

Submission to the Senate Community Affairs Reference Committee,
Parliament of Australia

Inquiry into petrol sniffing in remote Aboriginal communities

Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council
(Aboriginal Corporation)

4th November 2005

Terms of Reference

1. That the Senate:
 - a. notes that despite the efforts of communities and governments, the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities;
 - b. recognises the efforts of local communities and work underway between the Federal, Northern Territory, Western Australia and South Australian Governments to work in collaboration to implement a comprehensive strategy to tackle petrol sniffing;
 - c. notes that an additional \$6 million over 2 years has recently been announced by the Government to expand the roll out of Opal petrol in the central desert region and that total expenditure for Opal subsidies is \$19.6 million over 4 years;
 - d. notes that the Government is considering a limited supply of Opal petrol in Alice Springs for residents of affected Indigenous communities and for people visiting those communities;
 - e. calls on the Government, should it proceed with the limited supply of Opal petrol in Alice Springs, to work with petrol retailers and communities to develop a code of practice and an education strategy in relation to responsible trading; and
 - f. notes that supply of non-sniffable Opal petrol can only be one part of the solution to petrol sniffing.

2. That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
 - a. the effectiveness of existing laws and policing with respect to petrol sniffing in affected Indigenous communities;
 - b. the effectiveness of diversionary initiatives and community level activities; and
 - c. lessons that can be learned from the success some communities have had in reducing petrol sniffing including the impact of non-sniffable Opal petrol

1. Introduction

The NPY Women's Council (NPYWC) Executive (Governing Committee) resolved in October that the organisation should make a brief submission to this Senate Inquiry. We note that NPYWC has an extensive and public history of involvement in this issue. The organisation has been involved in four Coronial inquests into the deaths of petrol sniffers, separately represented at two in South Australia (2002 and 2004). I am instructed to provide our submission to the NT Coroner's inquest held in August this year, and some brief response to the Terms of Reference. The submission to Mr. Cavanagh, we believe, contains a brief but reasonable summary of the issues and of our position.

We also respectfully refer the Committee members to the findings of His Worship Mr. Cavanagh (2005), his predecessor Mr. Donald (1998) and His Honour Mr. Chivell, the former SA Coroner (2002 and 2005).

2. Response to Terms of Reference

1a and b:

- (i) Reference to Coronial findings and other documentation such as Peter D'Abbs' paper "*Recent developments in addressing volatile substance misuse*", July 2005 demonstrate clearly that most communities faced with the problem are unable effectively to deal with it without considerable support and assistance, and that government responses have been tardy and often ineffectual.
- (ii) Whilst there have been some positive moves in the past year or so, including the measures announced by Ministers Abbott and Vanstone on 12th September 2005, we would caution against either self-congratulation or glossing over the extent of the problem, its history, intractability and invidious generational effects, the past reluctance of governments to commit either funds or analysis, or to take advice from those with relevant policy or practical expertise.

1c and d:

- (i) NPYWC welcomes the proposed extended Opal subsidy area and hopes that the supply will occur very soon. Members are however convinced that the coverage area needs to include both Alice Springs and a wider region. The cost of supply to this wider region is the subject of a study currently being done on behalf of the "Opal Alliance." See generally para. 12 of NPYWC's submission to NT Coronial inquest.

- (ii) In our submission, the provision of a ‘limited supply’ in Alice Springs, whilst it may offer a sensible alternative to people travelling to communities in the region, is no substitute for reducing supply by expanding the coverage of Opal to include the regional centre of Alice Springs. Regardless of what legislative reforms might be introduced in relation to penalties for trafficking in regular unleaded fuel, and which reforms we would fully support, the practicalities of policing such an enormous region are daunting.
- (iii) Despite many years of lobbying, NPYWC has so far been unsuccessful in its aim to see a sworn police officer stationed at each of its main member communities. It is difficult to envisage the provision of the levels that would be necessary properly to police the region, riddled as it is with back roads and tracks. The practical measure of serious supply reduction is an essential element of a practical approach to dealing with sniffing and trafficking.
- (iv) There is anecdotal evidence of the increased movement of sniffers into Alice Springs, as well as the presence of sniffers normally resident in the town. The limited provision of Opal fuel may be of some assistance to those intending to enter remote communities. There would appear to be nothing however to suggest that it will discourage sniffers, particularly of the chronic or habitual variety, seeking out the main source of regular unleaded fuel in the region.

1e and f:

- (i) Codes of practice and responsible trading are commendable. They are not an alternative to supply reduction. Again, without the inclusion of the regional centre, what we believe we will end up with is something akin to a doughnut with a big hole in the middle, through which regular unleaded fuel will leak into the surrounding areas. The evaluation of the Comgas Scheme found that proximity to regular unleaded was the “principle factor affecting the supply of petrol to a community” and that close proximity “reduces the impact of Avgas”¹. Logic would seem to dictate, then, that it is of prime importance to deal with the proximity issue. This would in our view be far more effective than tinkering at the edges with (presumably) voluntary codes and education strategies for sellers. The shocking situation in this region has gone on far too long, has resulted in great loss of life, opportunity and capacity, and that is before we begin to tally the economic costs. We should be implementing comprehensively what is arguably the most promising intervention offered to date.

¹ ‘An evaluation of the Comgas Scheme’, Shaw G., Biven A., Gray D., Mosey A., Stearne A. and Perry J., Commonwealth of Australia, 2004 at pp 33 – 34.

- (ii) NPYWC acknowledges that Opal fuel cannot provide the entire solution to the problem. If it is not introduced into a broad central region that includes Alice Springs, it may not even amount to a decent partial answer. Please see in particular para. 12.4 of the attached submission to the NT Coronial inquest in which we note not only the potential for Opal but the need for complementary measures such as increased policing, after-school and youth workers on communities and “vigilance to ensure that petrol is not replaced by cannabis, the use of which is itself a growing problem, or other drugs.”

2.a

- (i) Note previous comments in relation to policing and also see para. 11 of NPYWC’s submission to the NT Coronial inquest. Laws that govern the supply, use and possession of petrol for the purpose of sniffing differ as among SA, WA and the NT. Some of these set out in paras 10.9, 10.10 and 10.11 of the attached submission. It is difficult to imagine that the three jurisdictions will come to agreement on whether the act of sniffing, or possessing petrol for that purpose, should be an offence. The NT has rejected this approach with its *Volatile Substance Abuse Prevention Bill*.
- (ii) It may arguably be preferable, and a more likely aim to achieve, to first get the three jurisdictions to agree on penalties for supply and trafficking, perhaps modelled on the SA *Regulated Substance Amendment Bill* to amend the *Pitjantjatjara Land Rights Act* (SA) 1981. Unfortunately this Bill has been before the SA Parliament for well over a year, but it could provide a model for cross-border legislative harmonisation in respect to a number of relevant matters, even in the absence of agreement on whether ‘possession for the purpose’ or sniffing are to be offences on all three sides. It is imperative that the sentencing options available demonstrate that the community in general will not tolerate the supply of petrol in remote communities any more than it does other (illicit) substances elsewhere.
- (iii) We note that a visiting Magistrate on the Anangu Pitjantjatjara Lands north-west court circuit last week sentence a man convicted of supplying petrol for the purpose of sniffing to the (current) maximum available penalty of six months in custody. We understand that the defendant was an education worker. We hope this sentence indicates that:
 - 1) the increased number of police in the region is resulting in increased charges against suppliers; and
 - 2) Magistrates in their dispositions are increasingly willing to administer penalties that reflect the seriousness of these matters.

2b.

- (i) Where there exist diversionary activities and ‘community level activities’ that are reasonably well funded and properly run, they work well. Unfortunately these are few and far between in our region, particularly in the NT and SA communities (see NPWC map attached.) also see paras.6,7 and 8 of our submission to the NT Coronial inquest.
- (ii) It is imperative that the Australian Government take a lead role, as with Opal, in ensuring that there is a comprehensive and co-operative plan among the three jurisdictions for the provision of qualified and or skilled youth workers in remote comities. The practice, as has occurred on the Anangu Pitjantjatjara Lands, of giving over the employment of youth workers to often dysfunctional community councils, or simply to community councils without any capacity to support and supervise staff, is a model destined to fail. Similarly, the practice of employing local Aboriginal workers who lack skills or qualification and expecting them, without a solid, qualified co-worker, to carry out difficult work for which they are untrained (consider the level of education in the region) is misguided at best, and stupid and potentially dangerous at worst. Youth work is not baby-sitting and should not be treated as such, particularly in dysfunctional communities with low capacity to run services. The positive changes that can be effected by intelligent staff of a high calibre cannot be over-estimated (for example, at Yuendumu over the past decade; currently at Mutitjulu community.)
- (iii) Youth workers need to be suitably qualified or skilled, possess no relevant criminal history, be properly paid, housed, supervised and supported. There is no dirt cheap or easy way around this, and there needs to be established an employment agency of sorts to enable proper recruitment for the region. If communities lack the capacity, as many do, and there is no NGO willing able to take it one, then government has a role in ensuring a co-ordinated approach. This option would undoubtedly be cheaper, socially and economically, than the current mix of often unsatisfactory, hit and miss arrangements.

2c.

- (i) NPYWC’s members reported a significant lull in the incidence of sniffing in many of our member communities following the switch to Opal by most in the past several months. Shortly afterwards, however, most have reported a return to the previous nightmarish conditions that accompany virtually unrestrained sniffing in communities where it was occurring pre-Opal.

This is particularly the case in the Anangu Pitjantjatjara Lands. Commercial retail outlets in the region have yet to be provided with Opal under the plans for extended coverage. On the Ngaanyatjarra Lands in WA, the lesser proximity to external sources continues to provide a better barrier, as noted in the Comgas evaluation previously mentioned.

- (ii) Some communities in our region have reduced or eradicated sniffing prior to the introduction of Opal, but where sniffing has taken hold at some point, these are in a minority. Many communities are worn down by many years of the practice and its associated behaviour, and lack the ability to actively deal with the issues. For many families, it is a matter of day to day survival, often involving the care of an intellectually and or physically disabled sniffer or former sniffer. Contrary to what the Health Minister and others appear to believe, the Mt. Theo (NT) model did not arise in an instant. It is the result of more than ten years' hard work by a group of community members along with intelligent, extremely hardworking and dedicated non-Aboriginal workers, the likes of whom are very difficult to locate. This is particularly so as communities become more dysfunctional. There is a circular effect; a community is in poor shape, so no-one who is very talented or thoughtful wants to work there; the place becomes more dysfunctional and open to corrupt or stupid management. Local community residents most often lack the education to enable them to take on the work themselves, are frequently open to being misled or ripped off, and so it goes on.
- (iii) It is our submissions that any useful 'lessons to be learned' should be those that are learned from the full coverage of Opal in the Central Desert region. Whilst we have tried to be positive about the further extension of Opal and the further measures proposed by the Australian Government in September, we fear that the main lesson might be that subsidised Opal fuel should have been extended over a much larger area. We believe it is going to be very difficult to assess the success or otherwise of what is really a half-measure.

Vicki Gillick
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NPY Women's Council
4th November 2005