

SUBMISSION FROM THE GOVERNMENT OF SOUTH AUSTRALIA TO THE SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE INQUIRY INTO PETROL SNIFFING IN REMOTE ABORIGINAL COMMUNITIES

PREFACE

This submission principally reports on the significant actions that the South Australian Government has taken in relation to petrol sniffing in remote Aboriginal communities since it came to office in March 2002.

Any genuine attempt by governments – whether at a state or a federal level – to respond to petrol sniffing requires a sound understanding of the history and culture of the communities and regions in which it is prevalent.

In endeavouring to fashion an appropriate and lasting response to the plight of petrol sniffing, the South Australian Government has been mindful of the need to assure remote Aboriginal communities that addressing this crisis will not undermine the rights to land that were won by them from the 1960s onward.¹

The South Australian Parliament is justifiably proud of the legislation that it has established in relation to Aboriginal land rights: particularly the *Aboriginal Lands Trust Act 1966*, the *Pitjantjatjara Land Rights Act 1981* (now the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*), and the *Maralinga Tjarutja Land Rights Act 1984*. That noted, both the South Australian Government and Aboriginal leaders have recognised the need to review land rights legislation so as to ensure that Aboriginal communities are better able to respond to present-day challenges, including petrol sniffing.

The *Aboriginal Lands Trust Act 1966* establishes the Aboriginal Lands Trust. The Act empowers the Trust, on behalf of Aboriginal communities in South Australia, “to receive, accept, hold, acquire by means of agreement, or exchange, possess, and to dispose of property of every kind.”² To date, the title for some 60 properties, including the titles for a number of former reserves and missions, have been transferred to the Trust. Under the Act, the Trust is empowered to lease lands held by it to Aboriginal communities and groups. On the 6th May 1977, the Trust issued a lease for 4563 square kilometres in the far west of the state to Yalata Community Incorporated (YCI). Yalata is home to approximately 250 Aboriginal people. For more than 25 years it has had to cope with a significant petrol sniffing problem.

The *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* provides for the vesting of the inalienable freehold title to the APY Lands in the people who are acknowledged to be its traditional owners. The APY Lands, covering some 103,000 square kilometres in the north-west corner of South Australia, are contiguous with lands held by related Aboriginal groups in Western Australia and the Northern Territory. The APY Lands is home to an estimated 3,000 people, the majority of whom live in eight communities with populations ranging from about 80 to more than 400. A substantial number of people continue to live in smaller communities and homelands. In some cases they do so in order to lessen the impact of substance abuse on their lives and the lives of their children. Petrol sniffing first appeared on the APY Lands in the late 1960s. It has had a major impact on many APY communities for more than 25 years.

¹ In 2004, the Parliament of South Australia passed legislation to return 21,000 square kilometres (known as the Unnamed Conservation Park) in the far west of the state to the Maralinga Tjarutja people. The official hand-back took place on the 24th August 2004.

² Section 5(2), *Aboriginal Lands Trust Act 1966*.

The *Maralinga Tjarutja Land Rights Act 1984* provides for the vesting of the title to the MT Lands in the people who are acknowledged to be its traditional owners. The MT Lands, covering some 80,700 square kilometres in the west of South Australia, is contiguous with lands held by related Aboriginal groups in Western Australia and the APY Lands. The MT Lands are home to an estimated 150 people, with significant fluctuations in the population during the course of the year. Oak Valley, the sole community on the MT Lands, is located approximately 330 kilometres north of Yalata and 500 kilometres north west of Ceduna. Oak Valley does not have a significant problem with petrol sniffing.

The remoteness of the APY Lands, MT Lands and Yalata generates unique challenges and problems for communities and governments in terms of infrastructure, the provision of human services, education, housing and economic development. It must be stressed that this remoteness through geographical isolation from the metropolitan area does not mean that these communities are cut off from other communities both within South Australia and interstate. On the contrary, strong, rich and enduring associations between remote communities are manifested through cultural practices, marriage, social interaction and sporting competitions. This interaction – especially the movement of people between communities and across state and territory borders – creates some major challenges for governments in the provision of education, housing, health services and justice.

The South Australian Government is fundamentally committed to the practice of genuine consultation with Aboriginal communities and their leadership. As the State Department for Aboriginal Affairs and Reconciliations' (DAARE) *Doing it Right* policy, officially launched by Premier Mike Rann in 2003, states:

The South Australian Government's partnership relationship with the Aboriginal community is based on reciprocity, respect and openness. Equity is central to our negotiation and accountability processes. Enabling families, local groups and communities to take responsibility for, and contribute to their own advancement is critical.

In the policy, the Government pledges that: "engagement and partnership with Aboriginal communities will be the platform for sustained improvement in the well being of Aboriginal families." This commitment has enabled this Government to forge strong partnerships through which Aboriginal communities and the Government are working together to address entrenched disadvantage and its effects, including petrol sniffing.

The South Australian Government remains extremely concerned about petrol sniffing in remote Aboriginal communities.

The earliest identified reference to petrol sniffing in the South Australian Parliament is found in the Hansard for 8 November 1979. On that occasion, the Member for Spence, Mr Roy Abbott, spoke at length on the prevalence of petrol sniffing at Yalata. During the same speech, he noted that petrol sniffing was also effecting settlements on the APY Lands and in the Northern Territory.

Since that time, the challenge of petrol sniffing has continuously confronted the South Australian Parliament and the governments of the day. The problem, and attempts to address it, have been extensively documented and reviewed. While various programs have had limited success, enduring and comprehensive solutions have not been found. The long-term impacts of petrol sniffing have been catastrophic for individuals, whole families and entire communities, many of which have been at breaking point.

The State Government, during its time in opposition in the 1990s and early 2000s, repeatedly drew the then Liberal Government's attention to the problem of petrol sniffing. For example, in 2001, the Hon Terry Roberts MLC (then Opposition spokesperson for Aboriginal Affairs), urged the Government of the day to call for,

as a matter of urgency, an emergency meeting of commonwealth-state ministers and shadow ministers to discuss the issue and to take a snapshot of all of the problems faced by the remote communities across Australia, not just South Australia.³

In August 2001, the then State Coroner, Mr Wayne Chivell, announced his intention to conduct an inquiry into three petrol sniffing-related deaths on the APY Lands. The findings and recommendations of that important inquiry, handed down after the Labor party was elected to Government in March 2002, have greatly influenced the development of the government's response to petrol sniffing over the last four years.

In June 2002, the South Australian Government engaged Professor Mick Dodson to assist in resolving a long running dispute in relation to governance on the APY Lands. While the mediation was ultimately unsuccessful, Dodson's August 2002 report highlighted "serious governance issues" (2002, p4) associated with the APY Executive Board.

The report by Professor Dodson and subsequent reports by former Senator Bob Collins, Lowitja O'Donoghue and the Reverend Tim Costello were all factors behind the South Australian Government's decision to amend the *Pitjantjatjara Land Rights Act (SA) 1981* to improve the transparency and accountability of the APY Executive Board.

The South Australian Parliament has twice amended the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*. It is likely that further amendments will be made in the next couple of years.

Notwithstanding the importance of the Coroner's recommendations, the Government's commitment to addressing petrol sniffing has been driven by and through the partnerships it has established with Aboriginal communities and their leadership.

On both the APY Lands and at Yalata, the State Government has committed itself to responding to local challenges in a thorough and coordinated way, and by working in close partnership with local communities and the Australian Government. Indeed, the complexities encountered in each location require governments to act on multi levels and in ways that address the immediate crisis while putting in place medium and long-term strategies.

In March 2004, in response to both the recommendations of the 2002 Coroner's Inquest and to a series of deaths on the APY lands, the State Government established an APY Lands Task Force and elevated oversight of it to the Department of the Premier and Cabinet. On the 15 March Cabinet agreed to appoint a Coordinator for the APY Lands to improve the delivery of government services to the APY community.

Shortly afterwards, the Australian Government declared Yalata to be a 'community in crisis'. A joint, cross governments working group was established to examine the situation at Yalata, to assess the adequacy of existing services, and to develop and implement improved responses to address petrol sniffing and other social problems.

Around this time the State Government broadened the scope of the APY Lands Task Force and renamed it the Aboriginal Lands Task Force.

The Aboriginal Lands Task Force is made up of both state and commonwealth representatives who work collaboratively with communities and their leadership to improve the planning and coordination of service delivery. The role of the Task Force has been to identify programs for immediate delivery and to develop strategies for addressing service delivery in the longer term. In 2004, it developed a comprehensive and coordinated strategic plan for improving conditions on the APY Lands.

³ Hansard, Legislative Council, Parliament of South Australian, 28 November 2001, p 2801

In April 2005 a peak body consisting of Anangu, state and commonwealth representatives was formed: Tjungungku Kuranyukutu Palyantjaku (TKP).⁴ TKP is enabling all of the organisations and agencies responsible for delivering services to the APY Lands to work and plan together for the sake of providing better outcomes in health, education, housing, employment, and law and order. One of the main goals of TKP is to create better opportunities for young people.

For many years, the South Australian Parliament has been told of the importance of developing and delivering cross-border solutions. For example, on 6 June 2001, then opposition spokesperson, now Minister for Aboriginal Affairs and Reconciliation, Hon Terry Roberts MLC, spoke of the importance of a bi-partisan, cross borders, multi-agency approach to service delivery on the APY Lands. He noted:

It appears that, because of the governance and bureaucracy that plagues Central Australia, in particular, we are not able to get a combined program effected. We have both commonwealth and state bureaucrats, and in some cases local government and health bureaucrats, all arguing about which way to proceed. In the middle is the Aboriginal communities' leadership trying to get across a point of view which, in many cases, is not listened to. The plea that needs to be made across the board is to try to get a form of governance between the Northern Territory and South Australia, particularly in those areas where we share borders. ... We must remove some of the barriers we have built into our bureaucracy ... so we can get the services required to deliver the programs to those people who need them ... and not be soaked up by salaries without any delivery at the bottom.⁵

Following an approach by Premier Rann and Chief Minister Martin, the Australian Government and the governments of South Australia, the Northern Territory, and Western Australia, have agreed to work collaboratively to plan and implement a comprehensive strategy to tackle petrol sniffing in the central desert region. This will enhance the work already undertaken by the South Australian government.

CONCLUSION

This Preface has attempted to provide some background to the complexities and long-standing challenges that the South Australian Government has had to face in developing and implementing an appropriate response to the high incidence and impact of petrol sniffing in remote Aboriginal communities.

Notwithstanding, its strong and well-demonstrated commitment to fund some urgent and targeted programs, the South Australian Government believes that petrol-sniffing must not be viewed or responded to as though it were an isolated phenomenon.

As part of our approach, the South Australian Government is committed to providing remote Aboriginal communities and their leaders with access to suitably qualified, culturally-appropriate governance trainers and to capacity-building programs. These are being provided so that Aboriginal people are better able to determine their own futures and to manage their own lives.

In addition, the South Australian Government has recognised the critical importance of providing Aboriginal communities with direct access to senior government officials and of having those officials reside in or near those communities so that outcomes can be closely monitored and any difficulties, misunderstandings or confusions about processes can be immediately addressed. The close proximity of those officials is already bearing fruit and demonstrating what can be accomplished when communication lines remain open and when governments move beyond rhetoric and enter the hard reality of building genuine partnerships.

The South Australian Government affirms the importance of maintaining and protecting Aboriginal culture and heritage and of the need for them to inform and underpin all strategic planning both at Yalata and in communities on the APY Lands.

⁴ *Tjungungku Kuranyukutu Palyantjaku* translates 'together towards the future'.

⁵ Hansard, Legislative Council, Parliament of South Australian, 6 June 2001, pp 1713-1714

In the area of education and training, the State Government is working to develop and implement programs that will allow today's youth to obtain genuine, meaningful and lasting employment within their home communities and on their lands.

The unprecedented level of cooperation between the Australian Government and the South Australian Government is particularly pleasing, as is the level of cooperation with Western Australia and the Northern Territory. We will continue to work closely with the Australian Government to sustain and improve upon programs to address the challenges thrown up by petrol sniffing. We look forward to continuing – and where appropriate increasing – our collaboration with the governments of the Northern Territory and West Australia to tackle substance misuse in Aboriginal communities and to improve social conditions in the central desert region.

After more than twenty years of errors, false starts and inactivity, the South Australian Government has elected to respond to substance abuse and the factors underlying it in a thorough and coordinated way. This approach is fundamentally different to the way previous governments attempted to address petrol sniffing in remote Aboriginal communities across this state. While it is too early to assess the effectiveness of the interventions that have been, or are being, put in place, early indications are encouraging. That noted, the South Australian Government recognises that a strong and sustained effort will be required by all parties if the social problems underlying petrol sniffing are to be overcome.

Lasting solutions require not only cooperation and support from all tiers of government but, most importantly, the forging and sustaining of strong partnerships with Aboriginal communities.

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

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Acting Minister for Aboriginal Affairs and Reconciliation

/02/2006