

Chapter 3

Effectiveness of the Eight Point Plan

3.1 Much of the evidence received by the committee indicates that the substantial reduction in petrol sniffing in central Australia has occurred as a result of the implementation of the Eight Point Plan with the rollout of Opal fuel being the single greatest contributor at this point in time. However, as noted in chapter 2, for the Eight Point Plan to be effective in the long-term the rollout of Opal fuel must be accompanied by adequate progress and greater focus on the other seven points of the plan.

3.2 The committee believes that there remains a great deal of progress to be made especially in expanding the rollout of Opal fuel, providing for it to be more widely distributed and implementing appropriate and adequately resourced youth and other support programs in all affected communities.

3.3 This chapter will discuss the effectiveness of the Petrol Sniffing Strategy (PSS) as well as gaps in the response so far. It will also identify key areas where a greater focus is required to effectively address and control petrol sniffing and other substance abuse issues.

Independent review of the strategy

3.4 In 2006 an independent review of the first phase of the Petrol Sniffing Strategy was undertaken for the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). The report, *Review of the First Phase of the Petrol Sniffing Strategy* (Urbis Review), is publicly available and provides a comprehensive analysis of the basis for the PSS and its early implementation.¹ The Urbis Review reported positively on many aspects of the strategy, including the policy basis and the regional approach taken. However, it also found that while some elements of the Eight Point Plan were well advanced (such as the roll out of Opal fuel), no progress had been made on others (such as agreeing on uniform legislation).²

3.5 The Urbis Review concluded that the PSS Eight Point Plan was 'well conceived as a response to petrol sniffing in Aboriginal communities and the broader context within which sniffing has occurred'.³ It also noted that part of the strategy's effectiveness has been the combination of appropriate supply and demand measures which has resulted in:

1 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 43.

2 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 44.

3 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 41.

- a greatly reduced level of petrol sniffing through the introduction of Opal which has created 'a valuable breathing space or "window of opportunity", giving new heart to communities and reinvigorating community opposition to sniffing'; and
- more active and visible policing as well as more youth programs and activities for young people which has 'helped to keep down levels of sniffing and antisocial behaviour'.⁴

3.6 The Commonwealth government's submission noted that the PSS continues to evolve:

Over time implementation of the strategy will develop in response to evidence regarding success of the Strategy and remaining areas of need, needs expressed by communities and other stakeholders, and to developing Government policy.⁵

Effectiveness of the Eight Point Plan

3.7 The committee considers that the evidence it received throughout the inquiry was very supportive of the overarching strategy, its goals and the eight steps as outlined in the plan. While concerns about the plan were raised, these were largely related to progress with implementation and the level of coordination between departments and jurisdictions.

3.8 Most of the submissions commended the achievements of the PSS in substantially reducing the incidence of petrol sniffing in central Australia. The Commonwealth government's submission stated that it is committed to the Eight Point Plan and considers it to be:

...a comprehensive, flexible and holistic approach to tackling petrol sniffing in remote Indigenous communities...

...To date all evidence, including the recent Review of the First Phase of the Petrol Sniffing Strategy has indicated the 8 Point Plan is well conceived and consistent with priority areas identified by the Overcoming Indigenous Disadvantage headline indicators and COAG Closing the Gap priority areas.⁶

3.9 However, other submissions attributed much of the success of the strategy to the rollout of Opal fuel and noted that many other areas of the plan have not been fully implemented. Mission Australia noted that 'the measures in place to control supply need to be complemented by measures to lessen demand...to steer people away from

4 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 41.

5 The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Health and Ageing (DoHA), the Department of Education, Employment and Workplace Relations (DEEWR), and the Attorney-General's Department (AGD), *Submission 14*, p. 38.

6 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 38.

the practice'.⁷ Dr Brian McCoy stated that for the Kutjungka region the Eight Point Plan 'has been largely confined to the roll out of Opal fuel'.⁸

3.10 In addition CAYLUS noted:

The 8 Point Plan resulted from good intention by government, the plan has led to increased resources some of which have been well used and some of which arguably have been misdirected. The 8 Point Plan hinges on multiple Commonwealth Departments working closely together to implement programs, eliminate red tape and fill service gaps. The reality has been that this has not always happened and that this has undermined some initiatives.⁹

3.11 The committee met with representatives of Voyagers Ayers Rock Resort and The GPT Group in Yulara. While these representatives had no concerns with the actual PSS, they were concerned about the execution of the strategy and what they saw as the poor coordination between levels of government and their respective agencies.

3.12 This sentiment was supported by the Urbis Review which found that:

To date the implementation of the PSS has not involved a consistent or comprehensive whole of government approach...and at present there is relatively little awareness in one jurisdiction of what is happening in the others. Planning and coordination among Commonwealth Departments at SES level was part of the original intention, but to date there has not been a great deal of involvement at the most senior level.

As noted elsewhere, there appears to be substantial room for improvement in relation to a whole of government approach to implementation of the Strategy.¹⁰

3.13 The Department of Health and Ageing (DoHA) recognised that the PSS:

...could do more to address youth specific drug and alcohol treatment and rehabilitations services, utilise social health teams in primary health care services, and connect more strongly with mental health policies and programs.¹¹

3.14 The committee also notes that the recent *Evaluation of the Impact of Opal Fuel* by DoHA 'found no reports of individuals accessing substance use services to help with the move away from sniffing'.¹² This could either indicate that insufficient

7 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 29 October 2008, p. 64.

8 Dr Brian McCoy, *Submission 7*, p. 4.

9 CAYLUS, *Submission 10*, p. 5.

10 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 45.

11 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 38.

12 Commonwealth Department of Health and Ageing, Peter d'Abbs and Gillian Shaw, *Executive Summary of the Evaluation of the Impact of Opal Fuel*, October 2008, p. 2.

efforts are being made to assist the remaining sniffers to seek assistance or it could also indicate a lack of appropriate services available within close proximity to the sniffers community.

3.15 Overall the committee considers that the Eight Point Plan remains an effective strategy for addressing petrol sniffing in central Australia. The committee is also pleased to see the proposed implementation of the strategy in locations outside the area originally nominated, as recommended in the committee's previous report, and hopes the government will continue to extend the strategy's implementation to all communities with a substantial petrol sniffing problem.

3.16 However, while there has been progress made to reduce petrol sniffing the committee is aware that in many communities petrol has largely been substituted for other substances and that the causes of hopelessness and boredom that drive the demand for petrol sniffing have not been sufficiently addressed.

3.17 The Eight Point Plan was developed to simultaneously address the full range of complex interrelated causes of petrol sniffing and substance abuse and it is essential that all points in the plan are implemented. The committee is of the view that some points of the plan have not been implemented to the extent required for the strategy to effectively and holistically address the causes and issues associated with petrol sniffing and substance abuse in the long term.

3.18 The committee notes the following issues that were raised both in the Urbis Review and in evidence during this inquiry as areas where improvements can be made in order for the strategy to deliver its broad intention.

The role of CAPSSU

3.19 The Urbis Review noted that the Central Australian Petrol Sniffing Strategy Unit's (CAPSSU) responsibilities so far have related only to the implementation of the Eight Point Plan in the Northern Territory. This is despite the fact that the designated implementation area was extended to an additional 18 or so remote communities as well as the town camps of Alice Springs.¹³

3.20 The committee notes that it is often the preference of Indigenous people to have services and government officers located in their regions, as opposed to being centrally located in Canberra. The committee questions why CAPSSU has not received commensurate funds and staff to implement the full range of PSS programs in the extended zone. The government should make more of the opportunity that CAPSSU offers to engage effectively with Indigenous communities and organisations in the region.

3.21 The Urbis Review noted that staffing shortages in CAPSSU were partly the result of the states and territory governments not contributing staff as originally

13 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 16.

intended, which means that CAPSSU to date has only been staffed by the Commonwealth government. In relation to the funding of CAPSSU, the Review notes that as:

...no significant funds [were made] available under the PSS for activity in the expanded NT zone, one of CAPSSU's concerns has been to try to identify other possible funding sources for this purpose.

In particular CAPSSU has been successful in obtaining funds available under the NTER for a program of school holiday youth activities in several communities in the expanded zone; it continues to seek funding through the NTER for various other youth activities.¹⁴

3.22 In addition, the Urbis Review noted that increased pressure was put on CAPSSU's resources when it was required to assist with measures under the Northern Territory Emergency Response, as CAPSSU and FaHCSIA representatives observed 'carrying out these NTER responsibilities has inevitably reduced the CAPSSU staff time available for progressing the Eight Point Plan, and "strained the whole organisation"'.¹⁵

3.23 Both CAYLUS and the NPY Women's Council expressed concerns that CAPSSU was not operating effectively as a coordination body for the implementation of the plan in central Australia. At the hearing in Alice Springs the committee inquired as to whether the role of CAPSSU should be reviewed to assess its efficiency. Vicki Gillick from NPY Women's Council responded:

What are the costs and where is the efficiency in having that unit if the main thing they have administered is one contract...

...It is probably timely to have a look at the CAPSSU, what it has achieved, and what it is expected to do. It was expected to deal with a tri-state approach to this issue and various aspects of an eight-point plan. But that quickly seemed to be whittled down to dealing with the Northern Territory...

...If they are monitoring a contract to one service provider and a bit of school holiday funding do you really need a substantial unit made up of various arms of government?¹⁶

3.24 CAYLUS suggested that the Commonwealth government:

...in order to best maximise the use of current and future 8 Point Plan resources and ensure better coordination, consider locating remaining and future 8 Point Plan resources within one department. Based on experience

14 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 18.

15 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 17.

16 Ms Vicki Gillick, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Committee Hansard*, 29 October 2008, pp. 44-45.

of on the ground results we would suggest that Health would be the most appropriate.¹⁷

3.25 When the committee met with the GPT Group in Yulara they noted that CAPSSU had performed well given the difficult circumstances but they considered that the implementation of the PSS would be more efficient and better implemented through a coalition of NGOs, government and community representatives.

Recommendation 4

3.26 While the committee recognises the importance of a local 'on the ground', coordinated presence for the effective implementation of the Eight Point Plan, it is concerned about the Central Australian Petrol Sniffing Strategy Unit's ability to effectively implement the Petrol Sniffing Strategy. The committee recommends that the Commonwealth government immediately commission an independent review of the role and function of the Central Australian Petrol Sniffing Strategy Unit, specifically:

- **its capacity to implement the strategy effectively;**
- **whether its current location in the Alice Springs Indigenous Coordination Centre as part of FaHCSIA delivers the requisite level of accountability and governance standards;**
- **processes in place for the effective ongoing monitoring, evaluation and reporting of the Unit's role;**
- **its ability to effectively engage and consult with Indigenous people and communities; and**
- **the effectiveness of the tri-state whole-of-government approach including the staffing and collaboration between departments.**

Consolidating the rollout of Opal fuel

3.27 The committee acknowledges the already extensive voluntary rollout of Opal fuel in central Australia. This is a testament to the combined commitment and effort of the communities, governments and the private sector and has done much to reduce the incidence of petrol sniffing in central Australia. There has also been considerable work undertaken to expand the Opal fuel rollout to areas outside the zones defined by the Petrol Sniffing Strategy which is also a welcome development.

3.28 Although the rollout of Opal fuel has been extensive, much of the evidence provided to the committee indicated that further attention and commitment is required to achieve a comprehensive rollout of Opal fuel in the central Australian region. Given the newly increased production capacity at the BP refinery there is the potential to almost double the current production levels of Opal fuel and further increase the

17 CAYLUS, *Submission 10*, p. 6.

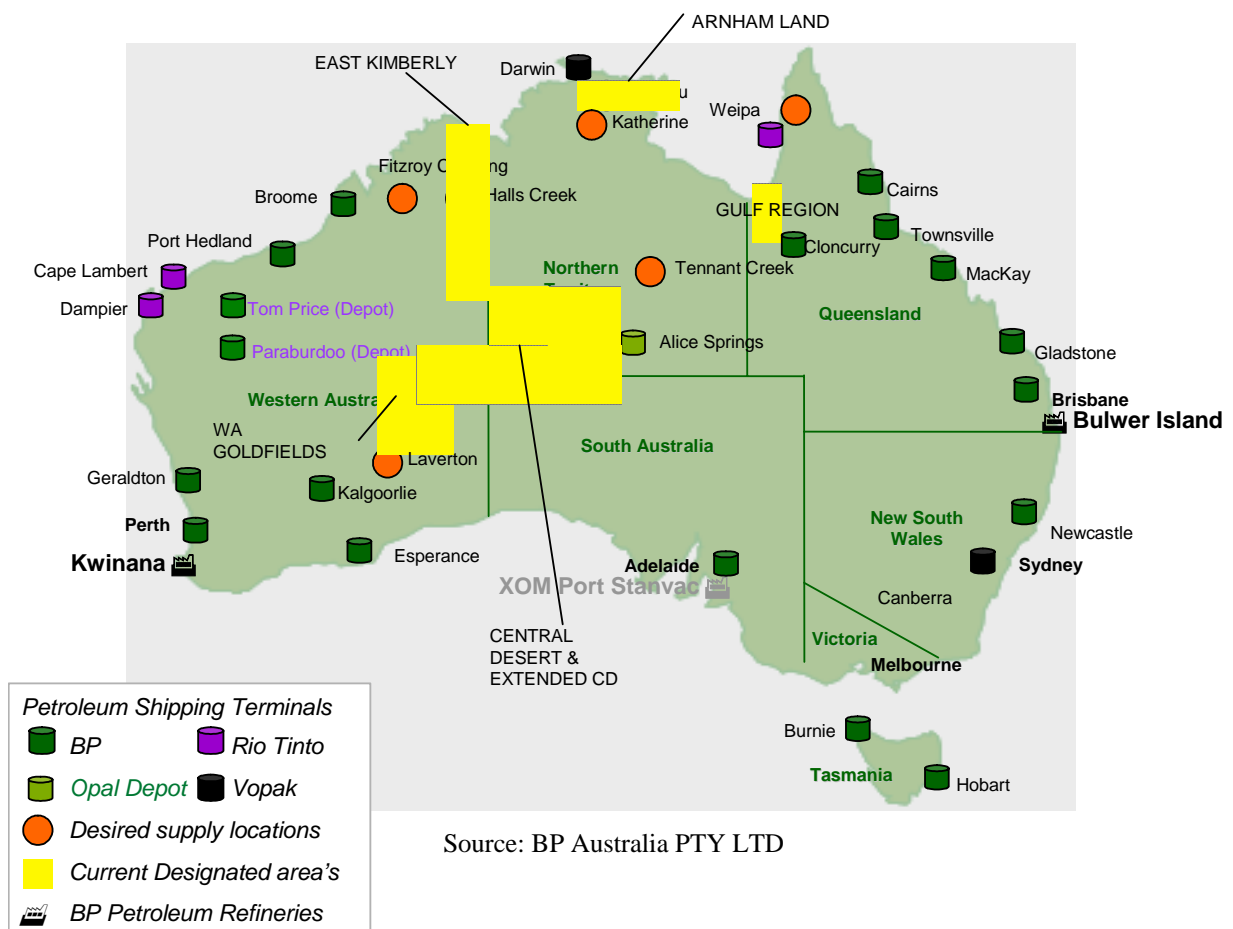
number of communities supplied with Opal fuel which would go some way to addressing the remaining sources of sniffable fuel.

3.29 In the conclusions and recommendations of the Urbis Review it was recommended that the government give further consideration to the:

...need to bring into the fold a small number of service stations which have to date refused to stock Opal fuel, and also to consider the introduction of Opal in places such as Laverton (WA) which function as service centres for some Central Desert communities. The effect of the continued ready availability of premium unleaded fuel also needs further consideration.¹⁸

3.30 At the Adelaide hearing the committee was provided with a map (see below) by BP Australia showing desired supply areas and existing petrol supply terminals across Australia. The map shows that there is only one Opal depot outside of Adelaide and that is in Alice Springs. While there is a fuel terminal in Darwin, it is owned by a third party, Vopak, where regular fuel is normally sourced from Singapore for distribution to northern Australia. The committee understands that BP has been in discussion with DoHA about how Opal supply can be increased around Australia paying particular attention to the areas depicted on the map in orange.

BP Australia Terminals and Opal Supply Current and Future



3.31 In addition to expanding the rollout of Opal fuel to remote communities the Commonwealth government noted:

...petrol sniffing is a problem that affects many communities outside the zones defined by the Petrol Sniffing Strategy, for example, urban areas such as Brisbane's Fortitude Valley. Addressing outbreaks of petrol sniffing in areas outside the declared Petrol Sniffing Strategy zones and in areas that are not as isolated as communities in central Australia is an obvious challenge for the Strategy.¹⁹

Mandating Opal fuel

3.32 There is currently no legislation to mandate the use of Opal fuel; uptake so far has been on a voluntary basis. Although there has been some resistance to Opal fuel in a few communities, as noted in chapter two, the committee acknowledges the overwhelming voluntary uptake. With this level of cooperation there has been little requirement for the introduction of legislation to mandate the supply of Opal fuel.

3.33 However, over the course of the inquiry the committee has consistently heard that supplies of unleaded petrol are continuing to enter some communities as a result of several strategically located retailers—particularly Rabbit Flat Roadhouse (NT), Ti Tree Roadhouse (NT), Tilmouth Well Roadhouse (NT) and Laverton Roadhouse (WA)—in the Expanded Central Desert Zone continuing to refuse to stock Opal fuel. The committee was advised that in addition to these five roadhouse there are an additional five—Laramba store (NT), Maryvale Station (NT), Cadney Park (SA), Jervois roadhouse (NT), Ross River Resort (NT) and the Urandangi community store (QLD)—that have also refused to stock Opal fuel.²⁰

3.34 The submission from Maggie Kavanagh in Balgo notes that as a result of the continued sale of unleaded petrol at both Rabbit Flat and Halls Creek opportunistic sniffing still occurs and involves a significant number of young people.²¹ The submission notes that the delays in supplying Opal fuel in Halls Creek are the result of a wider distribution problem—discussed in more detail later in this chapter—however the issues with Rabbit Flat roadhouse are described as 'philosophical'.

The community feels let down that the [C]ommonwealth government has not been more pro active in driving the rollout of Opal into these areas. The community has written to Rabbit Flat Roadhouse and Shell asking them to put Opal fuel in as soon as possible²². Balgo community would clearly benefit from a petrol free quarantined region that includes the closest outlets of Halls Creek and Rabbit Flat.²³

19 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 19 and 21.

20 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 5.

21 Maggie Kavanagh, *Submission 18*, p. 3.

22 Note: both letters were tabled at the committee's hearing in Alice Springs 29 October 2008.

23 Maggie Kavanagh, *Submission 18*, p. 3.

3.35 The committee also heard evidence that there are still fairly frequent outbreaks of petrol sniffing in Laramba community in the Northern Territory—despite its strong history of controlling petrol sniffing—because it is situated in close proximity to the Tilmouth Well roadhouse and Laramba store which still persist in supplying regular unleaded petrol.²⁴

3.36 On the committee's visit to Alpurrurulam—which is outside of the designated PSS zone—the committee heard that although Opal has been in the community for almost two years there are still some instances of sniffing because regular unleaded petrol is being brought in from towns cross the border in Queensland such as Mt Isa, Urandangi and Emerald Station. The committee was advised that Urandangi Station had agreed to switch to Opal but as yet there were no suppliers of Opal fuel in that area of Queensland. However at the committee's hearing in Canberra the Commonwealth government advised that this store had actually refused to supply Opal fuel, as Ms Lesley Podesta noted:

There might have been a reason that they declined that they did not disclose to us, but we approached them and they declined to participate.²⁵

3.37 The committee enquired about whether attempts had been made by the communities and organisations to approach roadhouse owners and communicate the impact of their refusal to stock Opal. CAYLUS responded:

I spoke to Bruce Farren, who runs Rabbit Flat, and at that stage Bruce said that no Aboriginal had ever requested that he stock Opal. Subsequently the Balgo community wrote to him and requested that. The police from Balgo have been to visit him and also asked for that. We asked for that. People from Yuendumu asked for that, but there has been no response in any case...

...At the Ti Tree roadhouse, I have not been able to speak to the owner but I have met the owner at various forums. I have seen him in forums since before Opal came, and he has opposed it from the very beginning, and continues to oppose it. He does not live in Ti Tree so he does not have to live with the effects, but he has continued to oppose Opal roll-out there. Because he owns it outright, he can do that.²⁶

3.38 The committee understands that the Commonwealth government is continuing 'to consult with these stakeholders to progress the introduction of Opal fuel to these locations'.²⁷ The Northern Territory government has also been in contact with the roadhouse owners in the hope that 'people will soon see the benefits rather than the disincentives, and they usually come on board once they are able to get all the

24 Mr Blair McFarland, CAYLUS, *Committee Hansard*, 29 October 2008, p. 16.

25 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 13.

26 Mr Tristan Ray, CAYLUS, *Committee Hansard*, 29 October 2008, p. 15.

27 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 19.

information'.²⁸ However, numerous submissions and witnesses raised concerns that the recalcitrant roadhouses are unlikely to ever voluntarily introduce Opal fuel and noted the lack of progress following years of consultations. The committee also notes that one of the roadhouse owners has publicly voiced their personal opposition to supplying Opal fuel.²⁹ These remaining sources of regular unleaded petrol within the Petrol Sniffing Strategy Zone are a concern to the committee and agree with the NPY Women's Council that:

It is absolutely vital that the widest possible coverage of Opal is achieved in the Central region so as to close off opportunities for sniffing.³⁰

3.39 In order to overcome this barrier preventing a comprehensive rollout of Opal fuel, submissions and witnesses argued that legislation mandating its supply was necessary. Alderman Melanie van Haaren on the Alice Springs Town Council argued that the use of Opal fuel should be legislated:

I believe it should be legislated...Given the depth and gravity of the problem, particularly in the Top End of the Northern Territory, it would be negligent not to do something to that affect...There can be no room for complacency around that. We have evidence and proof that it is a simple initiative with an enormous benefit for youth and families. There really should be no excuse for not moving on it.³¹

3.40 Similarly, the NPY Women's Council was of the view that:

...legislation is necessary in order to maximise the reduction of supply. This reduction is of course the main advantage of the implementation of Opal fuel and the main reason for its success in vastly lowering the incidence of sniffing in the region.³²

3.41 CAYLUS also agreed stating that the roadhouses:

simply refuse, for no good reason, to stock the fuel. It is also not good enough to simply rely on the future good will of retailers in an environment like ours. The use of Opal in our region needs to be legislated in order to ensure that the gains of the Opal Rollout are more than temporary. If the NT Government is unwilling the Commonwealth Government should act.³³

3.42 In addition, when the committee met with representatives of The GPT Group, a member of the Opal Alliance, in Yulara they recommended that a legislative framework be put in place to mandate the supply of Opal fuel in a specified area.

28 Ms Marion Scrymgour, Northern Territory Indigenous Affairs Minister, in Natasha Robinson, 'Roadhouses ignore sniffing revival', *The Australian*, 12 April 2008.

29 See Natasha Robinson, 'Roadhouses ignore sniffing revival', *The Australian*, 12 April 2008.

30 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 7.

31 Ms Melanie van Haaren, Alice Springs Town Council, *Committee Hansard*, 29 October 2008, p. 79.

32 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 3.

33 CAYLUS, *Submission 10*, p. 6.

3.43 NPY women's Council provided the committee with legal advice it had sought in relation to legislation mandating the use of Opal fuel. The advice from Blake Dawson Waldron lawyers notes that:

The regulation of the sale of petrol is generally a matter for the States rather than the Commonwealth...each State approaches the regulation of the sale of petrol differently. South Australia, for example, requires retailers and wholesalers to have a licence to sell petrol, while Western Australia does not have a licensing scheme but regulates from whom retailers purchase petrol. The Northern Territory requires that wholesalers who supply fuel to retailers have a licence...

...Given the disparate regulatory regimes in each State, it is difficult to recommend a uniform approach to drafting legislation which mandates the use of Opal across an area that covers South Australia, Western Australia and the Northern Territory.³⁴

3.44 The advice provides three options for mandating the use of Opal fuel through cooperation by each state and territory to enact similar legislation in each jurisdiction which would either expressly or by necessary implication mandate the use of Opal.

3.45 The Gilbert + Tobin Centre of Public Law at the University of New South Wales provided evidence on the constitutional powers available to the Commonwealth to create laws mandating the supply of Opal fuel. The submission recommended, in contrast to the legal advice from Blake Dawson Waldron lawyers, that the most efficient method was for the Commonwealth government to take responsibility for enacting the legislation rather than each state and territory as 'it is difficult to pull off uniform complementary legislation and then hard to keep it in sync'.³⁵ The Centre concluded that there was no 'constitutional barrier to the enactment of Commonwealth legislation requiring the replacement of standard unleaded fuel with low aromatic fuel (OPAL) in Central Australia'.³⁶ The submission recommended a combination of the Commonwealth's constitutional corporations power and the territories power which could effectively:

...prohibit the stocking of standard unleaded fuel, and thus promote its replacement with OPAL, in areas within or near the Territory.³⁷

3.46 The committee inquired as to whether the Commonwealth government had looked into introducing legislation to mandate the use of Oapl fuel, to which DoHA replied:

We are certainly undertaking some work to do a detailed cost-benefit analysis in regard to potentially introducing legislation. It is advice that has not been provided to government. As a department, we are not in a position

34 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11b*, pp. 3-4.

35 Gilbert + Tobin Centre of Public Law, *Committee Hansard*, 29 October 2008, p. 3.

36 Gilbert + Tobin Centre of Public Law, *Submission 17*, p. 2.

37 Gilbert + Tobin Centre of Public Law, *Submission 17*, p. 2.

to give advice to government yet, because we have not undertaken that work. I am sure you will be aware, Senator, that it is Australian government policy that a regulatory impact statement, including detailed cost-benefit analysis, is part of a process. We are about to commence work around a cost-benefit analysis, so it is probably premature of me to speculate on benefits or otherwise about legislation.³⁸

3.47 The committee recognises and agrees that a concerted effort has been made on behalf of both government, non-government organisations and affected communities to encourage retailers to supply Opal fuel. Following evidence provided to the committee it appears that for several years there has not been any positive signs of progress and the committee is now of the view that legislation to mandate the supply Opal fuel appears to be the only way to achieve a comprehensive rollout of Opal fuel in central Australia.

Linking Opal fuel to the BasicsCard

3.48 The committee has also considered the proposal of making the exclusive supply of Opal fuel at a roadhouse or other retail outlet a condition of approval as a merchant for the BasicsCard. The BasicsCard is used by people whose Centrelink payments are being income managed so they can purchase essential goods and services through the usual method of EFTPOS. As retailers have to apply to become an approved BasicsCard merchant there has been some suggestion that the approval should be contingent on the retailer supplying Opal fuel. This would mean that roadhouses in the Northern Territory as well as those in or nearby other income management trial areas in Western Australia would have to switch to supplying Opal fuel if they wished to be an approved BasicsCard merchant. This would avoid the need to introduce legislation at the current time although it would have little effect on the Laverton roadhouse where the BasicsCard is generally not in use.

3.49 The committee inquired about this option for encouraging the use of Opal fuel in areas where income management was in place. The Commonwealth government advised that:

...there are some complex both legal and practical issues associated with that—particularly when you are dealing in the Territory, where there is mandatory income management—such as whether, if you took away the BasicsCard, that would disadvantage certain elements of the community because they cannot access services in the most convenient way. I think it is a very complex problem and not one that I am aware that we have actively explored at this time.³⁹

38 DoHA, *Committee Hansard*, 12 March 2009, p. 23.

39 Ms Donna Moody, FaHCSIA, *Committee Hansard*, 12 March 2009, p. 6.

Recommendation 5

3.50 Given the continuing resistance to Opal fuel by some retailers across all jurisdictions in central Australia, the committee recommends that the Commonwealth government complete, as a matter of priority, the necessary work to determine whether legislation is both possible and practicable.

3.51 If these retailers do not voluntarily agree to supply Opal within 6 months, and if it is established that there are no legal impediments to the implementation of Commonwealth legislation, the Commonwealth government should immediately commence the drafting of legislation to mandate the supply of Opal fuel within the petrol sniffing strategy zone.

Recommendation 6

3.52 In the event that the introduction of Commonwealth legislation is not possible, the committee recommends that state and territory governments introduce legislation to mandate the supply of Opal within the petrol sniffing strategy zone.

Contractors and the use of Opal fuel

3.53 In its previous report the committee recommended that similar procedures to those implemented by the community of Maningrida in Arnhem Land, where all contracts were conditional on the contractors not bringing unleaded fuel into the community, be used by other communities.⁴⁰

3.54 The committee was informed during this inquiry that contractors still bring sniffable fuel and other volatile substances into communities, such as Mutitjulu in the Northern Territory. DoHA's impact evaluation of Opal fuel also found that contractor's equipment is a common source of the regular unleaded petrol currently used for sniffing. The evaluation recommended that:

...educative material and verbal reminders given by staff working with communities experiencing sniffing stress the need for Councils and other employers to stipulate that contractors must use Opal fuel, and lock away any volatile substances such as glues that they use.⁴¹

Recommendation 7

3.55 Given that the committee in its 2006 report recommended that all governments replicate the procedure used in Maningrida to prevent contractors bringing regular unleaded petrol into communities by making it a term of contract, the committee reaffirms this recommendation and recommends that contracts for service in areas where petrol sniffing is a problem contain terms

40 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, pp.112 and 114.

41 Commonwealth Department of Health and Ageing, Peter d'Abbs and Gillian Shaw, *Executive Summary of the Evaluation of the Impact of Opal Fuel*, October 2008, p. 4.

which prevent regular unleaded fuel entering the community and require that all other volatile substances and inhalants be locked away when not in use.

Central Australian exclusion zone

3.56 During the previous inquiry the committee considered areas that should be included in the initial Opal fuel rollout in order to strategically limit the supply of sniffable fuel and maximise the effectiveness of the rollout. The committee concluded then that:

It is therefore imperative that the application of the Petrol Sniffing Prevention Program outside the designated area is improved and that a more strategic approach is implemented. At the present time Opal is supplied under the Petrol Sniffing Prevention Program only in response to a community's request. There is also no supply of Opal to roadhouses and townships outside the designated area even though these may be critically placed as last fuel stops before entering Opal communities. The Committee considers that this is a lost opportunity to improve the effectiveness of the Petrol Sniffing Prevention Program and the identification and roll out of Opal to these roadhouses and townships would be an efficient means of reducing black market and inadvertent supply of sniffable fuel.⁴²

3.57 Some of the last fuel stops identified during the previous inquiry included Laverton, Leonora, Yulara, Curtin Springs, Mt Ebenezer, Eraldunda, Marla and Coober Pedy.⁴³ The committee notes that much of the evidence received during this inquiry indicated that many of these 'last fuel stops' are yet to supply Opal fuel and as such remain a source of sniffable fuel for central desert communities within the PSS zones.

3.58 The NPY Women's Council noted that its 'members frequently complain that regular unleaded fuel gets to Warburton and other Ngaanyatjarra communities' through Laverton. During the hearing in Alice Springs Valerie Forster, the NPY Women's Council Director, from Wanarn in Western Australia advised the committee that:

In our communities, we have Opal right across the Ngaanyatjarra region, but we have petrol sniffing because there is premium from people who come back from Kalgoorlie and Laverton. They bring in premium. I believe that is where they get petrol and that is when the kids start sniffing petrol, when people or visitors bring in premium petrol. There are a couple of roadhouses that are situated between Kalgoorlie and Laverton and they also sell premium. If we can try to get Opal into those places, maybe petrol

42 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 113.

43 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 108.

sniffing will somehow come down and we can stop young kids who are now sniffing and do other activities.⁴⁴

3.59 The Western Australian government confirmed that Laverton was 'identified as the primary source of supply associated with the latest outbreak' of petrol sniffing in Warburton.⁴⁵

3.60 In addition at the Alice Springs hearing Ms Julie Anderson advised the committee of an additional source of sniffable fuel in the region:

Some of our young people sniff petrol at Finke, but that is being brought in from a nearby place called Mount Dare....Mount Dare is a roadhouse on the edge of the national park on the road to Dalhousie Springs.⁴⁶

3.61 The Alice Springs Town Council reiterated that an effective exclusion zone for central Australia would need to include areas:

...more than one tank's range out of the region. That may mean incorporating up to Tennant Creek and down to Coober Pedy, which is out of our area. But that is probably the kind of radius you would need if you wanted to create an exclusion zone in Central Australia, because otherwise a vehicle could make it from those destinations into our region and still have half a tank of sniffable fuel.⁴⁷

3.62 The South Australian government also noted that communities in the Nullarbor region would also benefit from the:

...rollout of Opal fuel along the Eyre Highway [which] would reduce a ready source of petrol to a small number of sniffers at Yalata and the Maralinga Tjarutja Lands which join the APY Lands in the West of South Australia.⁴⁸

3.63 Dr Brian McCoy noted that the ongoing access to sniffable fuel in neighbouring communities outside the designated Opal fuel rollout area is compromising the effectiveness of the roll out.⁴⁹

Opal fuel supply in northern Australia

3.64 The committee notes that significant supply chain and fuel distribution logistics issues are limiting the rollout of Opal fuel to northern Australia, especially across the East Kimberley Zone, as well as causing delays in expanding the rollout to other communities outside the designated zones. For example in Balgo:

44 Valerie Forster, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Committee Hansard*, 29 October 2008, p. 26.

45 Western Australian government, *Submission 12*, p. 2.

46 Ms Julie Anderson, *Committee Hansard*, 29 October 2008, p. 43.

47 Alice Springs Town Council, *Committee Hansard*, 29 October 2008, p.79.

48 South Australian government, *Submission 15*, p. 13.

49 Dr Brian McCoy, *Submission 7*, p. 4.

The commonwealth government has been informing Balgo that Opal will be put into Poinciana Roadhouse in Halls Creek since December 2007. Shell has still to make an agreement about supplying Opal to Halls Creek and Opal fuel has still not been established in Halls Creek or Rabbit Flat roadhouse. The community understands that the delay in Halls Creek is due to delays in supply issues.⁵⁰

3.65 This was confirmed by the Shell Company of Australia in a written response to the Senate Select Committee on Regional and Remote Indigenous Communities in December 2008 regarding the supply of Opal fuel in Halls Creek. Shell explained that regular unleaded fuel is currently supplied to the area via Darwin or Broome and that to supply Opal to Halls Creek via road would be a 12 000 km round trip which is not feasible. One possible solution was to:

Put tanker barrels on the railway from Adelaide to Darwin and then hook the barrels up to a prime mover and drive them from there. The round trip for a driver would be 4 days from Darwin as compared with 3 days from Broome, from where Halls Creek is currently supplied. The round trip time for the truck barrel would be somewhere between 12 and 14 days and would require 2 dedicated trucks during low season and 3 dedicated trucks in peak season...⁵¹

3.66 However Shell discounted this option as:

...Shell's primary estimates are that the cost of delivering fuel in such a manner to Halls Creek would significantly exceed the subsidy (30 cpl) offered by the Federal Government at present for delivering low aromatic fuel to Northern Australia...

...By far the simplest and most cost effective solution would be to have a supply of low aromatic fuel in Darwin (and Broome if possible), available for distribution to Northern Australia...once such a supply is available, delivery of low aromatic "Opal" fuel to northern service stations and communities will be a far more practical proposition.⁵²

3.67 The possibility of the construction of a bulk storage facility in Darwin was noted in the Commonwealth government's submission.

To overcome the supply chain issues, DoHA is working to identify a more efficient and accessible option for Opal fuel distribution in remote areas in northern Australia. This is likely to be achieved by establishing a bulk storage facility for Opal fuel in Darwin, in addition to the current storage site in Adelaide. This is expected to be resolved by the end of the 2008-09 financial year.⁵³

50 Maggie Kavanagh, *Submission 18*, p. 3.

51 Correspondence received, Shell Company of Australia, 8 December 2008, pp 1-2.

52 Correspondence received, Shell Company of Australia, 8 December 2008, pp 1-2.

53 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, pp. 19 and 21.

3.68 However, at the hearing in Canberra the committee was advised that the option of constructing a bulk storage facility was:

...still under investigation. We have scoped it. It is a very costly and complex infrastructure project. It would take a considerable period of time. It is Northern Australia. It is a very expensive issue. If we do this, it will require us to enter into very long term tenure. We are looking at it but we are also actively pursuing what other fuel distribution mechanisms are available across Northern Australia. It is a very high cost option.⁵⁴

3.69 At the hearing in Adelaide BP Australia explained in greater detail the possible issues with a bulk storage facility in Darwin:

Mr McKenzie—We do not have spare tanks in Darwin, so the issue of supply ex Darwin does make sense... We... just do not have a tank for it. So if we want to build a tank we need tenure, we need capital and we need volume to give Vopak what they need in order to have a reasonable rate of return.

Senator SIEWERT—What volume are you talking about?

Mr McKenzie—It is all dollars, I suppose. Hypothetically, if we were to build a five million litre tank that would be almost two years in construction. It would then need at least a five-year tenure and probably throughputs of about 10 million litres a year. Just to remind everyone, the throughputs out of Adelaide are at 17 million litres at the moment. Some of these communities are looking at about 120,000 to 150,000 litres a year, so it is one road train, one truck worth of volume per annum. To move 10 million litres is still a considerable amount of volume in a place where diesel is the majority use fuel.⁵⁵

3.70 The committee acknowledges the considerable cost and investment required by the Commonwealth government to construct a bulk storage facility in Darwin. However, without such a facility the supply of Opal fuel to northern Australia will remain costly and prevent Opal from being widely available. BP Australia provided the committee with an example of the current effort required to get Opal into Nhulunbuy which took three months of planning.

The physical movements are from Kwinana to Adelaide by ship—a small component of a very large ship—into a reasonably small bulk terminal. From there it goes onto a road train. Road trains run from Adelaide to Darwin; they carry about 140,000 litres of product. There will be a few compartments of Opal; it is mostly diesel with up to, say, 50,000 litres of Opal. The road train would then run to Alice Springs. It would probably put half the Opal into Alice Springs as part of its regular movement. You do not run trucks empty, so it would fill those empty compartments with diesel and take those all on to Darwin. At Darwin it gets discharged into a depot and the Opal gets loaded onto an isotainer, which is a container with a tank

54 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 26.

55 Mr Chris McKenzie, BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p. 28.

inside. A barge operator then picks it up from that Darwin depot, takes it to the wharf and puts it on his barge, which runs weekly into Gove with every other supply for that region. It takes two days to get to Gove, and then at Gove it gets put into the Rio diesel terminal, which is a safe place to store fuel.⁵⁶

3.71 Although the committee agrees with BP Australia's comment at the Adelaide hearing that in regards to supplying Opal fuel 'nothing is impossible; it just takes lots of conversations, lots of willingness,⁵⁷ the committee does not believe that these complicated supply chains and high delivery costs are sustainable in the medium to long term. Even BP noted that the process in place to supply Nhulunbuy with Opal is only a short term solution. The committee concludes that without the construction of a dedicated bulk storage facility in Darwin the costs and supply chain logistics associated with distributing Opal fuel to northern Australia will be prohibitive and unnecessarily complicated.

Opal fuel in Yalata

3.72 Given the additional production capacity at the BP refinery for Opal fuel there is scope to actively encourage and expand the supply of Opal fuel to other communities. One such community which has been consistently raised during this inquiry is Yalata in South Australia where the incidence of petrol sniffing has not declined in contrast to the substantial declines seen in the APY Lands where Opal fuel has been made available.

3.73 UnitingCare Wesley Adelaide raised particular concerns about the delay in the fulfilment of the commitment to supply Opal to Yalata community and the surrounding areas in the Nullarbor region of South Australia.⁵⁸ UnitingCare Wesley Adelaide suggest that Yalata has been overlooked even though the community has a long history of petrol sniffing:

It is the first community that is mentioned in the Hansard of the South Australian parliament, back in I think 1979, around petrol sniffing. It is not a fleeting mention; it is a serious situation there. It does come and go. There was a coronial inquest out there into a petrol sniffing death last December and there appeared to be no sniffing in the community at that time, but it has gone like this for 30 years.⁵⁹

3.74 The Commonwealth government in its submission outlined plans to introduce a portable fuel tank system in Yalata, given that there is currently no suitable infrastructure for normal retail fuel supply.

56 BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, p. 29.

57 BP Australia Pty Ltd, *Committee Hansard*, 4 March 2009, pp. 28-29.

58 UnitingCare Wesley Adelaide, *Submission 13*, pp. 1-3.

59 Mr Jonathan Nicholls, UnitingCare Wesley Adelaide, *Committee Hansard*, 4 March 2009, p. 8.

The portable facility will enable community members to purchase Opal and Diesel fuels from two 30,000 litre fuel tanks set inside specially constructed shipping containers. An outdoor payment terminal will provide the opportunity for 24 hour access and a cashless system of fuel supply with significant labour cost reductions.⁶⁰

3.75 The Commonwealth government noted at the hearing in Canberra that the delays with the supply of Opal fuel in Yalata are only due to the issues associated with the lack infrastructure as the community has been approved to receive Opal. The government advised that it has also agreed to provide the funding for the infrastructure—which has not previously been granted in other cases—as it considers the need in this community to be such that this support was warranted.⁶¹

3.76 The Commonwealth government advised the committee that the provision of Opal fuel in Yalata is progressing with the government currently:

...working with the community to look at the business opportunity that this [infrastructure] will provide, to look at the plans that need to be put in place to make sure the community has the capacity to maintain the upkeep of that fuel unit and to make sure that the revenue that is generated is managed appropriately within that community. The South Australian government and the Ceduna Indigenous Coordination Centre are working with that community. There is currently an Indigenous Small Business Fund application to complete this work. Once this has been approved, we will undertake some work with a consultant to provide relevant skill training within that community to ensure that they are able to operate this as a business.⁶²

3.77 The South Australian government also noted that some of the delays in Yalata are due to:

...a sense of reservation from, in particular, the Yalata community—and from other communities—around the impact and effects of Opal fuel on vehicle maintenance and vehicle running. That has been part of the conversations around allaying those particular fears. There is obviously also the issue of the previous roadhouse that was located close to that community and about the re-establishment of that roadhouse and the implications that may have for that community in terms of broader fuel supply. The fact that they are located on the Eyre Highway also has other implications for the supply of Opal to communities further west of that area...Those are the types of conversations that are happening in relation to community concerns about mandated processes for their communities versus other, non-Indigenous communities located along the highway...⁶³

60 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 20.

61 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 3.

62 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 3.

63 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 42.

3.78 The committee believes that this seems to be a reasonable explanation for the delay and urges the Commonwealth government to better communicate these delays with the community and other interested stakeholders to avoid any unnecessary confusion or adverse media attention, which was the case with the recent media coverage from the committee's Adelaide hearing.⁶⁴

3.79 In addition, UnitingCare Wesley raised concerns with delays in the rollout of Opal fuel to the surrounding communities of Ceduna and Nundroo which is where Yalata currently gets its supply of regular unleaded fuel. The concern is that if these communities are also not converted to Opal fuel once Yalata's supply is in place the remaining core group of 5 petrol sniffers will still be able to access sniffable fuel. UnitingCare Wesley stated that:

...we were originally given information saying, 'We are exploring its rollout into surrounding centres.' That is no longer on the radar. A serious question is: why hasn't it already being provided to Nundroo, which is the closest community, so for the last three years people could have got Opal from that community?⁶⁵

3.80 In response to this concern the Commonwealth government advised the committee that it is not responsible for the delay of the supply of Opal fuel to the surrounding communities. The issue is that these communities have not made an application to DoHA for the supply of Opal fuel, the process for which is outlined in chapter 2 of this report.⁶⁶ Were the communities to apply to DoHA and be approved the supply of Opal could begin providing there were no safety concerns or delays associated with supply logistics to be overcome.

Recommendation 8

3.81 The committee reaffirms its previous recommendation that the Commonwealth, state and territory governments revise and agree upon priorities to consolidate and extend the rollout of Opal fuel to utilise the current production capacity of 40 million litres per annum. The immediate focus should be on:

- **delivering a comprehensive exclusion zone in central Australia;**
- **the option of establishing a bulk storage facility in Darwin in order to provide a sustainable long-term distribution system in northern Australia; and**
- **actively expanding the rollout of Opal fuel to the far west coast region of South Australia and Arnhem Land in the Northern Territory.**

64 See ABC News, 'Yalata 'missing out' on un-sniffable fuel,' 4 March 2009.

65 Mr Jonathan Nicholls, UnitingCare Wesley Adelaide, *Committee Hansard*, 4 March 2009, p. 8.

66 DoHA, *Committee Hansard*, 12 March 2009, p. 14.

Premium fuel

3.82 One particular remaining challenge to further reduce the supply of sniffable fuel is the availability of premium fuel—necessary for use in some high performance vehicles and cars manufactured before 1986—for which there is currently no low-aromatic alternative.

3.83 In the absence of an alternative to premium fuel at present the Commonwealth government, in association with the fuel industry and community organisations, have developed guidelines outlining preferred standards for the responsible sale of premium unleaded petrol. The guidelines stipulate that:

- bowsers should be secured and locked when not in use;
- sales of premium unleaded petrol should be monitored and in particular sales in small containers should be limited; and
- suspect purchases should be reported to the Substance Abuse Intelligence Desk.⁶⁷

3.84 BP Australia also noted that the formulation of these guidelines is:

...where we have been focusing our efforts with the department on developing guidelines for retailers on the responsible sale of premium fuel to try and educate them and help them provide service to those communities.⁶⁸

3.85 The committee also asked the Commonwealth government whether the fuel retail industry had provided any feedback so far on whether they were happy to implement the guidelines. DoHA responded:

The fuel industry have been incredibly receptive and very responsible in regard to this and we have made sure that they complement the existing guidelines around the responsible sale of volatile substances. We think it is very positive. We have continued to periodically seek advice from industry about what options they see in regard to alternatives to the premium. It is a commercial process from their point of view and they have chosen not to share that with us at this stage.⁶⁹

3.86 The committee notes that the development of these guidelines is essential in order to regulate the supply of premium fuel and it is important to provide support to retailers at the local level to promote the importance of and assist with the implementation of the guidelines as the only short to medium-term solution available.

3.87 The NPY Women's Council recommended the government go further than provide guidelines and instead regulate the sale or supply of premium fuel through

67 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 19.

68 Mr Gavin Jackman, BP Australia, *Committee Hansard*, 4 March 2009, p. 25.

69 DoHA, *Committee Hansard*, 12 March 2009, p. 7.

legislation requiring retailers to store the fuel 'in a locked bowser accessible only to specific persons or their employees and it is supplied directly into the tank of a vehicle whose driver can demonstrate that their vehicle cannot operate without premium fuel'.⁷⁰

3.88 Although the above measures for regulating the sale of premium fuel could be effective to limit the supply of sniffable fuel they do not necessarily obviate the need to consider the development of an alternative low aromatic Opal equivalent premium fuel. As the Alice Springs Town Council noted 'the availability of sniffable Premium fuel in Alice Springs does mean that a source of sniffable fuel is still relatively easily available'.⁷¹

3.89 BP Australia was asked whether an alternative to standard premium fuel was being considered, BP responded:

Our focus so far has been on addressing the 80 per cent of the problem. As I mentioned, Opal itself is a very small production run—we are talking several million litres compared to billions of litres. Premium is even smaller than that again. So it would—because of the small production runs—again, increase the cost exponentially, I would imagine.⁷²

3.90 The Commonwealth government was also asked at the Canberra hearing if it was undertaking any work to develop an alternative to premium fuel and if so what progress has been made. The government responded:

We do not have any information on what work is being done with regard to an alternative to premium. It is a commercial operation and it is the company's decision whether or not to be public on that.⁷³

3.91 Therefore it appears that neither DoHA nor BP Australia are actively involved in the development of an Opal alternative to premium fuel. The committee understands the potential high costs involved—due to the smaller quantities required—as well as the additional logistical barriers to supplying an Opal equivalent premium fuel especially when such barriers have not yet been overcome for regular Opal fuel.

Recommendation 9

3.92 The committee considers that the 'guidelines for the responsible sale of premium unleaded petrol' are a necessary response to the availability of sniffable premium fuel and recommends the Commonwealth government finalise and distribute the guidelines without delay, making sure that adequate support is provided to ensure their implementation.

70 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 11.

71 Alice Springs Town Council, *Submission 16*, p. 3.

72 Mr Gavin Jackman, BP Australia, *Committee Hansard*, 4 March 2009, p. 25.

73 Ms Lesley Podesta, DoHA, *Committee Hansard*, 12 March 2009, p. 7.

Recommendation 10

3.93 That twelve months after the distribution of the 'guidelines for the responsible sale of premium unleaded petrol', the Commonwealth government undertake an audit of both the uptake and effectiveness of the guidelines in reducing access to premium fuel for the purpose of sniffing.

3.94 Subsequently, if the audit finds that these guidelines are not proving effective, the committee recommends that, while conscious of the potential commercial costs, consideration is given to subsidising the development of an Opal equivalent substitute for premium fuel.

Mintabie, South Australia

3.95 Some additional concerns were raised about the opal mining town of Mintabie in South Australia that is situated on land leased from the APY Council. At the Alice Springs hearing Janet Inyaka reiterated that on the APY Lands there is one town:

...making problems for all the communities and that place is called Mintabie. That is the only place that is destroying our communities.⁷⁴

3.96 Other NPY Women's Council members have frequently cited Mintabie as a source of cannabis, premium fuel and alcohol for the NPY region, noting that:

The NT MLA for McDonnell, Ms Alison Anderson, has advised NPYWC that on or around 11th July 2008, whilst attending the funeral of her late brother at Amata on the APY Lands, she observed four young people sniffing petrol at a house in the community. The main resident of the house informed her that the (premium unleaded) fuel had come from the Mintabie Opal Field and was selling for \$70 a soft drink bottle.⁷⁵

3.97 Protracted negotiations regarding a new lease have been undertaken by the APY Council and the Mintabie Progress Association. Negotiations on the terms for the new lease have stalled on issues of restrictions on retail activities in the town due to concerns raised APY Land community members. UnitingCare Wesley Adelaide argued that:

...the protracted lease negotiations be concluded as quickly as possible and that the final lease increase APY and the State Government's capacity to reduce the amount of sniffable petrol and other prohibited substances entering the APY Lands via Mintabie.⁷⁶

3.98 The South Australian government advised the committee that negotiations between the APY Council executive and the Mintabie Progress Association over restrictions on the retail businesses in the community are progressing and that:

74 Janet Inyaka, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 40.

75 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 4.

76 UnitingCare Wesley Adelaide, *Submission 13*, p. 7.

In the last 12 months there have been some fairly constructive conversations in relation to the operation of Mintabie community on the APYs. That lease was due to expire at the end of last year. The APY executive have agreed to extend that so the negotiations can continue to allow for resolution.⁷⁷

Delivery of youth services

3.99 Providing alternative activities for young people is a key plank in the Eight Point Plan to combat petrol sniffing in central Australia. Indeed there is universal agreement about the need for dedicated diversion and prevention programs for young people to prevent them from turning to substance abuse. As the plan is designed to operate for a period of ten years the committee expects that the implementation of the plan and considerable progress on its objectives can be made.

3.100 The committee acknowledges that considerable progress has been made in relation to reducing petrol sniffing. The space created by this decline is a window of opportunity to be embraced. While youth services are recognised as a key element of the plan, there is significant unmet need:

As a result of poverty, illness, poor educational outcomes and high levels of substance misuse in communities there are high levels of need amongst Indigenous young people in the region. Stakeholders in the region clearly state that there are substantial levels of unmet need. This is across the spectrum of what is commonly characterised as "youth services" including sport, recreation and cultural activities, activities to supplement mainstream educational programs and facilities, to health related services including substance misuse programs.⁷⁸

3.101 At its hearing in Alice Springs the committee heard evidence that services and interventions for prevention and diversion were working but that much more was needed to continue and expand this good work. Sean Brennan from the Gilbert + Tobin Centre for Public Law put it this way:

...we urge governments to boost their investment in complementary measures, such as well designed youth services on a community development model, because it is vital that the window of opportunity created by Opal is not wasted for want of adequate resources on that front.⁷⁹

3.102 As noted in chapter 2, the key youth service funded under the Petrol Sniffing Strategy operates in only four communities. Mission Australia stated that it is sufficiently resourced to provide services to the four communities and that 'the approach of being intensive in selected communities rather than trying to spread a

77 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 49.

78 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 24.

79 Sean Brennan, Gilbert + Tobin Centre for Public Law, *Committee Hansard*, 29 October 2008, p. 2.

small amount too far is appropriate', however they also 'believe there is a case to extend that [youth services] to other communities'.⁸⁰

3.103 A recent survey undertaken by CAPSSU of youth services in around 22 communities in the central desert region of the Northern Territory (outside Alice Springs) found that youth program staffing included one substance abuse worker, 16 youth workers, 16 casual Anangu trainee youth workers, 3 outreach workers, 2 education officers and 5 sport and recreation workers of which 8 youth workers and the Anangu trainee youth workers were part of the NTIYSP. In addition, the Mt Theo youth rehabilitation program in Yuendumu employed a further 10 elders, 14 workers in the youth program, and 75 casual participant/workers.⁸¹ Considering that 8 youth workers are employed in just four communities under the NTIYSP the fact that the remaining 18 communities have only 8 youth workers among them indicates a continuing lack of both staff and services for young people in the area.

3.104 In addition, the DoHA commissioned *Evaluation of the Impact of Opal Fuel* completed in October 2008 found that 'the access to and quality of youth services were patchy, and the funding sources for youth services were widely varied'.⁸² The study also found that in the sample of 20 communities across the region:

- 6 communities did not have a youth program;
- 7 communities experienced no change in the availability of youth services; and
- 2 communities experienced a decrease in the availability of youth services.⁸³

The study also recommended that the six communities without access to youth services be provided with them.⁸⁴

3.105 The committee is also concerned by the finding in the DoHA study that 'there has been no coordination between the provision of Opal fuel and access to youth services in communities in the sample'.⁸⁵ This coordinated approach to supporting the rollout of Opal fuel with other elements of the Eight Point Plan, especially that of youth services, is one of the fundamental principles of the PSS and the committee

80 Mr Phillip Leslie, Mission Australia, *Committee Hansard*, 29 October 2008, p. 65.

81 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 26.

82 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

83 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

84 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

85 Peter d'Abbs and Gillian Shaw, Executive Summary *Evaluation of the Impact of Opal Fuel*, Commonwealth Department of Health and Ageing, October 2008, p. 3.

acknowledges that a coordinated approach to consistently providing youth services has clearly not happened. In order for this to occur further effort and commitment is required from all governments.

3.106 Most witnesses and submissions also expressed concern about the lack of youth services in areas outside the four NTIYSP communities. Dr Brian McCoy noted that in the Kutjungka region, youth services are:

...limited in both personnel and resources. The Balgo youth centre (formerly the old Mission girls' dormitory) can no longer be used; it is more than 40 years old and needs to be replaced.⁸⁶

3.107 The NPY Women's Council raised the issue in relation to the community of Kiwirrkurra in Western Australia which has:

...150 young people in a community of about 300, so they have a really high population. However, because they are not part of the Ngaanyatjarra shire they do not get those services. There is also no accommodation or funding for youth workers. We provide some services. We run some school holiday programs with funding from the Commonwealth Attorney-General's Department and people from our domestic violence service, our youth service and others visit that shire on a regular basis...

... Kiwirrkurra is forgotten and it is a long way away. It does not have youth programs and, in some ways, it is not even on the radar for those programs.⁸⁷

3.108 The submission from Maggie Kavanagh in Balgo notes that:

There are not enough organised activities for young people under the age of 14 years. Currently the community relies on school volunteers to run after school basketball for younger kids in conjunction with the Garnduwa program. People would like to see weekend camping trips, a properly funded after school program, school holiday programs and structured activity based programs for younger children.⁸⁸

3.109 The Commonwealth government's submission stated that 'central Australia is a particularly difficult region in which to provide youth services' due to the:

- patchwork of programs and providers;
- difficulty in attracting and retaining qualified and experienced workers;
- lack of infrastructure; and
- high levels of need in the client group.⁸⁹

86 Dr Brian McCoy, *Submission 7*, p. 3.

87 Vicki Gillick, NPY Women's Council, *Committee Hansard*, 29 October 2008, p. 33.

88 Maggie Kavanagh, *Submission 18*, p. 2.

89 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 28.

3.110 While the committee acknowledges these difficulties it believes that there is an urgent need for the reach of youth services to be expanded to all areas covered by the PSS zone. The committee also recognises that providing comprehensive youth services—including treatment, diversion and preventative programs—is resource intensive, however the committee believes that the costs of not providing these services far outweighs the costs of providing them. As Tristan Ray from CAYLUS put it:

...we need them, and we need the underlying infrastructure across the region, not just in a few communities but in all of the communities in the region. We think that they are financially effective in terms of preventing a whole range of problems. We see them doing so many things.⁹⁰

3.111 In addition, the provision of youth services is not consistent across all three state and territory jurisdictions, and while there have been significant gains in some locations, there is still much to be done. Indeed, in some areas covered by the PSS there are no services at all for young people. In its submission the Western Australian government acknowledged that while there were plans to offer youth services for affected communities, these had not yet commenced.⁹¹

Recruitment, retention and training of staff

3.112 Another serious issue of concern is the ability of youth services to attract and retain qualified staff. The committee was very pleased to be able to meet with several enthusiastic and committed youth workers during their visit to Mutitjulu, one of whom had worked in Kaltukatjara (Docker River) for several years. The committee recognises that building relationships in Indigenous communities is very important and is best served by long term staff who are well supported and trained to work with young people, often in difficult and challenging circumstances.

3.113 The submission from the Association of Child Welfare Agencies advocates the need to allocate adequate resources in regional and remote Aboriginal communities, and to implement a strategy to encourage the recruitment and retention of committed and qualified staff.⁹²

3.114 The committee asked the Commonwealth government what programs were in place to address this issue. Steven Vaughan from CAPSSU noted that in relation to training local Anangu workers:

At the moment Mission are working with their Anangu workers to continue their training. That contract finishes in 12 months time. No decision will be made for some time yet as to where that will go. That is something that the department and government have to decide. But the whole scene has

90 Mr Tristan Ray, CAYLUS, *Committee Hansard*, 29 October 2008, p.12.

91 Western Australian government, *Submission 12*, p. 2.

92 Association of Child Welfare Agencies, *Submission 8*, p. 5.

changed since Mission Australia came on board. We have had the NTER and we have had the shires come in. They were not really thought of when this all started, and the shires have taken over responsibility right through the Territory for those communities so they have their own local government shire structure, which is still, in some cases, in its infancy, but it is developing. So they will have community coordinators, youth workers and sport and rec workers within their structure, employed by the shires. We have encouraged them to work with DEEWR and Training to start to train their staff, particularly the CDEP staff, for instance—it is not just training people in the youth work environment but also to train people to take up this sort of work.⁹³

3.115 The committee is pleased to see that the Commonwealth government is considering this issue. The committee considers that training, developing and supporting youth workers to ensure that there is an adequate pool of people who are able to deliver continuous quality services in remote communities is a matter of urgency. This issue should be given greater attention to develop a comprehensive policy framework and a long term resourcing commitment.

Integrating early childhood services

3.116 Although the PSS officially defines youth as aged between 12 and 20, as noted in chapter 2, a significant number of young children aged between 0 and 5 years have been attending the activities run by Mission Australia under the Northern Territory Integrated Youth Services Project even though they are outside the target age group. This is quite a familiar occurrence in other remote Indigenous communities with many older children having responsibility for their younger siblings.

3.117 The committee notes that through COAG the Commonwealth, state and territory governments have signed the National Partnership Agreement for Indigenous Early Childhood Development which commenced on 1 January 2009.

This Agreement represents the first stage of the reform program and builds on current activity; with a focus on Indigenous children aged 0-3 years. The evidence shows that substantial benefits accrue from investments made in the first few years of life and this is even more so for children from disadvantaged backgrounds. A greater focus on interventions in the early years will also contribute significantly to the achievement of COAG targets relating to later life outcomes.⁹⁴

There is also a commitment from the Commonwealth government to provide universal access to early childhood education for all four year olds, including those in remote communities, by 2013.⁹⁵

93 Steven Vaughan, CAPSSU, *Committee Hansard*, 12 March 2009, p. 25.

94 National Partnership Agreement for Indigenous Early Childhood Development p. 3.

95 The Hon Julia Gillard MP and The Hon Maxine McKew MP, 'Delivering access to universal early childhood education', Joint media release, 9 June 2008.

3.118 It appears that by not anticipating the participation of young children as a condition of attracting and maintaining the participation of older youth in remote Indigenous communities there is a missed opportunity to provide targeted early childhood specific programs to this captive audience. In addition, the attendance of these younger children demonstrates an existing gap in alternative early childhood services and facilities which if addressed could reduce the likelihood that those children will turn to petrol sniffing and substance abuse.

3.119 The committee believes that further consideration should be given to including or combining early childhood programs with existing youth services to provide targeted activities for all community members under 25 years of age in remote Indigenous communities.

Consistent legislation

3.120 While the Urbis Review was generally positive about the basis of the PSS and its implementation, the review noted that the development of uniform legislation is an area where little progress had been made:

So far as this review could establish, there has been little activity to date in relation to uniform legislation. Thus it appears that there is a need for inter-governmental consultation to reach agreement on relevant policy issues, as a prerequisite for enactment of appropriate legislation...

...There has evidently been no progress towards ensuring greater consistency of legislation across jurisdictions.⁹⁶

3.121 Appendix 3 of the committee's previous report provided a summary of existing state and territory legislation on inhalant abuse which was compiled by the National Inhalant Abuse Taskforce in 2006. Since this time South Australia has enacted the *Statutes Amendment (Petroleum Products) Act 2007* which has broadened the offences for supplying petrol and made it an offence to sell petrol without a licence.⁹⁷ Yet there has been no real movement towards consistency between jurisdictions with varying definitions of a volatile substance, the range of restrictions on the sale of volatile substances and the grounds for apprehension. However the committee does note that in Western Australia, the Northern Territory and South Australia it is uniformly illegal to knowingly sell or supply petrol for the purpose of sniffing.

3.122 The South Australian government outlined that it is working with the Western Australian and Northern Territory governments through the Cross Border Justice Project to develop generic legislation to enable police to operate throughout the NPY Lands. This 'would act as a deterrent to those who take flight across borders in order

96 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, pp. 43 and 44.

97 *Statutes Amendment (Petroleum Products) Act 2007 (SA)*, section 4 and section 8.

to escape apprehension with respect to a broad range of offending, petrol sniffing and mental health issues'.⁹⁸

3.123 The committee was concerned by the lack of progress on this issue and the subsequent effect this delay may be having on current cross-boarder police operations. The committee raised these concerns with the South Australian government at its hearing in Adelaide. The South Australian government responded:

The need to ensure that there is consistency in those orders has required the time for all legal parties to have conversations about it. I think the fact that it has progressed within three years is probably a good sign given that legislative review and changes can take some time. The end product in this process will mean that any individual, regardless of where they originate and regardless of whether there are laws in place or impositions placed on them will be treated equally by all jurisdictions.⁹⁹

3.124 The committee has subsequently been advised that the South Australian Cross Border Justice Bill—on similar timeframes to the Northern Territory bill—has recently passed the South Australian House of Assembly, and is waiting to be introduced into the Legislative Council with the view to it being operational on 1 July 2009.¹⁰⁰

3.125 The inclusion of consistent legislation in the Eight Point Plan illustrates its vital role in effectively controlling petrol sniffing in central Australia. The committee believes that a greater focus on providing law enforcement agencies with a consistent and appropriate legal framework to respond to incidences of petrol sniffing as well as other substance abuse would further improve the effectiveness of the PSS.

Policing levels

3.126 As discussed in chapter 2 there has been a notable increase in police levels in Indigenous communities since the committee last reported. This has been an encouraging development and has no doubt contributed to the greater regulation and prevention of petrol sniffing in Indigenous communities.

3.127 In its previous report the committee concluded and recommended that all levels of government commit to prioritising strategies to achieve a permanent police presence in all Indigenous communities, recruit Aboriginal Liaison and Community Officers, establish and support night patrols and consider multi-function police centres.¹⁰¹ These recommendations were echoed by the Mullighan Inquiry into Children on the APY Lands in 2008 which found that:

98 South Australian government, *Submission 15*, p. 3.

99 Ms Nerida Saunders, South Australian government, *Committee Hansard*, 4 March 2009, p. 41.

100 South Australian government, answers to Questions on Notice, 4 March 2009, p. 1

101 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 75.

It is essential that the permanent police presence in the communities be established without further delay...Safety in the communities is essential. It cannot occur without the permanent police presence, which requires the building of police stations. They should be established as a matter of urgency.¹⁰²

3.128 The committee is concerned that some areas and communities remain without appropriate levels of policing and this continues to place vulnerable community members at risk and reduce the effectiveness of the Petrol Sniffing Strategy in these areas.

3.129 For instance, on the committee's visit to Hoppy's Town Camp in Alice Springs community members expressed concerns for their safety noting that there were no regular police patrols and that community night patrols were inadequate for the number of residents in the town camps around Alice Springs. The residents of town camps, many whom are elderly, therefore have no protection from any violent antisocial behaviour perpetrated by petrol sniffers in the area.

3.130 The NPY Women's Council in its submission identified communities that still lack a permanent police presence and noted that no APY Lands communities have a permanent sworn police presence although two stations are in the process of being constructed, as noted in Chapter 2. This is a concern as:

It has been argued many, many times that there is no substitute for a sworn police presence in communities, both for deterrence and apprehension...¹⁰³

3.131 The NPY Women's Council also noted, in a letter to the Chief Minister provided to the committee, that in the Northern Territory:

The situation remains completely unsatisfactory with no permanent police presence at Aputula/Finke or Docker River/Kaltukatjara. We are well aware of what services do exist, and make no criticism of officers located in the region. Patrols to these communities from, respectively, Kulgera and the WA-NT cross-border post at Warakurna, do not constitute a sufficient police service. A previous commitment to a post at Docker River seems to have evaporated. Further, there are no police at Titjikala or Ayeronga, communities which are near the NPY region although not members, and which have been also been lobbying strenuously but in vain for a police presence. Other aspects of the intervention and in particular, any attempts to reduce alcohol and illicit drug supplies, will inevitably fall short of their potential without police based in communities.¹⁰⁴

3.132 In addition, the submission from Maggie Kavanagh notes that although Balgo has a multi functional police centre in the community the centre has responsibility for

102 Commissioner the Hon E Mullighan QC, Commission of Inquiry Report, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*, April 2008, p. 245.

103 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11*, p. 6.

104 Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council, *Submission 11c*, p. 2.

two additional communities, those of Bililuna and Mulan, and thus the two police officers currently police a population of approximately 850, which makes it the busiest remote centre in Western Australia. The submission further noted that:

There is an urgent need for the policing levels to be doubled as per the recommendation in the 2004 Coronial Inquiry into Youth Suicide and Substance Abuse in Balgo and the Kutjungka Region of Western Australia. Policing has had a positive and major impact on the safety of the community. In particular the actions of the police in dealing swiftly with outbreaks of sniffing in Balgo has been a significant strategy in ensuring that petrol sniffing levels do not escalate and become an entrenched activity. However it is not feasible to expect the two current officers to maintain this level of engagement for prolonged periods.¹⁰⁵

3.133 The committee also notes the recommendation from the Mullighan Inquiry that police stations on the APY Lands be staffed with four police officers for the reasons that:

...serious problems are likely to arise if the permanent police presence becomes effective and is limited to two sworn officers at each station. Arrests will be made and there will be the obligation to care for prisoners safely and adequately, even though in the short term.

Persons in custody will require frequent observation...If there are only two police officers at a police station whenever there is a person in custody, only one police officer will be available for operational work.¹⁰⁶

3.134 Although this is a recommendation for police staffing levels on the APY Lands the committee has been advised that the staffing of the Balgo police station with just two officers has led to the exact same issues as described by the Mullighan Inquiry.

The police service is greatly stretched and particularly so when there are offenders in custody. In these situations the police are unable to respond to other matters until custodial care has been completed as it is not feasible for one officer to be left on duty on their own. Transporting offenders out of the community is a costly exercise and further restricts the policing that can occur.¹⁰⁷

3.135 The committee commends the considerable effort on the part of governments to make improvements in this area, however many Indigenous communities remain without a permanent police presence. The committee understands that policing is traditionally a state and territory responsibility but as it is included in the PSS and after the success of the SAID, the committee urges all levels of government to work towards establishing a permanent police presence in every community.

105 Maggie Kavanagh, *Submission 18*, p. 3.

106 Commissioner the Hon E Mullighan QC, Commission of Inquiry Report, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands*, April 2008, p. 246.

107 Maggie Kavanagh, *Submission 18*, p. 3.

Strengthening and supporting communities

3.136 The committee notes that this is an area where little specific activity has occurred. Any activities undertaken so far related to strengthening and supporting communities have largely been confined to initiatives to provide increased services for and engagement of young people. The Urbis Review noted that:

...one government stakeholder was of the view that the community support element of the Eight Point Plan had not been thought through adequately at the outset – as reflected in the fact that no budget had been allocated for this purpose. Some FaHCSIA stakeholders also observed that, given that there is no allocated budget, there is also some ambiguity as to whether certain activities relating to this component should be regarded as falling under the PSS, given that strengthening communities is core business for FaHCSIA.¹⁰⁸

3.137 The South Australian government outlined in their submission that:

There is a need for continued investment in providing communities with information relating to the causes, effects and strategies for addressing: petrol sniffing, individual safety, disability and child abuse and neglect. This approach, coupled with support for community members, will enable the historical effects of such issues to be addressed and will assist with future community safety planning. Community driven change provides a sound basis for individual family change.¹⁰⁹

3.138 The Commonwealth government's submission stated that the Petrol Sniffing Strategy Senior Executive Service Steering Committee will, in addition to the recommendations of the Urbis Review, consider the 'need for focussed strategic intention in identifying and developing opportunities for education, training and employment activities within the 8 Point Plan'.¹¹⁰ The committee considers this area of education, training and employment for all members of the community to be extremely important in increasing the resilience of individuals and the community and thus reducing the demand for petrol sniffing and substance abuse.

Preventative drug education

3.139 The committee considers that preventative drug education should be an essential part of strengthening the resilience of communities and reducing the demand for petrol sniffing and substance abuse. It also appears to be an area of the response to petrol sniffing that has not had sufficient focus from all levels of government.

3.140 The submission from Maggie Kavanagh in Balgo notes that there has been no 'outside delivered drug and alcohol awareness or outreach programs (currently this

108 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 37.

109 South Australian government, *Submission 15*, p. 12.

110 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 16.

only happens through the work of Palyalatju's youth and men's' health projects as part of their work').¹¹¹

3.141 This issue was also raised with the committee on its recent visit to Mutitjulu in the Northern Territory. The community noted that there has not been a drug education program in language with the appropriate visual aids to teach the young people about the dangers of petrol sniffing and substance abuse issues. Given that Mutitjulu was one of the original four designated communities in the Central Desert Zone—and that for many community members that English is their second or third language and English literacy levels are low—such a tailored education program should be an essential element of the government's response to petrol sniffing.

3.142 This is an area the committee believes the Commonwealth government should focus greater attention on in order to improve the effectiveness of the Eight Point Plan.

Evaluation

3.143 The committee notes that evaluation activities have only recently commenced and have not yet produced substantial results and conclusions to date. The Urbis Review reported that the capacity of the relevant areas to progress evaluation activities has improved markedly in 2009 and outlines five key evaluation activities undertaken, including the:

- development of an Evaluation Plan for the PSS;
- collection of baseline data by DoHA and FaHCSIA;
- an evaluation of the Communications Strategy for Opal;
- an impact evaluation of the Opal fuel rollout; and
- a national audit of communications materials relating to petrol sniffing and petrol sniffing programs.¹¹²

3.144 In its previous report the committee recommended that the Commonwealth government, as a matter of priority, work to improve data collection on substance abuse by Indigenous people.¹¹³ CAYLUS notes in their submission that data collection on petrol sniffing has been patchy.¹¹⁴ The committee notes that some data collection has occurred and recognises that the DoHA commissioned Opal impact survey used the same methodology to collect qualitative data on the prevalence and frequency of petrol sniffing as the Nganampa Health Council *Survey of prevalence of petrol sniffing*

111 Maggie Kavanagh, *Submission 18*, p. 4.

112 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 38.

113 Senate Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, June 2006, p. 36.

114 CAYLUS, *Submission 10*, p. 16.

on *Anangu Pitjantjatjara Yankunytjatjara Lands*. This consistency of methodology is a step towards gathering accurate and comparable data on substance abuse.

3.145 However, the committee is particularly concerned with the lack of progress on consistent data collection on petrol sniffing and substance abuse in Indigenous communities across all the jurisdictions. Much of the evidence presented to this committee on current rates and declines in both petrol sniffing and substance abuse were anecdotal.

3.146 Evaluation is an extremely important aspect of the Eight Point Plan and is essential for the ongoing effectiveness of the PSS in the longer term. The committee believes that a greater focus is needed in this area and agrees with the Urbis Review that evaluation should be made a 'priority in the near future, and where feasible, that specific funds are ear-marked to enable external evaluations to be conducted'.¹¹⁵

Recommendation 11

3.147 That the Commonwealth government, as a matter of priority, expand current efforts to improve data collection on the prevalence and trends over time in relation to petrol sniffing and substance abuse in Indigenous communities so as to collect comparable data across all jurisdictions.

Restorative justice

3.148 The Commonwealth government's submission notes that although the consistency of legal frameworks across jurisdictions was included in the Eight Point Plan 'broader relationships with the law and justice system were not explored'.¹¹⁶ The Commonwealth government's submission states that restorative justice models can address some of the anti-social behaviour associated petrol sniffing which would have the flow on effect of reducing arrest and incarceration rates in Indigenous communities. The submission states:

The intention of these restorative justice initiatives is to employ Restorative Justice Officers to coordinate models for helping local people develop mechanisms for managing anti-social behaviour associated with petrol sniffing, in a manner that meets communities' social and cultural requirements.

Restorative justice processes encourage communities to articulate their values and expectations, and to understand the underlying causes of crime or the unacceptable behaviour. It empowers them to determine what can be done to repair the damage caused. In doing so, restorative justice responses can reduce future harm for communities...

115 Urbis, *Review of the First Phase of the Petrol Sniffing Strategy*, June 2008, p. 40.

116 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 36.

...Restorative justice responses have the potential to tackle substance misuse, where this is a factor in offending, and therefore the potential to contribute to greater community safety.¹¹⁷

3.149 The committee notes the potential benefits of restorative justice programs but cautions that these programs must not substitute for appropriate and adequate support for young people to address the underlying causes of substance abuse and antisocial behaviour. In addition these programs should only be introduced following community consultation and where there is widespread community support, nor should they be used in any way for incidents related to violence or threats of violence.

117 FaHCSIA, DoHA, DEEWR and AGD, *Submission 14*, p. 37.