to address the health and social issues faced by these populations.

This is a brief submission from the National Aboriginal Community Controlled Health Organisation (NACCHO). We are the national peak Aboriginal health body representing over 150+ Aboriginal Community Controlled Health Services operating throughout Australia. NACHOS work is focussed on:

- Promoting, developing and expanding the provision of health and well being services through local ACCHSs/AMSs
- Liaison with organisations and Governments within both the Aboriginal and non-Aboriginal community on health and wellbeing policy and planning issues
- Representation and advocacy relating to health service delivery, health information, research, public health, health financing, health programs, etc.
- Fostering cooperative partnerships and working relationships with agencies that respect Aboriginal community control and holistic concepts of health and well being.

In the line of this work, NACCHO and our member services have been heavily involved in efforts to prevent, treat and minimise harm related to petrol sniffing and other inhalant misuse.

Volatile Substance Misuse (VSM) is an issue that affects individuals and families from all walks of life in towns and cities across the country. VSM was particularly prevalent in the Central Australian Cross-border region prior to the roll-out of Opal Low Aromatic Fuel in 2005/06 and remains an issue of concern in this region.

Many of our member organisations in other regions continue to provide clinical and social support to families and individuals that are affected by VSM. In particular in recent months our member organisations in the Katherine region have been involved in efforts to counter solvent abuse in Katherine, Barunga, Jilkmingan and other communities in this region.

The roll of Opal/LAF

LAF has clearly played an important role in reducing the prevalence and harms associated with petrol sniffing in regions where it has been used. The reduction in prevalence has been greatest in the Central Australian region where the coverage has been most comprehensive¹, though *LAF use across all sites has led to an estimated 70% reduction in sniffing in target communities*². LAF has been particularly effective in locations where it has been introduced as a part of a range of strategies that: counter VSM, provide access to medical support, treatment and rehab and engage users in education, community programs and work.

¹ 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

² Ibid

To date the roll-out of Opal has been entirely voluntary, over a hundred retailers now stock the fuel in place of standard unleaded. These retailers include remote community shops, retailers and roadhouses located in high-risk zones as well as fuel outlets in larger townships like Alice Springs. While stocking LAF doesn't cost retailers in terms of additional time or money the good work of these outlets should be acknowledged, their decision to stock the fuel has led to a significant reduction in prevalence of sniffing, bringing benefits to individuals and families who were affected by sniffing as well as to the wider community.

While the roll out of Opal has been a clear success we must be constantly on our guard with respect to sniffing. In Central Australia and other locations there are ongoing outbreaks of sniffing of petrol and other products. The nature of sniffing is that such outbreaks can quickly spread. Petrol sniffing has been a pervasive, persistent problem in Central Australia and other regions, we need to remain alert to the possibility that prevalence could increase again, hence ensure preventative interventions are in place.

In the top end of the NT the LAF roll out is less comprehensive. In recent months the Katherine region Sunrise Health Service, Wurli Wurlinjang Health Service and Kalano Health Service along with community leaders and other agencies from Katherine and Mataranka have been calling for LAF to be implemented in these sites. Bringing Opal to Katherine and Mataranka would reduce risk and prevalence of sniffing both in these townships and in nearby communities. Community advocates have been calling for LAF to be introduced in these towns for a number of years and there is a level of frustration at the lack of progress ³.

\We understand that one reason given for this slow progress is the lack of a storage point for Opal in Darwin, but that government representatives have offered to arrange alternative means of supply while this is resolved and that retailers after several years of discussions are yet to take this up. Meanwhile prevalence of sniffing has been high in recent months placing a burden on families, community leaders and health and justice services in the region.

The need for legislation

NACCHO supports the Low Aromatic Fuels Bill 2012 . Use of Opal clearly leads to improved health and wellbeing in affected towns and communities where petrol sniffing has been an issue. These benefits are greatest in sites where the roll-out of the fuel is most comprehensive.

Currently, the key driver of sniffing continuing in some communities, (access) rests in the hands of nearby roadhouse owners and retailers, some of whom are refusing to stock the fuel. Given the strong evidence that Opal works well and the critical state of Aboriginal and Torres Strait Islander health in Australia, with our Close the Gap activities, it is not acceptable or consistent in a policy context, to leave this crucial decision to whim of local roadhouse owners.

When Low-Sulphur Diesel was introduced nationally in Australia in order meet international environmental standards (a measure which is associated with damage to seals in older engines⁴)

³ see <http://www.katherinetimes.com.au/news/local/news/general/its-time-to-act-on-opal/2566035.aspx>

⁴ http://www.bp.com/liveassets/bp_internet/australia/corporate_australia/STAGING/local_assets/downloads_pdfs/f/Diesel_Impact_Reducing_SulphurADF.pdf

there was no question of leaving the decision as to whether to use the fuel up to individual retailers. The introduction of the fuel was mandatory and this was done for the public good. In the same way we think it is very reasonable to force retailers to use Opal Fuel if their decision not to stock the fuel is causing harm in nearby communities.

We feel the Low Aromatic Fuel Bill 2012 draws a good balance between the rights and interests of the stakeholders that are involved. It provides an important way forward in the sites where the roll out of Opal has stalled. It supports the majority of retailers who are responsibly stocking the fuel, by ensuring that other retailers also stock the fuel. The bill also provides a transparent public process under which the interests of all stakeholders can be considered.

While it is encouraging that retailers in towns like Alice Springs voluntarily stock the fuel, it must be noted that this has been inconsistent at times as staff in these outlets have changed over and these outlets have considered dropping use of the fuel. The Central Australian Youth Link Up Service (CAYLUS) describe this situation as being like a 'house of cards', where if one retailer makes the decision to stop stocking the fuel it is likely that the others will also cease. The proposed legislation provides a mechanism to act, should retailers who currently stock the fuel decide to renege in the future.

In Katherine and Mataranka where people have been pushing for Opal introduction for a number of years, the proposed legislation would provide a way forward if ultimately the retailers continue to refuse to stock the fuel. It also provides additional incentive for these retailers to come onto the scheme voluntarily.

In conclusion NACCHO supports the proposed bill be adopted as legislation by the current government. It is widely acknowledged from a public health and public good perspective, that existence of LAF mandating legislation is necessary and the current debate should really only be centred around the technicalities of how to achieve this. NACCHO propose that rather than looking for flaws in the proposed legislation and process that the Australian government and other stakeholders look for solutions to work together, so that mandating capacity can be developed as soon as possible, and this major public health issue addressed.

Yours sincerely,

Jason B King
Acting Chief Executive Officer