

**SUBMISSION TO THE INQUIRY INTO PETROL SNIFFING
IN REMOTE ABORIGINAL COMMUNITIES**

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Preamble

Although some Aboriginal communities in South Australia have been battling petrol sniffing and its effects for more than 25 years, this submission primarily focuses on the past two and a half years.

During that time, both as the South Australian Democrats' spokesperson for Aboriginal Affairs and as a member of the Aboriginal Lands Parliamentary Standing Committee, I have had the privilege of meeting with Aboriginal leaders in each of the South Australian communities in which petrol sniffing is a significant problem; that is, in all of the main communities on the Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) and at Yalata, a community in South Australia's far west. I have also visited a number of regional centres where the flow-on effects of petrol sniffing are clearly evident (Ceduna, Coober Pedy, Port Augusta and Alice Springs).

In both 2004 and 2005, the problem of petrol sniffing – and the Government's response to it – was repeatedly discussed and debated in South Australia's Legislative Council, usually at the instigation of the Democrats or the Opposition. On at least 17 occasions, questions were asked of the government of the day. In the main, those questions sought to scrutinise the roll-out of initiatives aimed at combating petrol sniffing in remote Aboriginal communities and/or the implementation of recommendations made by the South Australian Coroner in 2002 and 2005.

A sample of some of the questions asked in the Legislative Council in 2004 and 2005 is enclosed with this submission (Attachment A). It demonstrates the high level of concern that exists in South Australia as to the timeliness and appropriateness of the State Government's response to petrol sniffing.

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Over the course of the last four to five years greater attention has probably been paid to the problem of petrol sniffing in South Australia than in any other state or territory. In making this observation, I am not claiming that the incidence of petrol sniffing is worst in South Australia or that South Australia warrants special treatment. Rather, I want to highlight the opportunity the Senate Committee has to investigate and build upon what has been happening in South Australia over the last few years. (This appears to be what the Northern Territory Coroner attempted to do in his findings released on 10 October 2005. Not only did Coroner Cavanagh repeatedly highlight the findings of the 2002 and 2004 inquests conducted in South Australia – reiterating Coroner Chivell’s damning conclusion (see No.68, p36) – he also recommended “that the Australian and Northern Territory governments closely examine, consider and adopt (where applicable) [Chivell’s] recommendations in relation to the Northern Territory side of the border” (see No.66, p35).)

This submission is divided into three sections:

- observations on recent South Australian coronial inquiries and government responses to them
- an examination of the online report of the APY Task Force: “Progress on the APY Lands”
- further observations and possible recommendations.

1. South Australian coronial inquiries and government responses to them

In September 2002, the South Australian Coroner released the findings of an inquest into the deaths of three persons on the APY Lands each of whom had sniffed petrol for more than ten years and was found to have died as a result of the inhalation of petrol fumes.

In his findings, Coroner Chivell observed:

Petrol sniffing is endemic on the Anangu Pitjantjatjara Lands [now the Anangu Pitjantjatjara Yankunytjatjara Lands]. It has caused and continues to cause devastating harm to the community, including approximately 35 deaths in the last 20 years in a population of between 2,000 and 2,500. Serious disability, crime, cultural breakdown and

general grief and misery are also consequences. ... Clearly, socio-economic factors play a part in the general aetiology of petrol sniffing. Poverty, hunger, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness form the environment in which such self-destructive behaviour takes place. That such conditions should exist among a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and should shame us all. ... There is no need for further information gathering ... What is missing is prompt, forthright, properly planned, properly funded action.*

Similarly strong observations preceded the Coroner's fifteen recommendations (Section 13.2). Those 2002 recommendations included that:

- "a culturally appropriate Homelands/Outstation programme" should be established "to provide a venue for community respite, recreation, skills training, education and the like in the context of abstinence from petrol sniffing" (Section 13.2.8.3)
- "planning for the establishment of secure care facilities on the Anangu Pitjantjatjara Lands should commence immediately" (Section 13.2.8.10)
- "the implementation of the recommendations of the SAPOL [South Australia Police] review into the Community Constable Scheme, in particular concerning establishment of a permanent, sworn SAPOL presence on the Anangu Pitjantjatjara Lands, should be undertaken forthwith" (Section 13.2.8.12)
- "the recommendations of the Royal Commission into Aboriginal Deaths in Custody should be re-examined by both Commonwealth and State Governments as a check to assess the degree to which those recommendations have still not been implemented" (Section 13.2.8.15).

Despite these and 11 other – equally straightforward – recommendations, over the next year and a half the South Australian Government's response to them was negligible. During that period the Government seemed either incapable or

* At certain points in this submission I have underlined key comments.

unwilling to take some necessary hard decisions and instead allowed itself to become embroiled in local APY politics and long-running local disputes.

This state of affairs dramatically changed within the space of one month after the Coroner gave notice – on 16 February 2004 – of his intention to conduct another inquest on the APY Lands.

Recognising that this second inquest would highlight its almost total lack of action, over the course of a four-week period the State Government orchestrated and manipulated a series of events in an attempt to (a) deflect potential criticism onto Aboriginal leaders on the APY Lands and (b) appear suitably responsive to a recent series of deaths on the APY Lands.

This submission is not the place to explain the extraordinary and complex ways in which the South Australian Government sought to protect its own back and to progress its own priorities.* That noted, it is important to highlight that when, in February 2004, the Coroner announced his intention to conduct a second inquest, South Australia Police (SAPOL):

- had not made any serious attempt (or progress) in response to the Coroner’s 2002 recommendation – quoted above – calling for the immediate establishment on the APY Lands of a permanent, sworn SAPOL presence
- was in fact about to reduce the overall presence of police officers on the APY Lands because the operational strategy that had been in place since the previous August was “largely unfunded”
- believed that the operations it had conducted from 2002 onwards had increased “community confidence” to such an extent “that public and personal safety is no longer the main issue facing Anangu communities.”

* A detailed exploration is available in a second reading speech that I gave in the Legislative Council on 20 September 2005 during debate on the “Pitjantjatjara Land Rights (Miscellaneous) Amendment Bill”). See Attachment E: “Aboriginal Affairs in the age of bullshit” *Independent Weekly*, 4-10 December 2005, page 9.

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The above quotations are taken from a report – “Delivery of Police Services Anangu Pitjantjatjara Lands: Recommendations to Commissioner” – that was presented to the Commissioner of Police on 11 March 2004.

In stark contrast, the following day (12 March 2004), the Commissioner briefed the South Australian Government on three deaths by suicide and eight other suicide attempts that had occurred on the APY Lands within the preceding fortnight.

Three days after that (15 March 2004), the front-page of *The Advertiser* – South Australia’s only daily newspaper – was dominated by a large photograph of an unidentified Aboriginal youth sniffing petrol. The headline was “DISGRACE” and the photograph was captioned: “Serious Problem: Money allocated to combat petrol sniffing has not been received where it is needed.” The article reported that because of delays, principally within the State Department of Human Services, \$1.65m allocated in the May 2003 State Budget had not been released to community health workers and programs on the APY Lands.

Later that same day (15 March 2004), the Deputy Premier and Minister for Police (Hon Kevin Foley) called a media conference in which he declared self-governance on the APY Lands had “failed” and blamed the APY Lands Council for delaying the release of the \$1.65m!

As reported in the next day’s paper (*The Advertiser* 16 March 2004):

Mr Foley said the Government had been spurred into action ... by reports that four youths had died as the result of petrol sniffing this month.* Eight others had attempted suicide.

"This government has said we will not tolerate an executive that cannot deliver civil order, community services, social justice and quality of life to their community," Mr Foley said.

* Less than a fortnight after Hon Kevin Foley made this statement, the Nganampa Health Council – the provider of primary health services on the APY Lands – revealed “that none of the deaths in the past four weeks were related to chronic petrol sniffing and violence as claimed by Mr Foley and Deputy Police Commissioner John White on March 15” (“Black land council 'scapegoated' over suicides,” *Weekend Australian*, 27 March 2004).

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"The Government has decided to take drastic and dramatic action to step in and deliver civil order and appropriate action in a part of our state that is, quite frankly, a disgrace in terms of governance."

Mr Foley said ... he wanted "order restored to an effectively lawless community". ... "dramatic action, strong action must be taken. We are not going to stand aside and watch young kids kill themselves".

Not surprisingly, the Minister for Police (Hon Kevin Foley) neglected to mention the report his Commissioner had received four days earlier in which SAPOL had stressed "community confidence" and claimed that "public and personal safety [was] no longer the main issue" confronting communities on the APY Lands.

At the same media conference on 15 March 2004, Mr Foley also announced:

- the establishment of a whole-of-government Anangu Pitjantjatjara Yankunytjatjara Task Force to be based within the Department of the Premier and Cabinet
- the appointment of an Government Administrator for the APY Lands,* and
- the immediate release of additional funding for policing on the APY Lands.

The APY Task Force[↑]

Of all of the Minister of Police's announcements on 15 March 2004, the establishment of the whole-of-government APY Task Force has most influenced the way the South Australian Government has managed its response to petrol sniffing on the APY Lands.

* Within days, the State Government changed the title from "Administrator" to "Coordinator of Government services to the APY Lands." Mr Jim Litster, a former South Australian deputy police commissioner was appointed to the position on 15 March 2004. Although Litster resigned a week later – citing health and family reasons – he agreed to remain in the position until a replacement was found. The Hon Bob Collins was duly appointed on 6 April 2004.

[↑] Although, in October 2004, the APY Task Force was renamed the "Aboriginal Lands Task Force" within this submission I intend to use the original name.

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The Task Force has more than 25 members, including senior officers from State agencies, Commonwealth representatives and Ministerial advisors.

In the first half of 2004, the Task Force turned its collective mind to the task of allocating \$24 million that the State Government had earmarked as additional funding for programs and services on the APY Lands. To make sure funds were provided in a strategic and coordination fashion and to avoid duplication, the Task Force developed a two-year strategic plan (endorsed by State Cabinet on 12 July 2004 but not widely released).

The Chair of the Task Force* has explained how the strategic plan was:

developed with the input of all of the agencies, and the plan really gives us a direction for the next two years. It highlights the sorts of initiatives that we are wanting to fund and implement over that period. ... It's got initiatives, it's got timelines, it's got whose responsible, it's got reporting periods. It's got funding, so it's very concrete, it's [a] very concrete document.[↑] (emphasis added)

After developing the strategic plan, the Task Force established eight sub-committees and tasked them with developing priority proposals. On 8 October 2004, the Task Force selected 26 proposals for funding over a five-year period – with \$3.9 million allocated for 2004 05.

Second Coronial Inquiry

Between 23 and 30 November 2004, the State Coroner conducted an inquest into four deaths on the APY Lands. As had been the case in 2002, the inquest was conducted at Umuwa, the administrative centre on the APY Lands.

Both in a 25-page sworn statement and in more than four hours of evidence, the Chair of the APY Task Force elaborated on the work that had been completed since the Task Force was established. The holding of the inquest so soon after the Task Force had selected the 26 proposals for funding enabled the State Government to assure the Coroner that past inaction had been replaced with

* Ms Joslene Mazel, Executive Director, Indigenous Affairs and Special Projects Division, Department of the Premier and Cabinet.

[↑] Taken from the transcript of evidence given to the Coroner, November 2004, pages 190 and 249.

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strategic thinking and bureaucratic determination and that serious progress was about to be made:

This is the beginning of a very long process ... These are proposals that have been developed in a very short period of time and we hope that over the next 12 months they will be well and truly implemented and that we will be able to evaluate them and that we'll be able to see some outcomes happening. ... 26 proposals ... have been funded and are beginning to be rolled out. ... We are micro managing every proposal.

In the course of her evidence, the Chair of the Task Force faced a substantial number of questions concerning the State Government's response to the 15 recommendations that the Coroner had made in 2002.

Regarding the recommendation that "planning for the establishment of secure care facilities on the Anangu Pitjantjatjara Lands should commence immediately," the Chair of the Task Force stated:

We are already under way in terms of getting a model together. We've already applied to the Commonwealth and got \$2.2 million worth of facility. We've already applied to the State Government and got \$1 million for recurrent funding. It's now a matter ... of consulting with the community ... making sure that the NGOs are supportive of the facility and that they can use it ... [since] March '04 there has been a lot of work that's gone into making sure that facility will be up and running.

Under questioning, the Chair estimated that the facility would be up and running "between 12 and 18 months" time (that is, by May 2006). I note that as of 14 February 2006, the Task Force had still not identified the final site for the facility.

In respect of the Coroner's 2002 recommendation that "a culturally appropriate Homelands/Outstation programme" should be established "to provide a venue for community respite, recreation, skills training, education and the like in the context of abstinence from petrol sniffing," the Chair of the Task Force told the Coroner that the Task Force has secured the assistance of Mr Andrew

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Stojanovski,* a person who had been instrumental in the establishment of a successful homeland program at Mt Theo in the Northern Territory. Although Mr Stojanovski now resides in New South Wales, the Chair of the Task Force assured the Coroner that he was

available on weekends to assist us and come onto the Lands, and to speak to people and to mentor identified positions that will support this homelands programme.... We hope that he'll be able to transfer the skills that he's got ... to somebody who could run the programme on The Lands.

Noting that the Task Force had allocated \$80,000 to this initiative and was "about to embark on more earnest consultation with [Ernabella] community to see ... how it can be implemented," the Chair of the Task Force stated that the homeland program would start "as soon as possible." I note that as of 14 February 2006, an abstinence homeland program has not been established.

It seems extremely unfortunate that the 2004 coronial inquest did not receive evidence from either Professor Lowitja O'Donoghue or Rev Tim Costello, both then 'Special Advisors' to the Premier in relation to the APY Lands. In the months leading up to the inquest, this pair had not only visited a number of communities on the APY Lands but had also met confidentially "with a range of senior bureaucrats in order to assess the whole of government process" then being 'rolled out' through the APY Task Force. In a nine-page report handed to the Premier of South Australia in October 2004, they observed:

The most strongly held view of the policy makers was that they believed the South Australian Government was reacting in a knee jerk way to the coronial inquest. This was because the level of suicides attributable to petrol sniffing was no greater last year than in previous years and that the press simply beat up the coronial findings making a political problem for the government. This meant that the government was seeking to identify quick programmatic responses that would neutralise the coronial criticisms rather than dealing with the deeper issues.

* Mr Stojanovski gave evidence on the Mt Theo program to the 2002 Coronial inquiry.

It is important to highlight that while the Premier received this report a month before the second inquest began, it was not released until five months later, some 10 days after the Coroner handed down his findings.

On 14 March 2005, the Coroner handed down the findings of the second inquest.

A note of scepticism permeates his comments concerning the South Australian Government's response to the first inquest and the evidence it presented to him in November 2004:

It is very unfortunate that the optimism expressed by South Australian Government representatives during the 2002 inquests did not translate into the 'prompt, forthright, properly planned, properly funded action' which was called for, until March 2004 [when the Task Force was established]. I received similarly optimistic evidence this time, and it is to be hoped that better results will be achieved. ... If these efforts 'run out of steam' again, further deaths and misery can be expected.

And elsewhere:

This represents another example of Government agencies embarking on poorly-planned enterprises without learning from the failures of the past. ...

This is another area where I was given optimistic evidence about what was about to happen, despite little having been achieved since the 2002 findings.

Concluding that "since the 2002 findings, the problem of petrol sniffing has become worse, not better," the Coroner elected to repeat all of the general recommendations that he had made in 2002, expanding on them where necessary.

2. The online report of the APY Task Force: "Progress on the APY Lands"

On 16 March 2005 – we assume in an effort to minimise the negative impact of the Coroner's findings – the Department of the Premier and Cabinet (DPC) released a 10-page report "Progress on the APY Lands." It purported to provide

“a summary of achievements to date” – that is, a summary of what the Government had achieved since establishing the Task Force in March 2004.

On four occasions over the course of the next ten months, the Government released an updated “Progress on the APY Lands” report. These later versions – all of which were published on the DPC website – were dated May 2005, August 2005, October 2005 and December 2005.

Throughout this period, the Department of Premier and Cabinet removed the previous version of the report prior to releasing the updated version, thereby making it all but impossible to chart the “progress” made over the course of 2005.*

On its own, each of these reports gives a happy and optimistic picture of Government action on the APY Lands. Taken together, however, the five “progress” reports paint a far less convincing picture, especially when placed alongside other hard-to-access documentation.

The following four examples will, I believe, convince the Senate Committee of the importance of reading between the lines of the South Australian Government’s submission to your inquiry and of closely scrutinising any other evidence it presents.

Sport and Recreation Audit and Strategic Plan

In November 2004, in a sworn statement to the Coroner, the Chair of the APY Task Force indicated that the Government’s Social Inclusion Unit had allocated \$46,000 to enable the Office of Recreation and Sport to complete “a recreation and sport audit and strategic plan for the APY Lands” and that she expected it to be completed by March 2005.

On 24 November 2004, in evidence before the Coroner, the Chair described the audit as a “vital piece of work,” adding:

Of course a lot of the people that do petrol sniffing are relatively young and we’re trying to take a strategic approach to the sorts of programs

* For a brief period, after I called on the Premier to ensure earlier versions remained on the website, two versions of the report were available online. In about October 2005, DPC reverted to its former practice of removing earlier reports (see: Legislative Council Hansard, 31 May 2005, “Anangu Pitjantjatjara Lands”).

we want to offer those people in terms of sports and recreation. ... We see sport and rec as a vital cog in that wheel.

The March 2005 version of "Progress on the APY Lands" stated:

the Office of Recreation and Sport is undertaking an audit and scoping study of recreation and sporting facilities and services on the Lands to aid future planning

No completion date was given.

An identical statement appeared in the updated versions of the Progress reports published in May 2005, August 2005, October 2005 and December 2005, though anyone reading one of these reports in isolation has no way of knowing that when it comes to this "vital piece of work" no "progress" has been made. Indeed, the same statement appears – unchanged – in the Government of South Australia's submission to the Senate Inquiry, dated February 2006.

Upgrading of police cells at Amata and Ernabella

Amata and Ernabella are the two largest communities on the APY Lands. The population of each community is generally estimated as being above 400.

In May 2002, the Coroner heard, in evidence from a senior police sergeant, that police cells on the APY Lands were "not very safe, and so generally if someone is arrested now they are 'held in the back of a cage car until we work out what we're going to do'."

Two years later, on 23 April 2004, the Hon Bob Collins, then Coordinator of Government services to the APY Lands, recommended that "funds be provided to immediately upgrade the short-term detention facilities at Pukatja [Ernabella], Amata and Pipalyatjara."

On 3 June 2004, the Minister for Aboriginal Affairs and Reconciliation informed Parliament that "funding has just been approved by the government for the upgrade of police cells at Amata, Ernabella and Pipalyatjara, and SAPOL has a budget of \$500 000 this coming financial year [2004/05] to upgrade the holding cells at the above three named locations."

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In November 2004, in evidence before the Coroner, the Chair of the APY Task Force confirmed that money had been “earmarked for the upgrading of police cells” and that the work would be completed “as soon as possible.”

The December 2004 version of the “APY Task Force Strategic Plan” stated that tenders had been called for the work of upgrading the cells with a completion date of June 2005.

The March 2005 version of “Progress on the APY Lands” stated, “new cell facilities are to be installed at Amata and Ernabella. Work is due to commence in April.”

In early May 2005, I inspected the holding cells at the Amata police station as part of a visit to that community by the Aboriginal Lands Parliamentary Standing Committee. At that time, the cells had not been upgraded, nor did they comply with the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Both the May 2005 and August 2005 “Progress” reports state, “In addition new cell facilities are to be installed at Amata and Ernabella.” No commencement date is given.

The upgrading of the cells is not mentioned in either the October 2005 or December 2005 “Progress” reports, though the later report does include the following statement: “There will be two new police stations at Ernabella and Amata.” Similarly, the cells are not specifically mentioned in the Government of South Australia’s submission to the Senate Inquiry (February 2006) which, states, more generally: “Police facilities are being upgraded.”

In summary, while priority funding for this work was allocated in June 2004 and the work was scheduled to be completed within a year, neither the cells at Amata or at Ernabella have been upgraded. Readers of the most recent “Progress” report and/or of the South Australian Government’s submission to the Senate Inquiry have no way of knowing this.

Substance Abuse Rehabilitation Facility

In September 2002, the Coroner recommended that “planning for the establishment of secure care facilities on the Anangu Pitjantjatjara Lands should commence immediately.”

On 24 November 2004, in evidence before the Coroner, the Chair of the Task Force stated that the facility would be up and running “between 12 and 18 months” time” (ie by May 2006).

The March 2005 version of “Progress on the APY Lands” states

state government officers are working with representatives from the commonwealth, Nganampa Health and the NPY Women's Council to develop a culturally appropriate model for the design and operation of a substance abuse treatment facility that will then be tested in community consultation

In May and August 2005, this became:

state government officers have worked with representatives from the commonwealth, Nganampa Health and the NPY Women's Council to develop a culturally appropriate model for the design and operation of a substance abuse rehabilitation facility. We are now consulting with the community and community organisations about how the facility would work.

In October 2005:

... Consultation with communities and Anangu organisations has been completed and detailed implementation planning is now underway.
Anangu will be closely involved in this planning

In the December 2005 “progress” report it became clear that the “completed” consultations were still ongoing:

... Consultation with community and Anangu organisations ... took place from May to September 2005. The community in general is very supportive of the model and keen to get the facility established quickly. Consultation with communities and Anangu organisations

will continue until the location and operational details are finalised. ... it is anticipated that construction for the rehabilitation facility will commence in 2006.

These last remarks also appear on page 8 of the Government of South Australia's submission to the Senate Inquiry (February 2006).

More than three years after the Coroner urged State and Federal governments to "immediately" start planning for the establishment of a centre, a location for the centre has still not been selected.

Homelands Abstinence Program

In September 2002, the Coroner recommended that "a culturally appropriate Homelands/Outstation programme" should be established "to provide a venue for community respite, recreation, skills training, education and the like in the context of abstinence from petrol sniffing."

In October 2004, the Task Force allocated \$80,000 for 2004/05 to enable the Ernabella community and surrounding homelands to run "a homelands/outstation abstinence program and youth recreational activities." In her sworn statement to the Coroner (November 2004), the Chair of the Task Force indicated: "Petrol sniffers would be taken to this homeland for a period of abstinence, engaging in traditional activities. The homeland would be managed solely by Anangu."

In evidence before the Coroner, the Chair of the Task Force indicated that Mr Andrew Stojanovski (formerly of Mt Theo) had agreed to be involved in the establishment of this program and that the Task Force was "about to embark on more earnest consultation with" the Ernabella community. Questioned as to whether \$80,000 would be sufficient to cover Mr Stojanovski's costs and the cost of establishment the program, the Chair of the Task Force stated:

you don't need a lot of infrastructure, you need a car, you need access to health services and you need a satellite phone and you need a lot of food.

The Chair also indicated that the program would start "as soon as possible."

In his finding, released on 14 March 2005, the Coroner commented:

I am somewhat alarmed at Ms Mazel's suggestion that it was necessary that the management of such a program should be 'solely Anangu'. Such an attitude displays, in my opinion, an ongoing lack of information about the history of such programs and the reasons for their lack of long-term success. However, I am heartened by the fact that Mr Stojanovski has agreed to act as a consultant for the process, and to act as a mentor to those people who will be involved in operating such a facility on the Anangu Pitjantjatjara Lands.

In the March 2005 "Progress" report – published two days after the release of the Coroner's findings – the following statement appeared:

a homelands abstinence program is also being developed that will provide petrol sniffers with a place where they have to abstain from sniffing and will be engaged in traditional activities.

In May 2005, an amended statement appeared:

a homelands abstinence program along the lines of the Mt Theo program in the Northern Territory is actively being pursued with a number of homeland communities. The program will provide petrol sniffers with a place where they have to abstain from sniffing and will engage in traditional activities

The exact same statement appeared in the next three "Progress" reports (August 2005, October 2005, December 2005) and in the Government of South Australia's submission to the Senate Inquiry (page 8). Anyone reading one of those documents in isolation might be heartened to read that the establishment of the homeland program was "actively being pursued," what they would not know is that despite 10 months of "actively" pursuing this matter, nothing has been achieved.

As far as I am aware, in the fifteen months that have passed since the Chair of the Task Force appeared before the Coroner, Mr Andrew Stojanovski has not visited

the Lands, nor has he commenced the 'mentoring process.' It is not clear if and how the \$80,000 funding allocated to this program in 2004/2005 was spent.

These four examples – comparisons of what has been said or written about key government-funded programs over the last year and a half – clearly demonstrate the danger of allowing governments to account for their actions with “snapshots” as opposed to making them accountable for developments over an extended period.

Time constraints prevent me from submitting other, equally damning, examples of a **lack of progress** on the APY Lands (including the notably poor performance of flagship projects funded under the Council of Australian Governments 'whole-of-government' trial sites project). Should the Senate Committee wish to pursue these matters further, I can provide it with relevant documentation, including:

- the Chair of the APY Task Force's sworn statement to the Coroner (11 November 2004)
- transcript of evidence taken before the Coroner on 24 November 2004
- "APY Task Force Strategic Plan" (December 2004 version)
- the five versions of the "Progress on the APY Lands" report that appeared between March 2005 and December 2005.

3. Further observations and possible recommendations

Evidence from Aboriginal leaders

It is vital that the Senate Inquiry take evidence directly from Aboriginal people living in remote communities affected by petrol sniffing. If done properly, I have no doubt that their evidence will convey a different picture to which the Committee has received from state and federal governments.

I am therefore attaching to this submission three documents (Attachments B, C and D) that were written by Traditional Owners on the APY Lands in 2004 and 2005. Each of these documents highlights concerns over the way in which petrol sniffing was being managed in their home communities and/or governments were (not) responding to it. (I have quoted from a number of these letters in questions and speeches in Parliament).

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The third of these documents (Attachment D) is principally an account of the considerable difficulties a small Aboriginal community on the APY Lands faced in trying to secure assistance for a young man who had sniffed petrol for a long time. A few months after this document was presented to me, the young man committed suicide. The authors of the document have indicated that they would like me to forward a copy of it to the Community Affairs Committee. It is provided with a cover page on which an appropriate warning appears.

The scope of inquiries into petrol sniffing and government responses to them

In the findings of both coronial inquiries held in South Australia, and in the State Government responses to them, petrol sniffing has rightly been identified as a manifestation of much wider and entrenched difficulties in remote Aboriginal communities. On that basis, it is argued that petrol sniffing will not be overcome or better managed in remote communities until many broader issues are addressed.

While I agree with this reading of the situation, this approach can be manipulated by the government of the day in such a way that the provision of basic services is portrayed as a dedicated response to petrol sniffing.

For example, one of the 26 proposals that the APY Task Force selected to fund out of its pooled funding saw \$590,000 allocated in 2004/05 to improve water quality in communities on the APY Lands. Another \$155,000 was set aside for the upgrading of ten airstrips.

Although both were undoubtedly important and vital pieces of work, I cannot see why funding for them could not have been provided from the same department or program that allows every other community across Australia to access decent water supplies and suitable transport infrastructure.

I note that a comprehensive blueprint for improving conditions for all Aboriginal people (not only those living in remote Aboriginal communities) was released in 1991 as the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The continuing importance of the Commission's recommendations was highlighted by the State Coroner in both 2002 and 2005. In both sets of findings, he recommended that:

The recommendations of the Royal Commission into Aboriginal Deaths in Custody should be re-examined by both Commonwealth and State Governments as a check to assess the degree to which those recommendations have still not been implemented.

The South Australian Democrats have repeatedly asked the State Government to indicate how many of the Royal Commission's recommendations have been implemented and how successful that implementation has been. Twelve months ago, in response to one of these requests, the Department of Aboriginal Affairs and Reconciliation (DAARE) stated that it was "not currently in a position to advise on progress made against" 137 of the 339 recommendations but that "in light of the importance of this matter" was "developing a project brief to engage an officer to conduct a government-wide review of progress made by individual agencies against the recommendations."

The Department also promised that it would "introduce a systematic and ongoing reporting process" whereby all relevant agencies would have "to provide up-to-date information" on the progress they had made in implementing the recommendations.

Twelve months later the government-wide review has not commenced, nor has a systematic reporting process been established.

The Coordinator of Services to the APY Lands

Over the last two years, the State Government (and more recently in collaboration with the Commonwealth Government) has stressed the importance of placing a Coordinator of Government Services on the Lands. At last count, at least seven coordinating positions had been or were in the process of being created (though not all of them live on or near the Lands).

A fair bit of spin (and not a lot of polish) has gone into the cure-all effects of these positions. There is a danger that such positions may end up being a buffer of sorts, diluting Aboriginal concerns and/or refiguring their priorities. This is not to suggest such positions are not warranted. Only to suggest that they need to be closely and independently monitored.

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It is therefore useful to reflect on the work undertaken by the Hon Bob Collins during his time as “Coordinator of Government Services to the APY Lands” and, more particularly, how his work was presented in inquiries and to the media in relation to how he was received by Aboriginal people on the APY Lands.

Evidence presented to the Coroner by the Chair of the Task Force suggested that Mr Collins made a number of visits to the APY Lands, was well-received by Aboriginal people and, in effect, provided “hands on” coordination until the time of his resignation.

In contrast, in a letter to the Premier of South Australia, dated 30 May 2004, Ms Makinti Minutjukur described her encounter with Mr Collins during his visit to Ernabella (see Attachment C for the full account of that visit). She wrote:

Bob Collins came to Ernabella for one day on 14 May. ... Pukatja Community Council’s meeting with Bob began three hours later than scheduled. Several people had re-arranged their day to be ready for the meeting, and some councillors, who had been waiting since 11 am, gave up and had gone away by the time he arrived. I introduced myself and Bob said, ‘Oh hello, Makinti. I know who you are.’ I felt shocked inside because he doesn’t know me, and it didn’t feel like a good start. Less than two minutes after he had arrived at the Community office he suddenly walked away and went over for an unscheduled visit to the art centre. ... The Community Council members and I all felt that this was to be a very important and serious meeting. Now was our chance, after all the years of not being listened to, to talk straight to the Government. We expected that what we had to say would be listened to with respect, and would be taken seriously. ... Bob talked about APY election. He talked at us. He talked on and on at us about the election. He said that if an election were held straight away, then the COAG money that was promised to APY at the beginning of 2003 would be released in July this year. ... I tried several times to ask something while Bob was talking at us about elections. He didn’t stop, so at last I had to interrupt him to ask: ‘Bob, what is more important, elections, or people’s lives?’ That stopped him for a minute.

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In an effort to set the record straight, I think it is also worth noting that in the ten and a half weeks that Mr Collins was active in his “hands on” role as Coordinator of Government Services,* he spent a total of five nights on the APY Lands and only managed to visit three of the main eight communities there. Notably, a portion of those five days (in April 2004) was spent in the company of the Premier of South Australia and a contingent of TV cameras.

Recommendations

If the cycle of inquiries into petrol sniffing is to be avoided and if the problem of petrol sniffing is to be seriously tackled, better managed and its incidence actually reduced, it is essential that the Senate Inquiry establish mechanisms whereby responsibility for monitoring and reviewing the implementation of its recommendations is closely, regularly and independently monitored for a substantial period of time (no less than five years).

In company with Coroner Chivell, I would urge the Senate Committee to affirm the ongoing importance of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and to call on federal, state and territory governments to identify whether or not those recommendations have been successfully implemented.

In 2003, the Aboriginal and Torres Strait Islander Social Justice Commissioner conducted a formal review of the response to the 2002 Coronial Inquest into petrol sniffing on the APY Lands. The results of this review were published in *Social Justice Report 2003* (Human Rights & Equal Opportunity Commission). I urge the Senate Committee to encourage the Commissioner to undertake a further review of the responses to both the 2002 and the 2004 inquests.

* From the date of his appointment on 6 April 2004 up to the time he was seriously injured in a motor vehicle accident on 19 June 2004.