

Northern Territory Submission

SENATE COMMUNITY AFFAIRS COMMITTEE INTO PETROL SNIFFING AND SUBSTANCE ABUSE IN CENTRAL AUSTRALIA

Northern Territory Government agencies have supported the development and implementation of the Australian Government's Eight Point Plan on Petrol Sniffing in Central Australia, with a particular emphasis on the Opal roll out strategy.

The roll out of Opal Fuel has supported the significant efforts of the Northern Territory to address petrol sniffing through dedicated volatile substance abuse legislation and the establishment of new and expanded petrol sniffing services.

In response to community concerns about petrol sniffing and a desire for stronger measures to be able to intervene in petrol sniffing, the Northern Territory Government introduced the *Volatile Substance Abuse Prevention Act* in February 2006.

The Act was designed to provide communities with a range of options spanning across prevention, supply management and pathways to treatment. Under the Act, wide ranging powers are available to Police, families and communities to address and manage petrol sniffing and other volatile substance abuse.

The Act has five key areas:

- Powers to search and seize petrol;
- Powers to take people to a place of safety;
- Stronger provisions as they relate to illegal supply;
- Powers to mandate assessment and treatment; and
- Powers to prevent or limit the sale and supply in designated areas.

Since the introduction of the legislation in 2006, 148 people have been referred for assessment for mandated treatment, with 27 of those recommended for referral to court for a treatment order.

In addition, 15 Management Areas have been declared with six of those going on to introduce the associated Management Plans, effectively providing for legally enforceable sanctions against regular unleaded petrol in those areas (see Appendix 1).

Communities and service providers remain highly engaged in options available to them under the *Volatile Substance Abuse Prevention Act* in both Central Australia and the Top End of the Northern Territory.

Dedicated volatile substance abuse rehabilitation facilities have been established in both Darwin and Alice Springs to provide residential and outreach care for clients (and their families) that are affected by volatile substance abuse.

Services are available through:

- Council of Aboriginal Alcohol Programs Services (CAAAPS) – which provides for young people and adults in Darwin;
- Bushmob Inc – which provides residential and outreach services for young people in Alice Springs; and
- Drug and Alcohol Services Association (DASA) – which provides residential services for adults affected by volatile substance abuse in Alice Springs.

The Northern Territory Government has made a recurrent investment of \$2.1M towards these services. The programs also compliment the remote services of Ilpurla Aboriginal Corporation and the Mt Theo Rehabilitation Program in Central Australia.

In addition, there are four dedicated clinical positions within the Department of Health and Families, which provide clinical advice to residential services and remote health centres, as well as case management, comprehensive assessment and care planning for clients affected by volatile substance abuse.

The Roll-Out of Opal Fuel

The Northern Territory Government is a strong advocate for the full roll out of Opal Fuel as the key supply control response to volatile substance abuse, and as an important component to community decision making around management planning under the *Volatile Substance Abuse Prevention Act*.

This support is demonstrated by a sustained advocacy for Opal fuel by Government, and through the practical assistance of NTG staff in promoting Opal as an effective supply measure and working with the Australian Government on the logistics of supply.

Management Areas and Plans under the *Volatile Substance Abuse Prevention Act* provide for communities to determine the availability and use of volatile substances in their community and for this to be enforceable under Territory law. There has been significant interest in applying for Management Areas and Plans in remote communities, particularly as a way to enforce the use of Opal fuel in petrol sniffing areas.

A Management Area needs to be determined and declared, to specify the parameters of the Management Plan and to aid enforcement, before a Management Plan can be negotiated. A Management Plan is then developed using the detailed and consensual process as identified in the Act.

Fifteen Management Areas and six Management Plans are in effect across the Northern Territory:

- Central Australia has eleven Management Areas declared and six Management Plans in effect; and
- The Top End has three plans developed but not yet in effect.

Appendix 1 details the areas and plans by region.

It is widely accepted that the greatest impact on reducing the prevalence of petrol sniffing in the Northern Territory has come from the blanket use of Opal fuel, combined with community sanctions against use – mostly articulated through Management Plans under the *Volatile Substance Abuse Prevention Act*.

While the Act has provided a useful legislative framework for remote community decisions around the sale and supply of Opal fuel, a number of Top End communities have not been able to make full benefit of the volatile substance abuse legislative provisions because of the ad hoc approach to roll out and difficulties in supplying Opal to a number of Northern Territory communities, in particular several communities in the Top End regions spanning a two year period.

Further, there is an inability (under any legislative arrangements) to compel fuel suppliers in nearby towns or roadhouses to switch to Opal fuel. To date, efforts to persuade some proprietors of the public and social benefit have not been universally successful, effectively undermining the benefits of Opal, as well as community sanctions against sniffing behaviour.

It is therefore the Northern Territory's position that:

- 1) there should be an immediate and comprehensive roll out of Opal fuel across entire regions affected by petrol sniffing, and
- 2) the Australian Government introduce legislation that provides for an offence to sell or supply fuel any fuel other than Opal in identified geographical areas of concern.

It is not expected that the legislation would need to be utilised except in the rare occasion where a retailer refused to comply with a broader community approach.

Key to this position is the fact that the Northern Territory cannot legislate to bind suppliers that operate beyond the borders of the Northern Territory but are close enough to be accessed for sniffing. Additionally, neighbouring states may run into similar extra-territorial limitations on their capacity to legally address the supply of fuel in cross border locations. Australian Government Legislation would resolve these cross border issues.

Should the Australian Government assume the role of regulator in this area it will allow the Northern Territory Government to continue to focus efforts on

the complementary measures established under the VSAP Act, taking full advantage of the window of opportunity created by the current roll out of Opal fuel by the Australian Government.