

**Anangu Pitjantjatjara Yankunytjatjara Land Rights (Regulated
Substances) Amendment Bill
(The 'A.P.Y. Lands Bill')
29 August 2006**

The Hon. A.L. EVANS: I rise to support the second reading of this bill. Reports, such as the report of the Social Development Committee on Pitjantjatjara land rights, have long talked about the hopelessness and despair in our Aboriginal communities. Petrol sniffing contributes greatly to a pervading cloud of misery. This bill deals with those who profit from that misery. The bill seeks to replace regulatory penalties gazetted back in 1987 with harsher legislative penalties for the illegal selling of petrol on the APY lands. I support these measures which will see dealers face higher fines and longer periods of imprisonment. I support the provisions that allow for a dealer's car to be impounded and sold.

Petrol sniffing is not an imaginary, hypothetical problem. Even as I read this speech, there are probably some young men in Amata community breathing petrol fumes from a Coke can. They are doing themselves long-term damage. Possibly, as evening falls in Fregon tonight, there will be a young woman prostituting herself for petrol. I often hear reports of women exchanging sex for petrol. A young boy might die in a place called Yalata today, outside of the APY lands, thanks to petrol sniffing. Some Aboriginal elders say that there is a death about once a week, either directly or indirectly due to petrol sniffing. This is a real problem.

The hopelessness in one of our Aboriginal communities was described in the *Weekend Australian* as follows:

It's a broken down place, with barred windows, decayed houses and wrecked cars strewn about the streets. At times, as many as 50 per cent of the young people smoke marijuana compulsively and sniff petrol. Once night falls they drift along the streets, zombie-like, shouting, throwing stones, staring into the black nothingness.

In the past few months our newspapers have been filled with horror stories from the lands, many of them related to petrol sniffing. *The Advertiser* of 23 June told the story of a 30-year-old Anangu woman who died sniffing petrol, with her body then being dragged around the Fregon community by a pack of dogs.

The Australian of 18 May talked about a man who severely burnt his de facto wife, apparently while he was in a petrol-fuelled rage. That story concludes with an estimate that dozens of Aboriginal people have died in 2006 alone as a result of sniffing; others become permanently disabled with brain damage. Enough is enough. This is not acceptable in South Australia and I call upon the government to take whatever steps are necessary to curb this problem.

Throughout the years, I have forged and maintained relationships with many people working and living in Aboriginal communities. I lived in an indigenous community in Papua New Guinea for three years. I was in a community with just a few Europeans amongst 15 000 New Guineans. In some ways the New Guinean communities are similar to Aboriginal communities and in other ways different. Family First is grateful for its close ties with the Aboriginal community. Our office had discussions with several indigenous leaders on this issue, including former national president, Andrea Mason, who had just been up to the APY lands.

I thank our supporters from the Aboriginal community for their insight and suggestions regarding this current bill. Today I am supporting the APY lands bill although I do not believe it goes far enough. My first concern is that the current bill is limited to the borders of the APY lands. Some people say that petrol sniffing is most serious in the APY lands, but other Aboriginal communities are also being destroyed by petrol sniffing. I have heard that petrol sniffing is a serious issue in other areas such as Yalata and areas in and around Coober Pedy and Ceduna, and it is not unknown in Oak Valley.

These places fall outside the border of APY lands and are not protected by this bill. The penalties for petrol smuggling and sale should be consistent throughout all our Aboriginal communities. If this bill is passed then we have one penalty regime in the South Australian APY lands. We have other penalty

regimes for the APY lands that happen to be on the Western Australian side of the border and other penalties on the Northern Territory side of the border. There does not appear to be any effort to make this bill consistent with Western Australian or Northern Territory provisions.

In the state's west, for example, we have another penalty regime for sniffing petrol under the Yalata Reserve Regulations. We then have other communities covered by another penalty regime under section 19 of the Controlled Substances Act. The differing ways of dealing with petrol sniffing all over the state do not present a united front against the problem. The commonwealth Senate report 'Beyond Petrol Sniffing: Renewing Hope for Indigenous Communities' released in June notes that the differing laws across Australia 'create inconsistencies in the ability to adequately control and police sniffing'.

I am supporting this bill on the basis that the minister has agreed to look into extending the boundaries covered by the new provisions, and I am thankful for the minister's letter to me today confirming that he has asked the Aboriginal Affairs and Reconciliation Division (AARD) to look into this concern. I have made some inquiries about drafting an amendment to this bill but, as we would be seeking a more unified statewide approach, a mere amendment to the current APY bill would not be sufficient. I say that other indigenous communities should have the same protections as the APY lands, and they should be consistent in the penalty regimes across South Australia. In this regard I am leaving the option open to bring a private member's bill in the future.

Another concern raised to me is that a habit called 'chroming' is on the rise and, in some places, taking the place of petrol sniffing. Chroming is the inhaling of solvents, glues and aerosols. Some reports from Queensland now say that chroming is widespread in its remote centres and at risk of becoming an epidemic. The current bill deals only with petrol directly but with a proviso that other substances can later be declared by regulation to fall under the definition of a 'regulated substance' in section 4(2). We appreciate that the minister has looked into this issue on our behalf, and I support the bill on the basis that I am told that AARD is keeping tabs on the problem.

Lastly, I hear time and again that petrol sniffing in our Aboriginal communities is symptomatic of a larger problem—a feeling of being ignored. In March 2005 Tim Costello and Professor O'Donoghue from Flinders University prepared a report on the APY lands at the request of the Premier. The report noted 'an overwhelming feeling of despair from the elders' and said that they are 'dangerously close to considering the situation quite hopeless'.

One of the main causes of despair is the feeling that no-one is doing anything about their problem. I have heard that the APY communities are sick of what they call the 'fly-ins' by officials who stay for just a few days and sometimes only hours. Report after report is then written but the recommendations do not get implemented. We must make sure that if a report says that something must be fixed that it actually gets fixed. The Costello/O'Donoghue report suggests the appointment of someone with the powers of an ombudsman on the land—perhaps an indigenous leader with such a person having direct access to the Premier's department.

There have been some suggested amendments to the bill. In particular, there has been talk of opening up the lands to the media so that journalists can come and go without the need to obtain the usual permit. I understand where the thinking is coming from on this issue—and perhaps increased media scrutiny would be a good thing—however, I am not personally inclined to support the amendment today. First, the lands belong to the Anangu people. In the same way as I should be able to keep reporters from walking through my backyard, they should have the right to say who can and cannot come onto their property.

Further, I received a letter from the APY executive asking that the bill be passed without amendment. The executive has indicated to me that it will refuse a permit to media or other visitors only in the rarest of circumstances. The figure provided to me was that only one in 1 000 applicants are refused. So, at this stage, I am persuaded to go along with the request. I trust that, in the future, we can go some way to solving some of the other problems on the land. I see that a United Nations official reported earlier this month that housing in the Aboriginal lands was 'amongst the worst in the world'.

Some weeks ago we had an Aboriginal elder on the ABC saying that children were `starving' on the APY lands. The June Senate report notes:

In the 21st century many indigenous people suffer in diminished and purposeless existence in a developed and wealthy country where other Australians take opportunity, education, good housing, clean water, good health and meaningful employment for granted. That this is the case is both shocking and shameful.

Although I am not completely happy with this bill, I support it at this stage. I trust that this bill will be the first of many other government initiatives to improve the lot of those living in our Aboriginal communities.