

# SUBMISSION TO THE INQUIRY INTO PETROL SNIFFING AND SUBSTANCE ABUSE IN CENTRAL AUSTRALIA

**UnitingCare Wesley Adelaide**

19 August 2008

## **Introduction**

This submission focuses on the roll-out of Opal fuel in South Australia. It acknowledges the positive impact that the roll-out has had for communities on the Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands) and argues that it should be expanded, as a matter of urgency, to take in Yalata community and nearby centres.

The submission also discusses the need for policing services to be based in remote Aboriginal communities and for the protracted Mintabie lease negotiations to be concluded as soon as possible.

## **UCW-Adelaide's work with remote Anangu communities**

UnitingCare Wesley Adelaide (UCW-Adelaide), an agency of the Uniting Church in Australia, is a South Australian community service organisation with over 100 years experience in providing services to low income and disadvantaged people.

In 2007, UCW-Adelaide established the Anangu Lands Paper Tracker project. The project tracks government commitments to South Australia's remote Anangu communities. It aims to make it easier for Anangu (Pitjantjatjara and Yankunytjatjara peoples) to talk with governments about their future from a position of knowledge and strength.

On the project's website ([www.papertracker.com.au](http://www.papertracker.com.au)), Anangu can access accurate, up-to-date information on key projects and services. Whenever a government announces a commitment to do something significant for Anangu, a new page is added to the project's website. The page then tracks progress made against that particular commitment.

Since February 2008, the project has been monitoring an unfulfilled commitment to roll-out Opal fuel to Yalata community and surrounding areas.

## Yalata community and the roll-out of Opal fuel

Yalata is an Aboriginal community on the west coast of South Australia. It is home to around 250 Pitjantjatjara people. Petrol sniffing has been a serious problem at Yalata since the mid 1970s.<sup>1</sup> This problem was previously brought to the attention of the Community Affairs Committee in 2006.<sup>2</sup>

In 2004, there were about 20 petrol sniffers at Yalata. This equated to approximately 8% of the total Anangu population in that community. Coincidentally, at that time, around 8% of the total Anangu population of the APY Lands also sniffed petrol.<sup>3</sup>

By late 2007, largely as a consequence of the roll-out of Opal fuel, the number of petrol sniffers on the APY Lands had plummeted to about 1.5% of the total Anangu population.<sup>4</sup> In contrast, at Yalata, where Opal fuel had not been provided, the percentage of people sniffing petrol had not declined.<sup>5</sup>

In February 2006, the South Australian Government reported – as part of its submission to the Community Affairs Committee’s Inquiry into Petrol Sniffing in Remote Aboriginal Communities – that it was “working with the local community and the Australian Government with a view to having Opal available in Yalata.”<sup>6</sup> Two and a half years later, Opal fuel is still not available in Yalata.

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<sup>1</sup> The problem of petrol sniffing at Yalata was first discussed in the South Australian Parliament in late 1979 (Hansard, 8 November 1979, House of Assembly, Parliament of South Australia, p881-882).

<sup>2</sup> Petrol sniffing at Yalata was highlighted in three submissions received by the Committee as part of its Inquiry into Petrol Sniffing in remote Aboriginal communities (Submissions 29, 34 & 35). It was also mentioned during oral evidence received in Adelaide on 16 May 2006.

<sup>3</sup> Aboriginal Lands Parliamentary Standing Committee. 2005, *Annual Report of the Aboriginal Lands Parliamentary Standing Committee 2004/2005*, Parliament of South Australia, pp 235, p19. *See also:* Government of South Australia, February 2006, “Submission from the Government of South Australia to the Senate Community Affairs References Committee Inquiry into Petrol Sniffing in remote Aboriginal communities,” Submission 29A, p1.

<sup>4</sup> Weatherll, J. 26 February 2008, “Dramatic decrease in petrol sniffing on the APY Lands,” News Release.

<sup>5</sup> In August 2007, *Yalata News* reported “an estimate of more than twenty active sniffers” in the community, *see: [http://www.papertracker.com.au/pdfs/Petrol\\_Sniffing\\_Teamwork\\_Yalata.pdf](http://www.papertracker.com.au/pdfs/Petrol_Sniffing_Teamwork_Yalata.pdf)*. In June 2008, *Yalata News* noted that a surge in community-based petrol sniffing had commenced in September 2007 and “spiked’ over the 2007/08 summer period (*Yalata News*, March 2008 – June 2008, community newsletter, p2).

<sup>6</sup> Government of South Australia, February 2006, “Submission from the Government of South Australia to the Senate Community Affairs References Committee Inquiry into Petrol Sniffing in remote Aboriginal communities,” Submission 29A, p11.

In early April 2008, UCW-Adelaide asked both the Federal and State Governments for information on their plans to introduce subsidised Opal fuel to Yalata and surrounding centres like Ceduna.

On 26 April 2008, the Federal Department of Health and Ageing (DoHA) advised that while Yalata had already been “approved to participate in the Petrol Sniffing Prevention Program which subsidises the supply of Opal fuel ... inadequate infrastructure has delayed the rollout in the community to date.”<sup>7</sup>

In the same letter, DoHA noted that it had “taken steps to meet with the South Australian Government, the Yalata community and the petrol industry to seek suitable arrangements for the supply of Opal fuel to this region.” It expressed confidence that Opal fuel would be available “in both the community and surrounding petrol outlets” in “the near future.”

On 6 May 2008, the State Department of the Premier and Cabinet (DPC) advised UCW-Adelaide that it had “secured financial assistance across state government agencies” as contributions towards the overall cost of supplying Opal fuel infrastructure and that the Australian Government had “given in principle support to finance” the remaining infrastructure costs.<sup>8</sup> DPC also advised that:

- in addition to developing “a coordinated and planned roll out” to Yalata, State and Federal agencies were “planning for the broader roll out of Opal Fuel throughout parts of the Eyre Highway”, and
- the “collaborative work” of all of the agencies and persons involved “will intensify in the coming months and is likely to result in accessibility to Opal Fuel sooner than anticipated.”

In July 2008, DoHA advised UCW-Adelaide that it expected Opal fuel to be available in Yalata “before the end of 2008.”<sup>9</sup> Concerning plans to make Opal fuel available in surrounding areas, DoHA advised:

at this stage there is no plan to rollout Opal fuel across the Nullarbor Region in the same way that it has been rolled out across the Central Desert Region of Central Australia. Any further rollout in the Nullarbor Region will be dependant on an assessment of the impact on providing Opal fuel in Yalata.

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<sup>7</sup> Halton, J (DoHA). 26 April 2008, Letter to Rev P McDonald.

<sup>8</sup> Ashby, S (DPC). 20 May 2008. Letter to Rev P McDonald.

<sup>9</sup> Castle, S (DoHA). 8 July 2008. Email to J Nicholls

However ... we are considering how Opal fuel could be rolled out more broadly in the Nullarbor Region if such a rollout is considered necessary.<sup>10</sup>

UCW-Adelaide notes that this advice contradicts an earlier statement by the department's Secretary in which she expressed confidence that Opal fuel would "be available in both the community and surrounding petrol outlets in the near future."<sup>11</sup>

UCW-Adelaide notes that on the APY Lands a dramatic reduction in the level of petrol sniffing followed the introduction of Opal fuel in both communities and surrounding centres. UCW-Adelaide is concerned that less concerted efforts to introduce Opal fuel on the west coast of South Australia will significantly reduce its capacity to address Yalata's long-standing petrol sniffing problem.

### **Petrol sniffing and policing in remote Anangu communities**

For many years, Anangu (Pitjantjatjara and Yankunytjatjara peoples) have been urging the South Australian Government to base sworn police officers in their communities. As the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council's (NPYWC) recently noted:

A suitable level of policing, based in communities, is pivotal to the success of Opal in the battle to eradicate sniffing. ...In order to prevent the substitution of liquor and illicit drugs for sniffable fuel, there must be diligent and comprehensive policing. ...It has been argued many, many times that there is no substitute for a sworn police presence in communities, both for deterrence and apprehension, and this position is unchanged.<sup>12</sup>

Earlier this year, the Mullighan Inquiry into Child Sexual Abuse on the APY Lands concluded that a significant proportion of the sworn officers stationed on the APY Lands should reside in local communities and not, as is presently the case, in administrative centres like Umuwa and Murputja.<sup>13</sup>

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<sup>10</sup> Castle, S (DoHA). 15 July 2005, Email to J Nicholls

<sup>11</sup> Halton, J (DoHA). 26 April 2008, Letter to Rev P McDonald.

<sup>12</sup> Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation). July 2008, "Submission to the Senate Community Affairs Reference Committee, Parliament of Australia," p5 & p6.

<sup>13</sup> Mullighan, E. April 2008, *Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands: Commission of Inquiry - a report into sexual abuse*, p xvii, 236, 244 & 245.

In response to the Commissioner's recommendations (Recommendations 39 & 40), the South Australia Government has agreed to build new police complexes in three APY communities – Amata, Pukatja and Mimili – and to base four sworn officers in each of those locations. UCW-Adelaide welcomes that response.

South Australia Police (SAPOL) recently advised UCW-Adelaide that it expects the three community-based complexes to be completed by August 2009.<sup>14</sup> UCW-Adelaide is pleased that SAPOL has established a relatively short timeframe for the construction of these centres. That said, UCW-Adelaide notes that the South Australian Government has listed the construction of new police facilities at Amata and Pukatja as an urgent priority since at least 2004.<sup>15</sup>

We also note that Anangu leaders have recently expressed their concern that the abuse of other substances – particularly marijuana - has increased in the wake of the roll-out of Opal fuel.<sup>16</sup>

UCW-Adelaide believes it is vital that the South Australian Government meets the August 2009 deadline for establishing 12 sworn officers positions in Amata, Pukatja and Mimili (four officers per community) to ensure that the gains made since Opal fuel was introduced are not allowed to slip away.

In relation to Yalata, SAPOL has already established two sworn officer positions in that community. Notwithstanding that one or both of the positions have sometimes been unfilled, the stationing of sworn officers in the community has enabled the community to develop and implement local responses to its petrol sniffing problems (*see*: Attachment A). On a less positive note, for many years the condition of police facilities and infrastructure at Yalata has been unacceptable.

In October 2006, the Federal Government commissioned an independent review of policing in remote Aboriginal communities.<sup>17</sup> Both South Australia Police (SAPOL) and the Police Association of South Australia made written submissions to the review. In its submission, SAPOL stated:

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<sup>14</sup> Barton, G (SAPOL). 18 July 2008, Letter to Rev P McDonald.

<sup>15</sup> Rann, M. 4 May 2004. Ministerial Statement, Hansard, House of Assembly, Parliament of South Australia, p1967.

<sup>16</sup> For example in a letter dated 13 August 2008, Makinti Minutjukur informed the Federal Minister for Indigenous Affairs (Hon J Macklin MP) of "a terrifying marijuana problem" in APY communities and that the drug "has replaced petrol as the abused substance of choice."

<sup>17</sup> Brough, M. 11 October 2006, "Review of policing levels in remote Indigenous communities," media release.

The Police Station sited within the Yalata Community does not provide adequate accommodation for SAPOL's requirements in consideration of its overall condition, size, amenity or prisoner welfare. SAPOL would seek to replace the current structure with a new police station that would enhance the policing services to communities at Yalata and Oak Valley as well as increasing the visibility, presence and policing service on the Eyre Highway in the State's Far West.<sup>18</sup>

SAPOL's submission noted that the police cells at Yalata - constructed in the 1980s had been decommissioned in 2005.

The Police Association of South Australia's submission also stressed the inadequacy of the police facilities both in Yalata and on the APY Lands:

The conditions of these stations would not be tolerated anywhere else in South Australia. The need for new police stations to be built in these communities is patently urgent.<sup>19</sup>

In March 2007, the findings of the independent review were provided to the Federal Government. The replacement of the police stations and cell facilities in Amata, Pukatja and Yalata was top of the report's list of "priorities for policing in remote indigenous communities within South Australia."<sup>20</sup>

On 3 August 2007, the Federal Government agreed to provide "\$7.5 million for police stations, police housing and associated infrastructure at Amata and Pukatja."<sup>21</sup> No funding was provided for new facilities at Yalata.

On 21 August 2007, a fire destroyed the existing police station at Yalata.<sup>22</sup>

In July 2008, SAPOL advised UCW-Adelaide that a budget for the new police facility in Yalata had not been provided and that it was "continuing to deliver policing services to the Yalata community via temporary office accommodation."<sup>23</sup>

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<sup>18</sup> "South Australia Police Briefing Paper," December 2006, p6. (Attached as Annexure 2 to Valentin, J. March 2007, *An Independent Assessment of Policing in Remote Indigenous Communities for the Government of Australia*).

<sup>19</sup> Alexander, P. 18 December 2006, Letter to J Valentin, p2. (Attached as Annexure 3 to Valentin, J. March 2007, *An Independent Assessment of Policing in Remote Indigenous Communities for the Government of Australia*).

<sup>20</sup> Valentin, J. March 2007, *An Independent Assessment of Policing in Remote Indigenous Communities for the Government of Australia*, p51.

<sup>21</sup> Weatherill, J. 3 August 2007, "\$34 Million Package for the APY Lands," News Release.

<sup>22</sup> "Blaze claims police station," 21 August 2007, ABC News Online: <http://www.abc.net.au/news/stories/2007/08/21/2010488.htm> Accessed: 15 November 2007.

<sup>23</sup> Pearson D (SAPOL). 10 July 2008. Letter to J Nicholls.

UCW-Adelaide has welcomed the State and Federal Governments joint efforts to ensure appropriate police facilities are constructed at Amata, Pukatja and Mimili. However, we are concerned that, as has been the case with the roll-out of Opal fuel, neither government is responding quickly enough to Yalata's long-standing need to be provided with appropriate police facilities. UCW-Adelaide suggests SAPOL will continue to struggle to fill the two sworn police officers positions based in Yalata until police facilities in that community are brought up to an acceptable standard.

## **Mintabie**

Mintabie is a small, non-Anangu town on the eastern-side of the APY Lands. In the late 1980s, well over 1000 people lived there. Today it is home to around 150. As the population has declined, so too has Mintabie's economic base. Whereas in the 1980s the primary commercial activity was opal mining, today the town's businesses rely heavily on commercial transactions with Anangu. This development has reduced the growth and viability of Anangu's own stores and has been a significant drain on the overall economy of the APY Lands. Making matters much worse, a significant amount of the alcohol and prohibited substances coming on to the APY Lands enters through Mintabie.<sup>24</sup>

Despite long periods of government inattention, Anangu have repeatedly highlighted the negative impacts that certain individuals and businesses operating out of Mintabie have on their lives. This has included repeatedly raising their concerns with representatives of the South Australian Parliament.<sup>25</sup>

In its submission to the current Inquiry, the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council's (NPYWC) highlighted a number of the long-standing negative impacts that the Mintabie has had – and continues to have – on communities across the APY Lands. UCW-Adelaide shares NPYWC's strong concern that premium fuel from Mintabie is continuing to find "its way to communities in the region, whether or not this is the intention of [Mintabie's] traders."<sup>26</sup>

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<sup>24</sup> For a more detailed account of Mintabie and its impact on Anangu communities see:

[http://www.papertracker.com.au/index.php?option=com\\_content&task=view&id=88&Itemid=57](http://www.papertracker.com.au/index.php?option=com_content&task=view&id=88&Itemid=57)

<sup>25</sup> See, for example: Tilbrook, K. 30 October 1987, "Grog running worries," *Advertiser*; Parliamentary Lands Parliamentary Committee, 12 October 1988, Report to Parliament, p8; Iwantja Community Inc. 16 September 2002, Written submission to Select Committee on Pitjantjatjara Land Rights (Parliament of South Australia) p2.

<sup>26</sup> Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation). July 2008, "Submission to the Senate Community Affairs Reference Committee, Parliament of Australia," p5.

Section 28(1) of the *Anangu Pitjantjatjara Yankunytjatjara Lands Rights Act 1981* leased Mintabie to the Crown 'for a term of twenty-one years commencing on the date of commencement of this Act.' The original lease expired on 2 October 2002. Negotiations – which started prior to the expiry of the original lease – have now been on going for nine years.<sup>27</sup>

UCW-Adelaide notes that for Anangu Pitjantjatjara Yankunytjatjara (APY) the critical factor in these negotiations has not been monetary gain (from lease and license payments) but the need to eradicate the serious, negative effects that Mintabie has on Anangu communities. UCW-Adelaide believes it is vital 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.

### **Other Matters**

In its 2006 submission to the Community Affairs Committee's Inquiry into petrol sniffing in remote Aboriginal communities, the South Australian Government stated that:

- a substance misuse coordinator had been appointed in Yalata to deal with youth and substance misuse issues and that a substance misuse community worker position had been funded and would be filled shortly.
- one of its agencies was working collaboratively with Oak Valley administration and Yalata to plan a camp for petrol sniffers in the Oak Valley region where young people would abstain from sniffing and take part in cultural activities.<sup>28</sup>

UCW-Adelaide would encourage the Community Affairs Committee, as part of the current Inquiry, to obtain updates on these commitments from the South Australian Government.

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<sup>27</sup> In September 2004, the State Government reported that lease negotiations had been on going for at least five year. See Robert, T. 14 September 2004, "Mintabie," Hansard, Legislative Council, Parliament of South Australia.

<sup>28</sup> Government of South Australia, February 2006, "Submission from the Government of South Australia to the Senate Community Affairs References Committee Inquiry into Petrol Sniffing in remote Aboriginal communities," Submission 29A, p7.