

Contested domains: regulating responses to volatile substance misuse in the Alice Springs town camps

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CONTESTED DOMAINS:

**REGULATING RESPONSES TO VOLATILE
SUBSTANCE MISUSE IN THE ALICE SPRINGS
TOWN CAMPS**

Christina Alysia Marel

A thesis submitted to the University of New South
Wales in fulfillment of the requirements for the
degree of Doctorate of Philosophy in Criminology

2011

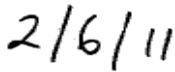
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ABSTRACT

Volatile substance misuse has received increased public attention over the past few decades. The misuse of otherwise innocuous domestic products as vehicles to intoxication is considered dangerous and threatening to mainstream users of these substances, and is a clear deviation from their intended purpose (MacLean 2003). However, such perceptions have hampered the formation of innovative and reflexive policy. In Australia, volatile substance misuse is not a criminal offence, and new legislation has been developed in all Australian jurisdictions to allow police and responding agencies greater authority for responding to substance misuse. Although there is an increasing body of literature surrounding volatile substance misuse, there is limited empirical research on the regulatory responses with a focus on drug abuse prevention. Of the literature that does exist, much is concerned with reviewing interventions without empirical analyses or consideration of the conceptual issues that surround volatile substance misuse.

Consequentially, this research is concerned with examining the current regulatory responses to volatile substance misuse, with a specific focus on drug abuse prevention. Using a mixed-method case study design, this thesis draws on 34 interviews with four participant groups and five weeks of observation of a responding agency, to examine the assumptions of agency and capacity of regulatory subjects made by policy and regulatory strategies, as well as policy motivations. Further, the thesis considers the extent to which the findings have implications for the potential success of regulatory programs. These assumptions, although examined in this thesis primarily within the context of volatile substance misuse strategies, are also considered within the broader context of Indigenous policy.

By moving beyond general policy discussions and considering issues of empowerment, ownership and community control and how these affect the

potential success of regulatory strategies, this thesis contributes to current debates on Indigenous policy. In other words, this thesis argues that Indigenous policy should be based on the assumption that its regulatory subjects are empowered agents, which speaks to the way in which Indigenous policy should be approached across Australia.

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ACCOMPANYING NOTE

Parts of this thesis have been used in the following publication:

Marel, C. 2010 'Substituting Reduced-Toxicity Spray Paints for Aromatic Spray Paints and the Effect on Suspicious Sales', *Current Issues in Criminal Justice*, vol.21, no.3, pp.401-412

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LIST OF ABBREVIATIONS

ALP	Australian Labor Party
ABS	Australian Bureau of Statistics
ADAC SA	Aboriginal Drug and Alcohol Council of Australia
ADCA	Alcohol and other Drugs Council of Australia
ADHA	Australian Department of Health and Ageing
ADSCA	Alcohol and Other Drugs Service Central Australia
AIHW	Australian Institute of Health and Welfare
AE	Access Economics
ALS	Australian Life Savers
ATSIC	Australian and Torres Strait Islander Commission
CAALAS	Central Australian Aboriginal Legal Aid Service
CAYLUS	Central Australian Youth Link Up Service
CDC	Commissioner's Drug Committee
CDHA	Commonwealth Department of Health and Ageing
CLP	Country Liberal Party
DAC	Drugs Advisory Council
DHCS	Department of Health and Community Services
DoHA	Department of Health and Ageing
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
LANT	Legislative Assembly, Northern Territory
MCIS	Medically Supervised Injecting Centre
MDA	Misuse of Drugs Act
NIDA	National Institute on Drug Abuse
NIIS	National Inhalant Information Service
RCADIC	Royal Commission in Aboriginal Deaths in Custody
RSPCA	Royal Society for the Protection against Cruelty to Animals
QCMC	Queensland Crime and Misconduct Commission
SCARC	Senate Community Affairs Referencing Committee
SLSA	Surf Life Saving Australia
VDHS	Victorian Department of Health Services

VSAPA	Volatile Substance Abuse Prevention Act
WYDAC	Warlpiri Youth Development Aboriginal Corporation
YOA	Young Offenders Act

INTRODUCTION

This research originated from a preliminary study in which I was challenged to investigate an area of policing. I chose to examine the ways in which police are involved in responding to petrol sniffing in Indigenous communities. Rather than giving answers to this issue, my research only served to raise more questions about the ways in which police and other agencies react to petrol sniffing and other volatile substance misuse, particularly within the broader context of policing Aboriginal communities.

The misuse of easily obtainable and accessible household products as vessels to intoxication has a 'peculiar power to shock and disgust' the mainstream users of domestic products (MacLean 2005: 308). Volatile substances are typically domestic products such as glue, petrol, nail polish remover and paint – the misuse of which can be construed by the wider population as dangerous and threatening, and their users as deviant and unrestrained. Such perceptions hamper the formation of innovative and effective policy (Maclean 2003).

There are approximately 250 different pharmacological and household products available in Australia that are capable of providing intoxicating effects to the user. They are generally divided into four main categories: volatile solvents, aerosols, gases and nitrates (Gray, Shaw, d'Abbs, Brooks, Stearne, Mosey and Spooner 2006; NIDA 2005). It has been reported that the inhalation of spray paint, also known as 'chroming', is most commonly found in urban settings, due to the availability of the substance, whilst petrol sniffing occurs more commonly in remote areas (Gray et al 2006; NIDA 2005; d'Abbs & MacLean 2008).

As petrol and other volatile substances are not illicit substances, they are not 'marketed and used primarily as intoxicants' (d'Abbs and MacLean 2008: 31). Consequently, there is little regulation of their supply for the purpose of consumption in Australia, particularly in comparison with the strict control of supply of other legal substances, such as alcohol and tobacco (d'Abbs and MacLean 2008: 31). However, within the regulatory strategy wheels that do

exist, police are only one spoke in a regulation wheel that also comprises a health approach, whose involvement has various specific implications for involved agencies, particularly relating to the risk of harm users face (d'Abbs and MacLean 2008).

As volatile substances are legal substances, the difficulty in attempting to control their use through regulation is contrasted with the genuine need for the products by the majority of the population. Misusing these substances for intoxication purposes is a clear deviation from the purpose of their manufacture; they are unlike illicit drugs such as heroin, marijuana and cocaine, which are produced for the purposes of intoxication. Further critique and analysis of this argument can be made by considering the medical uses of some illicit substances, and the fact that cigarettes and alcohol are both legal substances but produced for the purposes of inebriation or intoxication. However, in these cases, the substances are used in the manner initially intended, whereas volatile substances such as glues and petrol, are misused in order to provide intoxicating effects. These substances are inexpensive and easily accessible to those under 18, which further distinguishes them from illicit substances, which are often expensive and relatively difficult to obtain.

The inhalation of volatile substances is not a criminal offence anywhere in Australia, but since 2002, amendments have been made to Australian legislation in all states to allow police intervention and authority, with a focus on harm minimization without criminal consequences. These responses have broadened police powers without creating offences, challenging the broad assumption that increased regulation in response to substance abuse involves the creation of criminal offences. Different regulatory approaches operate under various assumptions made about regulatory subjects' agency and capacity for rationality, self-determination, and autonomous action (Lacey 2004; Le Grand 2003). In this way, public policy and regulation is based on certain assumptions that have broader implications for the regulatory potential for those strategies.

In other words, regulatory strategy makes assumptions about regulatory subjects, and policy can be applied to those who are assumed to be passive policy recipients. In contrast, policy can empower those who are being regulated, to be actively engaged with regulatory strategies, and have some measure of control over public policy (Lacey 2004; Le Grand 2003). In the broader context of Indigenous policy, it has been argued that Australian governments provide services for passive Aboriginal policy recipients, thus marginalizing and governing Aboriginal people (Pearson 2000). From this perspective, those with authority make decisions for those who lack it, who then become passive, rather than active agents, and lack involvement or empowerment in the policy process. This thesis will examine these arguments, within the context of volatile substance misuse, with a view to contributing to the broader debate on empowering communities through Indigenous policy.

Typically, regulatory responses to volatile substances have originated from legislative, supply or demand approaches, seeking to reduce the harms associated with use. Such approaches have included product modification, restricting access to volatile substances such as petrol and paints by locking up and caging products, community based treatment and rehabilitation centres, youth programs in urban and remote areas that are educative, diversionary, cultural and recreational, as well as the broadening of police powers without the creation of offences (d'Abbs and MacLean 2008). In addition to these responses, some of the regulatory burden has been passed on to retailers responsible for selling volatile substances, through industry self-regulation with sanctions and rewards (Ayres and Braithwaite 1992).

Substance misuse in remote Northern Territory Indigenous communities has become an increasingly publicized issue over the past few decades (see for example the numerous issues by Paul Toohey in *The Australian* in 2000 and 2001), and the focus of numerous research studies (for example Gray et al 2006; d'Abbs and MacLean 2008; d'Abbs and MacLean 2000; MacLean and d'Abbs 2002; Delahunty and Putt 2006). In this way, volatile substance misuse in Indigenous communities remains a critical issue, its importance illustrated

through its increasing appearance in Northern Territory Senate Inquiries and Select Committees over the past three decades (see Australian Government 2010; Senate Community Affairs Committee 2009; Senate Standing Committee 2009; Senate Select Committee 2008; Community Affairs Referencing Committee (SCARC) 2006; Select Committee 2004; Select Committee 1985). As such, this research is concerned with regulating responses to volatile substance misuse in Indigenous communities; specifically, the Alice Springs town camps.

Although there is an increasing body of literature surrounding volatile substance misuse, and reviews of interventions that attempt to address the problem of substance misuse, there is little empirical research on the regulatory responses with a focus on drug abuse prevention. Much of the research that does exist on volatile substance misuse reviews interventions and programs without detailed conceptual analyses of programs or regulatory responses (for example see Gray et al 2006; d'Abbs and MacLean 2008; d'Abbs and MacLean 2000; MacLean and d'Abbs 2002), or examines the short and long-term effect of substances (for example see Gray, Jackson Pulver, Saggers, Waldon 2006).

Consequently, this thesis aims to examine the regulatory response to volatile substance misuse, with a focus on drug abuse prevention, treatment and aftercare. Three research questions underpin this thesis, which is focused on examining volatile substance misuse in an Indigenous community, specifically the Alice Springs town camps. The specific research questions are:

- Is volatile substance misuse a problem at the town camps / community?
What is the extent of the problem?
- What interventions are in place at the town camps / community? Are these interventions successful in regulating volatile substance misuse?
What are the measures of success for the interventions?
- How do assumptions of subject agency and policy motivation affect the potential effectiveness of the programs?

These assumptions, although examined in this thesis primarily within the context of volatile substance misuse strategies, must be considered within the broader context of Indigenous policy.

The research draws on previous studies in the field and uses three different research techniques to collect data: face-to-face interviews, non-participant observation and the analysis of official statistics gathered from key informants. Semi-structured interviews were conducted with four population groups – police, community agency representatives, key informants including policy makers, and community members. Observation of the community and community programs was conducted over a five-week period, with a field note diary maintained for the duration of the study. Analysis of key informant and community agency data was conducted in order to identify patterns and trends of substance misuse, triangulating and complementing the data collected through interviews. The research is based on a single case study, which is an effective way of investigating the different programs in place within a chosen community in depth, particularly when the community has had a history of volatile substance misuse (Yin 2003).

This thesis consists of six chapters. Chapter One is a background chapter on volatile substances, and an historical and cultural contextual exploration of the conditions that surround substance misuse. The chapter is split into two sections: the first section explains what volatile substances are, and discusses their prevalence, effects, and possible responses. The second section presents possible contributing factors for substance misuse, including socio-cultural, historical, socio-economic determinants of health factors, and discusses cultural issues pertaining to this thesis.

Chapter Two outlines the theoretical framework for this thesis. This chapter begins by examining how different regulatory strategies make assumptions of individual agency and capacity, and considers how these contribute to the broader implications of policy. The different ways regulatory approaches can be applied, as well as how policing can be used as a regulatory method, both by

police, and by other public and private agencies is also analyzed.

Chapter Three presents the methodology of this study, discussing the research design used, the difficulties encountered in gaining access to the community, and how these were overcome. Important issues that were considered prior to the commencement of the research, such as trust and power, as well as obtaining access to communities, are discussed and their impact on the research considered. The limitations of this study are also addressed.

Chapter Four gives a detailed analysis of the conditions that led to the introduction of the Northern Territory legislation that addresses volatile substance misuse (the *Volatile Substance Abuse Prevention Act* (2005) NT). This chapter analyzes the police responsibilities before and after its introduction, the different programs within the Alice Springs town camps, and considers the importance of coercion in drug treatment, under the umbrella of a harm minimization approach. This chapter also begins the broader analysis of these programs' assumptions of agency and capacity.

Chapter Five examines the elements of the responding programs that have been raised by participants as measurable indicators of success. These include factors such as cross-cultural partnerships, the importance of aftercare and community involvement and empowerment. This chapter also continues the analysis of agency and capacity by considering how these assumptions are featured in the indicators of success, as well as the importance of communities in regulating public strategies.

Chapter Six draws on data collected through interviews and observation, to discuss elements of the regulatory approaches that can be strengthened. These include aspects such as program location and the voluntary nature of treatment, the benefits and drawbacks of Opal fuel, the coordinated approach to substance misuse, the importance of prevention and aftercare, as well as a consideration of whether short term or long-term responses are ideal. These three data chapters draw on the theoretical material presented in chapter two to assist in analyzing

the data.

The final chapter provides concluding comments and issues for consideration in future research. The unique and innovative regulatory approach to volatile substances through policy, legislation, and on the ground approaches is discussed with respect to the cultural issues that underpin this thesis. Crucially, assumptions of individual agency and policy motivation are discussed in respect to the broader issues of Indigenous policy, with a view to contributing the current debate on how best to approach policy in this area.

In these ways, this thesis contributes to the regulatory body of knowledge and expands the current regulatory approach for responding to licit substances by applying an analysis of subject agency and policy motivation. Secondly, this thesis contributes to the broader debates on Indigenous policy, by applying this analysis and further examining a successful and innovative regulatory policy approach, set within an Indigenous area. This regulatory approach is non-adversarial, non-punitive, and as such challenges the broader assumption that regulation of substance misuse involves the creation of offences and expansion of police power. As such, by considering how this approach operates under assumptions of subject agency and policy motivation, and how these assumptions affect the potential success of elements of the legislative approach, the thesis can contribute to the broader debates surrounding Indigenous policy.

CHAPTER ONE: UNDERSTANDING VOLATILE SUBSTANCE MISUSE

The current chapter will explore volatile substance misuse in depth, and present behavioural explanations from social cultural, political economy and an individual agency perspective. This chapter will also examine the nature, effects and prevalence of inhalant use, and set up a framework for understanding substance misuse. Although volatile substance misuse is not a problem confined to the Indigenous population, this research is examining the programs that respond to substance misuse within the Alice Springs town camps, and as such, this study is localized and set within an Indigenous community¹.

Volatile substances are licit substances that are not manufactured for the purposes of human consumption, which distinguishes them from illicit drugs such as cocaine or heroin (MacLean 2005). Most are designed for household or domestic purposes, and thus their use as vehicles for intoxication has a 'peculiar power to shock and disgust' (MacLean 2005: 308). Their easy accessibility and low cost further distinguishes them from illicit substances (MacLean 2005). Volatile substance misuse is the 'deliberate inhalation of chemical vapours to produce self-intoxication or altered mental states, despite the potential for toxic damage to vital organ systems' (Lubman, Hides and Yucel 2006: 327).

1. WHAT ARE INHALANTS AND VOLATILE SUBSTANCES?

Inhalants are a form of volatile substance which deliver their intoxicating effect to the user through inhalation (NIDA 2005). There are approximately 250 different pharmacological and household products available in Australia that are

¹ Although the terms Indigenous and Aboriginal have come to mean and represent different definitions in various contexts, particularly for those who are of Indigenous or Aboriginal descent, for the purposes of this thesis, I have used the terms interchangeably.

capable of providing an intoxicating effect to the user (Gray et al 2006). These products are generally classified into four main categories – volatile solvents, aerosols, gases and nitrates (NIDA 2005; Gray et al 2006; Lubman, et al 2006). Nitrates are often not classified as volatile substances, as they are used as sexual enhancers and are effective through the relaxation of the muscles without a direct effect on the central nervous system (Gray et al 2006; NIDA 2005).

1.1 PREVIOUS DATA AND PREVALENCE

As substance misuse in Australia is not a criminal offence and record keeping about it is not a uniform or common practice, gathering an accurate estimate of volatile substance misusers is notoriously difficult. Inhalant use is often a secretive and furtive activity, and estimates of use can thus be inaccurate (d'Abbs and MacLean 2008). However, elements of volatile substance misuse are highly visible, and are the cause of much alarm in communities whether large or small (CAYLUS 2008).

The exact nature of the problem of petrol sniffing in the central desert region is hard to quantify. There is no national means available on petrol sniffing in remote areas. At the regional level data is collected in some communities. All the available data, whether at the broad national or regional levels, is patchy and incomplete, and often inconsistent. The various collections, moreover, are difficult to compare.

(DIMIA and DoHA n.d cited in SCARC 2006: 33)

The Queensland Commissioners' Drug Committee suggests that there are two overall patterns of problematic volatile substance use in Australia (CDC 2004). The first is the chronic sniffing of petrol that occurs largely in rural or remote communities. The second pattern concerns the use of other inhalants, including petrol, which occurs in a wider geographical setting, including rural or remote communities. Petrol sniffing does not appear to be associated with sniffers in urban settings, possibly due to the accessibility of other intoxicating substances (CDC 2004; Gray et al 2006). Where petrol sniffing does occur in remote Aboriginal communities, the majority of participants are male and adolescent, although there have been reports of young children and young adults also sniffing petrol. (CDC 2004).

With these factors in mind, any inhalant prevalence data should be received critically. In 1985, a Senate Select Committee on Volatile Substance Fumes, having received over 100 written submissions, estimated that 9% of communities within the Northern Territory (35 of 371) had experienced problems with petrol sniffing (Senate Inquiry 1985). In April 1997, in a study on Alice Springs only, Mosey estimated that there were 60 inhalant users, most of who were sniffing paint (Mosey 1997). At the time, inhalant misuse was not confined to the Indigenous population, and was in practice across Queensland in urban and rural communities, Indigenous and non-Indigenous populations, with youths aged as young as 12 engaging in the activity (Gray et al 2006; d'Abbs and MacLean 2008). However, in a urban school-based survey administered by White and Hayman (2004) in 2002, 21% of 12-17 year olds had reportedly used inhalants. However, across the general Australian population, the proportion is significantly lower, with 2.5% of Australians over 14 surveyed by the 2004 National Drug and Household Survey ever having tried inhalants (d'Abbs and MacLean 2008).

Again across the Northern Territory, in 2004 the Select Committee on Substance Abuse in the Community found that 30 communities were still experiencing problems with petrol sniffing, estimating 350 chronic, persistent sniffers (LANT 2004). In 2006, it was estimated that there were approximately 600 chronic petrol sniffers across Central Australia (Senate Community Affairs Committee 2006). In October 2006, the Central Australian Youth Link Up Service (CAYLUS) estimated that there were approximately 75 petrol sniffers residing or visiting the Alice Springs town camps (CAYLUS cited in DoHA 2008: 24). These estimated indicators of prevalence will be analyzed further in a later chapter, in the context of measures of success of some program responses.

1.2 EFFECTS OF VOLATILE SUBSTANCES

In general, volatile substance abusers will inhale any available substance. However, different inhalants produce varied effects and some users prefer to

inhale one particular inhalant (NIDA 2005). There are various techniques by which inhalants can deliver their intoxicating effects. The most common forms of inhalation are inhaling glue that has been squeezed into a plastic bag, saturating a cloth with a substance (for example petrol) and covering the nose and mouth or inserting the cloth directly into the mouth, sniffing directly from a container holding the substance, spraying aerosol directly into the mouth, or into a balloon and inhaling the contents, and breathing in chrome paint that has been sprayed into a plastic or paper bag – also known as chroming (VDHS 2007). Other terms that are commonly used to describe the inhalation of volatile substances include ‘sniffing’ and ‘snorting’, which is inhalation through the nose, ‘huffing’, which is the practice of inserting a substance-saturated rag or cloth into the mouth, ‘bagging’, which is the inhalation of fumes from a plastic or paper bag, and ‘popping’, which refers to the vial in which many nitrates are contained (VDHS 2007: 4; NIDA 2005:4).

The effects of the substances depend on the method of inhalation and the type of inhalant, as well as the age and gender of the user (VDHS 2007). The chemicals present in the inhalant are rapidly absorbed through the lungs and enter the bloodstream, where they are dispersed to the brain and other organs in the body (NIDA 2005). Intoxication effects are rapid and the effects are similar to that of alcohol, such as slurred speech, impaired coordination, euphoria and exhilaration, dizziness, hallucinations and agitation (NIDA 2005; Gray et al 2006).

Despite the rapidity of effects, intoxication lasts only a few minutes, often leading the user seeking to prolong the effects by continuing to inhale over the course of hours (NIDA 2005). Research indicates that with continued inhalations, the users can lose consciousness and suffocate (NIDA 2005). In addition to this, hangover headaches and drowsiness from the substances can be present for hours or days (NIDA 2005).

Toluene is the common chemical component of aerosols and volatile solvents – specifically nail polish removers, paint thinners, paint sprays, and petrol - and

has been associated with the activation of the dopamine system in the brain (NIDA 2005). Dopamine is an important factor that influences the 'rewarding effects' of much drug abuse (NIDA 2005). Long-term effects of inhalant abuse include hostility, apathy, lack of judgement, impaired performance in work and social conditions, as well as other lingering effects such as dizziness, lethargy, slowed reflexes, muscle weakness, and trance-like states (NIDA 2005).

From a medical perspective, irregular and rapid heart rates can be induced through continued inhalant misuse, and can lead to death through 'sudden sniffing death', even in a single session in an otherwise healthy young person (NIDA 2005; Gray et al 2006). This form of death is more commonly associated with the use of butane, propane, and aerosol chemicals (NIDA 2005). In addition, death and injury to the user can occur from asphyxiation, suffocation, convulsions and seizures, comas, choking and fatal injuries from high-risk behaviour whilst intoxicated (Lubman et al 2006; NIDA 2005). There have been suggestions that users of inhalants can feel 'addicted' to inhalants, and compelled to continue inhaling, experiencing withdrawal symptoms with chronic use (NIDA 2005). However, the addictive properties of volatile substance are contested and will be analyzed further in a later section.

Further, users of inhalants risk burns or explosions from the substances, and sudden sniffing death is particularly associated with the user being startled or agitated, through the heart reacting with 'ventricular arrhythmias' (Lubman et al 2006: 328). Spraying the aerosol or propellant directly into the mouth can result in suffocation due to the cooling agents within the substance – also known as 'frozen larynx' (Lubman et al 2006: 328). In 1999, 73 people died in the UK as a result of inhalant abuse, and 43% of these people had no history of inhalant use (Lubman et al 2006). Long-term inhalant abuse is associated with neurological deficiencies, and there is a correlation between the frequency and duration of use and the extent of neurological irregularity, with some research indicating a degree of reversal with abstinence (Lubman et al 2006).

Effects of inhalant abuse are not exclusive to the user, but are also considerable for the families and communities (Burns, d'Abbs and Currie 1995). In regards to petrol sniffing, affected families often feel a sense of shame and a lack of control over their youth, and communities often experience property damage, social disturbances and general disregard for Aboriginal and Australian law (Burns et al 1995).

The inherent shock surrounding volatile substance misuse may be attached to the act of misusing domestic products assigned a safe role in the household, for a very different purpose (Manderson 1995). Alternatively, the alarm associated with substance misuse may be due to ease of accessibility of these substances, and the fact that their affordability and relative ease of use makes them available substances for opportune individuals. Arguing for the former, Manderson asserts:

Glue and disinfectant have their place in all our houses, but their use as intoxicants threatens, as cocaine use or pill popping do not, the boundary roles between the normal and the deviant, and undermines the safe roles they have been assigned in our world. Certainly it is true that if these drug practices became common, no home would be safe. But our reaction is primarily aesthetic. We are revolted by the ease with which the normal can become abnormal. It challenges our vision of what is natural; it is a threatening example of matter out of place.

(Manderson 1995: 802).

In this way, Manderson suggests that the dangers of volatile substances lie in their perception as alien and threatening by wider members of society, and that their innocuous nature is abused when the substance is misused, presenting an additional challenge to those who use these substances as manufacturers intended, as well as an additional hurdle for policy makers to surmount.

The concept of 'matter out of place' is originally from Douglas' 1966 *Purity and Danger* work, which argued that 'uncleanness or dirt is that which must not be included if a pattern is to be maintained' (Douglas 1966: 40). With this assertion, Douglas is arguing that matter, when out of place, can be disruptive to the everyday normality of culture and life, to which uncleanness threatens. In this discussion, dirt and uncleanness are relative concepts, but are no less ominous to

the fabric of society than the misuse of otherwise safe domestic and household products for the use of intoxication. However, whether or not this argument viewing substance misuse as a threat due to its ease of accessibility and general usability is accepted, volatile substance misuse is considered a danger to the norm. For this thesis, the labeling of volatile substance misuse as such is important for drug abuse prevention, as it impedes the development of innovative and reflexive policy. This will be analyzed in a later section.

The use of volatile substances as vessels to intoxication are, as previously stated, a 'threatening example of matter out of place' (Manderson 1995: 802). The use of such normal products for such abnormal purposes can be represented by the media as an example of out-of-control and irrational youth, who are wholly isolated from the adult society (MacLean 2003). This representation hinders the development of inventive and responsive policy (MacLean 2003).

2. EXPLANATIONS FOR SUBSTANCE MISUSE

It is not easy to trace the causes of substance misuse to one factor. As with all drug use, young people use experimentally or chronically for a range of reasons. According to the literature, the reasons for misusing volatile substances can be broadly categorised into those relating to socio cultural factors, or the individual. The different social definitions that are attached to the cause of use will determine the different agencies that will respond to the use of volatile substances. Further, different explanations for substance misuse make varying assumptions about substance misusers' agency and capacity for rational, independent decision-making. These assumptions underlie the responses that are then tailored to that population.

In this thesis, the term 'community' will be used regularly, in order to indicate the collective grouping of Indigenous Australians residing in close-knit groups, and who represent some measure of collective kinship and mutual obligation.

Defining the term 'community' in regards to Indigenous communities can be ambiguous and problematic, particularly in regards to policing (Cunneen 2001). The notion of community implies a collective cohesion and solidarity that is inappropriate to Indigenous communities, which are reliant on community practices and demands based upon family and skin (Blagg 2008). In this way, the complex notions of Indigenous obligation, kinship, and family, which are based on a hierarchy of skin structure are the foundations of Indigenous communities, and may not always operate as a typically understood 'community of people' (Blagg 2008). The 'skin' system or kinship network is a way in which community relationships are determined: who can provide food, who must be avoided (for example a son in law avoids his mother in law), who must be respected, who can be goaded (for example, a cousin), who cannot be refused (Stojanovski 2010). Although the definition can be problematic, for the purpose of this thesis, communities will be referred to as cohesive groupings of Indigenous families and kinship networks.

2.1 SOCIO-CULTURAL FACTORS

D'Abbs and MacLean (2000) suggest that the most common explanation for substance abuse in Aboriginal communities is associated with the cultural disruption, particularly to family structures, caused by colonization and dispossession. Although the coherence of a cultural community is important for protection against young people experimenting with substances and chronic abuse of substances (Phillips 2003), it is not just historical dispossession and colonization that has been disruptive to community life. Drinking has been related to a variety of disruptive factors, such as personal trauma, grief and the cycle of death by drinking, others' drinking to deal with the grief, family and peer pressure to drink, including a significant amount of unwanted and unsolicited pressure, low socio-economic conditions, boredom, lack of access to transport and the need to be in the company of others (Phillips 2003).

However, culturally disruptive conditions are not always negatively identifiable - d'Abbs and MacLean (2000) reported that petrol sniffing and membership in a

petrol-sniffing group appears to offer young Aboriginal people excitement and a sense of identity among the lack of life opportunities experienced in some Aboriginal communities (CDC 2004). Similarly, Brady (1992) suggests that the period of male adolescence in Aboriginal communities can be problematic, with young males having little authority, power or prestige. Young males attempting to exert power within their community, coupled with the poverty experienced by some Aboriginal communities, racism and frequent bereavement, can lead to substance misuse taking place in these Aboriginal communities (LANT 2004; Brady 1992).

In this way, particularly in Yuendumu², petrol sniffing and other substance misuse was able to offer a:

...secluded social scene for young people. The sniffer houses were the outback equivalent to the punk and hippy squats of the cities: those derelict warehouses where spontaneous 'raves' are held... if you were a 'cool' teenager in Yuendumu, it was the place to be. This was where the action was. This was where you could pick up chicks.

(Stojanovski 2010: 4)

Prior to 1993, sniffer houses at night in Yuendumu would be full of at least 30 people sniffing 'from old soft drink cans' (Stojanovski 2010: 4), with more than half the adolescent population in Yuendumu socially sniffing.

Not all substance misuse and alcohol abuse can be associated with cultural disruption however, and Brady (1992) argues that factors relating to the individual user's motivation and perception as well as the influence of peer groups are often not considered as viable explanations for substance misuse. From this perspective although cultural disruption may be a contributing factor to substance misuse, individuals still maintain agency of their own actions and decisions, willingly taking part in the behaviour, often in the company of peers and friends. However, the influence of lack of life opportunities and boredom in many communities who have experienced substance misuse cannot be overlooked.

² Yuendumu is a small town located approximately 350 kilometers north-west of Alice Springs, which is home to Warlpiri people and many non-Indigenous workers.

In an age where communities are facing a clash between Indigenous and modern Australian culture, that sees youths in remote communities with ipods being chastised by elders for not understanding traditional custom (fieldnotes 2008), it is no surprise that young people are confused about their social and cultural environment. Social problems facing Aboriginal youths, particularly 'the conflicts between the strict community-based cultural traditions' and 'the more tempting short-term inducements of our society' (Muirhead – *Jabaltjarl v Hammersley* (1977) 15 ALR 94 (NT) Muirhead J (at 98) – cited in Cavanagh 2005: 32) are cited as explanations for alcohol and substance misuse. The Northern Territory Coroner suggested that petrol sniffing is associated with Indigenous disadvantage and cultural confusion combined with a lack of physical and human resources, the breakdown of governance and discipline and cross-generational petrol sniffing (Cavanagh 2005).

These factors are commonly cited in reference to substance misuse. It is unclear as to whether this is in part because they contribute to a general state of disadvantage in which risk taking behaviours are more likely to occur, or whether it is due to the inability to lay cause to one set of contributing factors. In September 2002, when presenting the findings from the investigation of the deaths of 27 year old Kunmanara Ken (who died 3 August 1999), 25 year old Kunmanara Hunt (who died 27 January 2001) and 29 year old Kunmanara Thompson (who died 26 June 2001), the South Australian Coroner identified that socio-economic factors such as hunger, poverty, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness 'form the environment in which self-destructive behaviour takes place' (Chivell 2002).

Similarly, when presenting the findings of the investigation into the deaths of 14 year old Kumanjay Presley (who died 22 March 2004 in Willowra), 21 year old Kunmanara Coulthard (who died 27 June 2004 in Mutitjulu) and 37 year old Kunmanara Brumby (who died 8 July 2004 in Mutitjulu), the Northern Territory Coroner remarked that 'despite much talk, usually in major centres much removed... nothing much has happened to stop the petrol sniffing... their

problems are immediate, stark and urgent' (Cavanagh 2005: 18). Further, it was suggested that volatile substance misuse went 'hand in hand' with youths becoming confused and frustrated by 'problems such as unfulfilled potential, frustrated ambition, boredom, unemployment and non-achieving in terms of career aspirations...' (Cavanagh 1998 cited in Cavanagh 2005: 31). As will be discussed in this chapter, although situational factors that contribute to a state of disadvantage play a part in volatile substance misuse, there are other issues that must be considered when examining substance misuse.

As volatile substance misuse is one of the problems often associated with vulnerable or socio-economically disadvantaged populations, and given that Indigenous people are often over represented as members in these populations, it can be hardly surprising that they are disproportionately represented as volatile substance misusers (Queensland Crime and Misconduct Commission QCMC 2005a).

These conditions, in combination with experimental peers and friends, present an opportunity for some individuals to take part in substance misuse. The sense of despair, powerlessness and inferiority is partly due to the effects of European colonization of Australia, the cultural and family disintegration within communities, and the subsequent lack of positive role models and life opportunities (Spooner and Hetherington 2004). These factors have combined to increase the risk of problematic outcomes in life, such as poor education, unemployment, socio-economic disadvantage and increased risk of health difficulties, resulting in a highly stressed society (Spooner and Hetherington 2004), cultural disruption and lack of cohesion within communities.

Defining volatile substance misuse as an issue primarily related to socio-cultural factors implies that related agencies need to be involved in regulating the use and misuse of substances. If socio-cultural factors such as poverty, illness, unemployment, boredom, hopelessness and frustration are contributing to an environment that is fostering the misuse of volatile substances and other self-destructive behaviours, programs and interventions that will improve the socio-

economic conditions and create possible career opportunities should be effective in reducing the prevalence of use. Similarly, defining volatile substance misuse as an issue relating to socio-cultural factors, regulating school dropouts and addressing misuse through social programs should reach those who are misusing substances.

2.2 SOCIO-ECONOMIC DETERMINANTS OF HEALTH

The previous section examined the nature and effect of volatile substances. It is crucial to consider the health implications and health determinants that can contribute to substance misuse. As discussed in previous sections, the disadvantaged positions of Aboriginal Australians is reflected in the statistics relating to health and life expectancy, as well as employment, housing, average levels of income, and other socio-economic areas that are more likely to be associated with a third-world nation (Mellor 2003; Morrissey 2003). Specifically, it is the high mortality rates among young adults and those in early-middle age from chronic disease and injury that parallels 'third world levels of life expectancy' (Morrissey 2003: 33).

In general, Indigenous Australians have a life expectancy almost twenty years less than non-Indigenous Australians, and a mortality rate for all age groups under 55 - more than double that of non-Indigenous Australians (Morrissey 2003). Morbidity and mortality factors for any population group are 'outcomes of complex processes in which an interactive hierarchy of biomedical, social and political factors are all involved' (Morrissey 2003: 40). Why then, is there such disparity between the health of Indigenous Australians, and the non-Indigenous?

Recent research has linked social status as an important factor in determining health (Tsey, Whiteside, Deemal and Gibson 2003). In general, people of lower socio-economic status experience higher rates of mortality and morbidity, and enjoy lower levels of health than those in a higher socio-economic status (Tsey et al 2003).

Whether social position is measured by occupation class or by assets such as home and car ownership, or by employment status, a similar picture emerges. Those at the bottom of the social scale have much higher death rates than those at the top. This applies at every stage of life from birth, through to adulthood and well into old age.

(Whitehead 1987 cited in Cunningham 2005)

The simple explanation for this relationship is that people with a lower socio-economic status lack the financial or intellectual resources to obtain the essential necessities for achieving good health, such as stable employment, good housing and nutrition (Tsey et al 2003). However, other research has indicated that regardless of poverty, there is an unequal distribution of health, dependant on social hierarchy (Tsey et al 2003).

Other explanations for health inequalities focus on the theory of relative deprivation, in which the problem is not linked to a higher or lower income per-se, but in the 'unfair disparity of their situations' (Syme 1998: 497). As health inequality, morbidity and mortality has a seemingly stronger tie with degree of income disparity rather than average level of income, the theory of relative deprivation is a possible explanation for health inequalities (Turrell, Oldenburg, McGuffog and Dent 1999). According to relative deprivation, even if poverty is not a factor, a lower income can still be seen as deficient in comparison with others who may have more. In other words, relative deprivation is associated with hierarchy rather than resources, and fairness and equality. However, hierarchy is a social force that would be all but impossible to eradicate, and aside from preventing those who are disadvantaged from knowledge of others in superior positions, it is argued that not much can be done to address hierarchical disparities (Syme 1998).

Socio-economic determinants of health and socio-cultural disparities as contributing factors to substance misuse seem to remove a sense of agency and self-determination from an individual's misuse. In these ways, due to various conditions that are largely beyond the control of communities, such as the large-scale ramifications of colonization and dispossession, lack of life opportunities, boredom and socio-economic disparity across almost every measurable area, individuals may still use volatile substances. Although it is clear that no

substance misuse would occur without some measure of individual agency, this is not emphasized in these approaches. Therefore, approaches that address the importance of individual capacity for misuse are crucial for understanding how substance misuse can occur, as well as understanding the broader assumptions that underlie these perspectives.

2.3 INDIVIDUAL AGENCY IN SUBSTANCE MISUSE

Viewing individual responsibility as an element in substance misuse emphasizes the role of agency and self-discipline (Bacchi 2009). There are many reasons as to why individuals begin using or experimenting with substances that may or may not ultimately lead to chronic use, however in the majority of analyses from this perspective, the 'cure' becomes the *responsibility* of the individual', and education an essential element of the treatment (Bacchi 2009: 83).

As mentioned in the previous section, many inhalant misusers begin using volatile substances with peers or friends in a social context, and many continue to inhale regularly when they are with their friends (Bell, Parvis, Cunningham-Burley and Amos 1998; Crofts, Louie, Rosenthal and Jolley 1996; MacLean 2005). Participating in chroming can be a means of fitting in with peers who also use inhalants, particularly for those who are homeless in urban areas, or who are in residential care services (MacLean 2005).

Individual and social misuse of volatile substances is labeled as a social problem to varying degrees of seriousness, which has implications for responding bodies. Some studies have marked the social experimentation of drugs as the first step on the road to addiction in the sequential model of deviance (Becker 1963). Viewing substance misuse as addiction has obvious implications for responding bodies who must deal with dependency to behaviours, substances, social settings and other individuals in order to have any effect on reducing use. Other studies have discussed the enjoyment and pleasure associated with use, viewing the problem as one less associated with compulsion, and one more to do with the

temporary fulfillment of gratification (O'Malley and Valverde 2004; MacLean 2005).

Contrary to addiction models of behaviour that view substance use as a compulsion and a need that 'begs to be satisfied', opportunity forces individuals in social situations to make conscious and active decisions to participate in drug use (Modell et al 1992: 268). Individuals acknowledge the opportunity for substance misuse and choose to take advantage of these opportunities, rather than feel 'compelled' to act through the prior formation of addictive personalities or deviant tendencies (Clarke 1983: 231). The motivation to use drugs or engage in other types of crime may not be the result of long-standing reflection, but the result of a fleeting impulse or pressure that acts on opportunity and availability of substances. It has been argued that opportunity combined with the additional influence of alcohol or peers may make an individual's deviant choice simpler (Clarke 1983).

In later sections and throughout this thesis, the different regulatory responses to volatile substance misuse will be explored, as different community agencies and individual responses become involved in reducing the use and associated harms. By creating new and more appropriate powers for police through the *Volatile Substance Abuse Prevention Act* (VSAPA) 2005 (NT) rather than creating new offences and making substance misuse a crime, the legislative responses have challenged broad assumptions about the regulatory approaches to drug and substance misuse.

The purpose of this thesis, therefore, is to critically examine the regulatory responses to volatile substance misuse in the Alice Springs town camps, and assess their effectiveness. This will be done by considering assumptions of individual agency and policy motivation, analyzing how these themes have broader implications for the potential success of regulatory programs, as well as an examination of how these issues contribute to broader debates of Indigenous policy.

The different ways regulatory groups have socially defined and interpreted substance misuse, for example, as a health problem primarily the responsibility of the health industry, a crime control issue that police have a duty to respond to, lack of education and general awareness about the harms of substance misuse and so on, have affected the definitions of the problem and thus the necessary responses of the agency responsible. These definitions are not universal and can be contested between agencies and individuals, which will be examined in more depth in Chapter Two.

From an individual's perspective, substance misuse is defined as a social activity learned through contact and experimentation with others. As such, it is assumed that an individual has the capacity to make rationally informed choices about their own substance misuse, and as such, the role of agency is restored to an individual, who chooses to participate in the activity, even if he or she feels pressure from friends, and can choose to desist from the activity at any time. Explaining substance misuse this way implies that regulatory responses focusing on supply reduction, either through methods of product modification or restricting sales of substances, in conjunction with education campaigns, may be effective.

Explaining substance misuse as an addiction, either to the substance or to the escape that the substance provides, once again removes the role of agency and notion of free will from an individual's substance misuse, whilst paradoxically emphasizing the lack of self-discipline and the role of the individual in rehabilitation (Bacchi 2009). However, workers experienced with volatile substance misuse suggest that substance misusers are not addicted to petrol or other substances, as they can chronically misuse, and then suddenly stop (Stojanovski 2010). In this way, although individuals may be addicted to the escape substances provide, they are not necessarily addicted in the traditionally accepted sense.

Kids who sniff all day in Yuendumu simply don't sniff in Lajamanu. Whilst this perplexes whitefella experts who believe in the 'addictive' qualities of sniffing, it

makes complete sense to Warlpiri. Sniffing is just not the done thing in Lajamanu.

(Stojanovski 2010: 175)

For this thesis, and for volatile substance misuse, it is more likely that an individual is in a sense addicted to the escape from reality that volatile substances offer, due to the lifestyle and living conditions that many users experience. This is a concept that will be revisited in a later chapter.

2.4 INDEPENDENCE AND AUTONOMY

There exists a widespread narcissistic desire, often muted and pressed into unconsciousness, to improve the Indigenous population... the lack of success of regenerative policies is also indicative of a cultural alterity that baffles the nation when confronted by it... Rejecting our proffered solutions to their problems could be seen as a way in which Indigenous people assert their autonomy from the state's suffocating solicitude.

(Cowlshaw 2003: 108-111).

With this provocative assertion, Cowlshaw is suggesting that on one level, the statistical marginalization of Aboriginal Australians, as evidenced in almost all socio-economic areas – health, employment, education, housing and so on, can be indicative of an ‘apparent refusal of Indigenous people to be helped’, which still incites a desire in the white population to provide relief (2003: 108).

More than two centuries of unsolicited and continual interference into Aboriginal people's lives has provoked a desire in Aboriginal people to exert autonomy, independence, and self-governance, and refusing to be helped is a clear way in which this can be done (Cowlshaw 2003). Further, and from a slightly different perspective, Aboriginal people have been subjected to decades of numerous policies and legislation that in practice have done little to elevate their health or socio-economic status. As such, it is perhaps unsurprising that in the face of continual interference Aboriginal people display an unwillingness or reluctance to be helped, despite demands from notable Aboriginal public figures for government action for various causes, including welfare dependency (Pearson 2000) and child sexual abuse and domestic violence (Bolger 1991).

It is easy to conclude from the material that has been presented in this chapter, that Aboriginal people are largely victims of their own situation and social positions, who are desperately in need of help from not only governments, but also community and social groups. However, the extract from Cowlshaw shows a way in which Aboriginal people are able to exert a little agency, autonomy and independence in their own position, by allowing or refusing assistance from external interference. And given that accepting assistance has historically not provided significant relief, it is unclear as to whether refusing assistance on the grounds of autonomy is likely to make much difference in terms of socio-economic improvement.

However, personal autonomy and independence are central concepts to the cultural context of Aboriginal petrol sniffing and substance misuse: an additional complexity in analyzing Indigenous substance misuse is related to the different constructions of agency, autonomy and personal responsibility. Culturally, Aboriginal people feel they have a right to do what they choose with their own bodies (Brady 1992). As such, community members, and even parents and other family members are reluctant to impose their will on other individuals. From this perspective, Aboriginal parents find it very difficult to stop their children engaging in substance misuse, or control other areas of their behaviour as opposed to non-Indigenous Australians, who discipline and restrain their children through various sanctions such as groundings, strict prohibitions, curfews, pocket money and so on (Stojanovski 2010). In the context of Aboriginal culture however, this practice is completely alien and foreign, due to the fact that young Aboriginal people are aware of their right to personal autonomy, and are equally aware that their parents hold little authority over them. Maggie Brady states:

...Drugs enable individuals to exploit this finely balanced system... sniffers of petrol... are able to transform the notion of personal autonomy... to their own ends. At their disposal are communities of people who have been socialized into the belief... that to remonstrate or dissuade them from their drug use is to interfere with their right to do what they please with their own bodies... exploit[ing] the 'loopholes' in what is, for the most part, a highly workable social system.

(Brady 1992: 74)

As young people are aware of their parents' reluctance to impel them to do anything, they are able to exploit this discomfort by refusing their parents' wishes - when trying to remove them from a sniffer house for example - or by simply walking away (Stojanovski 2010). Desperate for external authority, parents could call the police, however prior to the introduction of the *Volatile Substance Abuse Prevention Act* (VSAPA) (NT) 2005, petrol sniffing and substance misuse were not policing matters, and police had little authority to intervene in volatile substance misuse matters.

From this perspective, culturally different notions of autonomy and agency meant that it was difficult for family and community members to intervene into young people's substance misuse. As such, the inclusion of police into the VSAPA in 2005 meant that families and community workers could recruit their authority.

This chapter will later discuss the failed policy of self-determination, which could be argued was a way in which the federal government abrogated responsibility for Aboriginal Australians. The unsuccessful policy has lead many to believe that the 'Indigenous social body may be recalcitrant' towards receiving help (Cowlshaw 2003: 109). Amidst proffered goodwill, 'pity vies with impatience towards those who receive as well as those who offer the nation's beneficence' (Cowlshaw 2003: 109). These two quotes illustrate three main points that are important for this thesis.

Firstly, despite decades of attempts to alleviate the disadvantaged positions of Aboriginal people, in practice, their social, socio-economic, health, housing, education and general life opportunities have not been significantly improved (Spooner and Hetherington 2004). This has contributed to an overall lack of trust at best between those who wish to give help, and those who are to receive it, and at worst, a refusal to be helped any further (Cowlshaw 2003). Secondly, the general non-Indigenous population has a perception of Governments over-spending on Aboriginal issues whilst neglecting non-Indigenous issues. This is generally believed to be money 'ill spent' in the face of exacerbating reports of

damage to houses, gambling, alcohol abuse, and children not attending school (Cowlshaw 2006: 433). Finally, as indicated above, this aggravation vies with compassion to those receiving and those offering assistance.

These three elements bring together a context and environment of tension between Aboriginal people towards Governments and others who offer assistance, who may wish to exert independence from external interference and refuse help; non Indigenous Australians towards Aboriginal people, for monopolizing Government spending and a perception that it is then not used wisely, and towards Governments, for offering assistance to Aboriginal people at the perceived expense of non-Indigenous Australians. This tension underlies the foundations of the community context in which this study is based, which is the current setting for drug abuse and volatile substance misuse prevention and response. A final tension that underlies this study, is the frustration felt by Northern Territory health workers by underfunded programs, lack of commitment to policy, and overall restriction of resources diverted to on-the-ground programs (Lea 2008).

When examining Indigenous substance misuse, the historical context of supply and demand for alcohol and other psychoactive substances must be understood, in conjunction with the recognition of the link between 'excessive' substance abuse and poverty and disadvantage (Gray and Saggars 2003: 177). The previous few sections examined factors that contribute to the misuse of volatile substances, particularly from a socio-cultural and individual agency perspective. However, in order to understand and provide a comprehensive framework for examining volatile substance misuse and the conditions surrounding Aboriginal community life, the historical context of Australian Aborigines also requires attention.

3. HISTORICAL CONTEXT

As this research is concerned with analyzing substance misuse within an Indigenous community, this section will briefly outline the historical conditions that were in place prior to the colonization of Australia in 1788. Although this thesis is not attempting to provide a thorough overview of all the historical conditions that may have contributed to alcohol and other drug use, some contextual understanding of the way of life before and after European colonization may give texture to understanding the conditions and tensions that have existed for the Indigenous people in this study. The importance of these considerations for this thesis is also in regards to the broader implications of how Indigenous policy has been approached in Australia; as will emerge throughout this analysis, Aboriginal Australians have historically been the passive recipients of public policy. Although more recent inquiries into Indigenous policy (for example the 1991 Royal Commission into Aboriginal Deaths in Custody) have recommended a consultative and self-deterministic approach to designing policy, in practice this has not been translated into policy design or implementation.

Prior to the arrival of the First Fleet in Australia in 1788, the ways of life for many Indigenous people was based around the production or procurement of materials that related to everyday living, such as hunting, fishing and gathering, as well as primary forms of agriculture in Torres Strait (Altman 2003). Through this means of living, the quality of pre-contact life for Indigenous Australians was fairly comfortable, and at times more so, as Indigenous people were adaptable to the often harsh and variable Australian environment (Altman 2003). The emphasis placed on day-to-day living required a semi-nomadic lifestyle, which resulted in little emphasis being placed on material wealth, or in the production of it (Altman 2003).

Although sustenance through foraging activities provided Aboriginal people with an adequate standard of living, the European colonists would have perceived

these methods as simple and unsophisticated, due to lack of production (Altman 2003). Colonists began dispossessing Aboriginal people from the natural resources of the land and initiated industrialisation and large-scale agricultural activities, at the expense of Aboriginal culture, land rights and tradition (Altman 2003). Aboriginal people were considered 'uncivilised' by the European settlers, and denied respect and involvement with the newly established community (Spooner and Hetherington 2004: 194). The dispersal of Aboriginal communities across the Australian country meant that there was no unified front with which native land could be protected with a force equal to that of the European colonists (Spooner and Hetherington 2004).

Since the beginning of colonization, Aboriginal people have been subjected to much dispossession, cruelty and humiliation at the hands of the European settlers. The very nature of colonization implies the subjection of one group of resisting people to the control of a more powerful group, and is a process of ongoing and evolving 'exploitation, violence and cultural domination', that is still evident in Australian social, political and policing practices today (Cunneen 2001: 6). The social cohesion of Aboriginal specific communities was weakened through different communities being forced to live together (Spooner and Hetherington 2004). Aboriginal Australians were prohibited to practice traditional culture and speak in traditional languages and many of these traditions were subsequently lost, which contributed to boredom and the loss of 'traditional social norms to influence behaviour' (Spooner and Hetherington 2004: 194).

Due to the historical shift in land population, Indigenous residency in Australia currently falls largely into one of two categories. Firstly, there are Aboriginal people who live in urban areas and sustain themselves through economic market activities. Second, there are Indigenous Australians who live in rural or remote areas, maintaining some semblance of traditional culture, and through the restoration of Aboriginal land rights in the 1970s, are able to find economic sustenance based on hunting and searching for food (Altman 2003).

Some research has suggested that colonization initiated mass trauma to Indigenous people through inter-generational trauma, passed between generations, due to unresolved grief, compounded by continual cultural loss (Phillips 2003: 23). Some researchers have argued that the trauma caused by colonization has resulted in a process of continual cultural and societal destabilization, due to the damage caused by colonization being perpetuated in today's society through clashes with police, deaths of relatives and community members, frustrations in response to the lack of accessible services in many communities, as well as 'fractured family and social cohesion' due to violence, self destructive behaviours and shame' (Phillips 2003: 24).

Colonization also initiated the European introduction of alcohol to Aboriginal Australians as currency, as a way of socializing and as a means of facilitating the theft of land (Phillips 2003). Although alcohol may have been consumed at increased levels following colonization (Phillips 2003), Brady (1992) has argued that prior to colonization and the European introduction of alcohol, some Indigenous groups took advantage of the 'natural fermentation process' and consumed alcohol, although production and distribution of alcohol on a large-scale did not occur (Gray and Saggars 2003: 159).

Although colonization and dispossession of land may have contributed to mass inter-generational trauma, leading to implications felt today and evidenced by Aboriginal disadvantage in health, socio-economic areas, education, employment and so on, for the purpose of this thesis it is essential to consider the historical and cultural contexts of individuals engaging with substance and alcohol abuse. Whether or not colonization and dispossession may be contributing to these behaviours will be discussed later in this chapter, but the historical and cultural contextual basis for the substance misusers within the Alice Springs town camps will be discussed in the following section, through consideration of Australian policies.

3.1 AUSTRALIAN POLICIES

Australian Federation in 1901 was a time when racist and prejudicial views were translated into the White Australia policy and other legislation that controlled Indigenous people's lives and prevented them from being included in the formation of the nation and becoming Australian citizens (Haebich 2005). In 1917, a popular school textbook reflected the general disdain and racism of the white man towards Indigenous Australians by the exclusion of Aboriginal history from *Making Australia: an introductory history* on the basis that:

When people talk about the 'history of Australia' they mean the history of the white people who have lived in Australia... We should not stretch the term to make it include the history of the dark skinned wandering tribes... for they gave nothing that can be called history.

(Murdoch 1917 cited in Haebich 2005: 2).

Although the policy of 'assimilation' was not formally administered until the 1960s, it could be argued that assimilation has been an active policy directive since early colonization (Maynard 2005). Assimilation was based on the assumption that the Aboriginal race would evaporate or be absorbed through breeding with white Australians (Haebich 2005). Governor Lachlan Macquarie established the National Institute for Aboriginal children in Parramatta in 1814, as a site for Aboriginal children who had been removed from their families, which was an action that would remain in government Aboriginal policy for more than a hundred years (Maynard 2005). Aboriginal leaders viewed assimilation as a policy act that was 'genocidal' and malicious in nature, which was designed to eradicate Aboriginal culture and authority (Maynard 2005).

The beginning of the movement towards self-determination can be seen as early as 1925, despite the fact that the majority of historians have suggested that the 'self-determination' approach to Aboriginal policy began with the Whitlam Labor government in the 1970s (Maynard 2005). Fred Maynard argued in 1925:

We aim at the spiritual, political, industrial and social. We want to work out our own destiny. Our people have not had the courage to stand together in the past,

but now we are united, and are determined to work for the preservation of those interests near and dear to us.

(cited in Maynard 2005: 36)

Since colonization, Indigenous Australians have remained in an economically disadvantaged state, and various traditional and cultural factors reinforce this disadvantage, such as multi-family households and the continued use of Aboriginal languages (Altman 2003). This state of disadvantage was not improved through the federal government's assimilation policy, which was in place between the 1930s and 1970s (Maynard 2005). In 1961, this policy was defined as:

[Assimilation] means that all Aborigines and part-Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same customs and influenced by the same beliefs as other Australians.

(cited in Altman 2003: 37)

Assimilation policy assumed that Aborigines would abandon their cultural and traditional custom and adopt the dominant beliefs and principles of the wider society, which Indigenous people were not willing to do (Altman 2003). Assimilation policy was abandoned in 1972, and followed by 'self determination' and 'self-management', which allow communities the right to choose the nature of their community development and advancement (Altman 2003: 37).

In the 1980s, the United Nations released the Cobo report, which argued in regards to Indigenous people, that:

Self-determination in its many forms is thus a basic pre-condition if Indigenous peoples are to be able to enjoy their fundamental rights and determine their future, while at the same time preserving, developing and passing on their specific ethnic identity to future generations.

(cited in Windschuttle 2000: 12)

Attempts to address the socio-economic disadvantage of Indigenous Australians include the provision for all Australian citizens to receive government welfare, as well as the establishment of specific programs to focus on health, housing, education and employment (Altman 2003). In addition to this, since the 1970s,

the restitution of land to Indigenous Australians has been part of a broad effort to assist economic development in Indigenous areas, through the land rights legislation, which transferred traditional and reserved land back to Aboriginal ownership (Altman 2003).

However, as evident from previous and current approaches to Indigenous policy, there appears to be a commitment on the part of policy makers to continue to re-implement failed policies, whose ineffectiveness are then blamed on the Indigenous communities. There also appears to be a continued effort to provide the appearance of policy action, which may have detrimental effects (Lea 2008). In a submission to the Senate Select Committee on Regional and Remote Communities Committee, the Central Australian Youth Link Up Service (CAYLUS) stated:

It is strange how often this issue arises in this region: successive waves of government bureaucrats implementing policies that have already proved to be ineffective. The inevitable roadcrash is then blamed on the Indigenous people who the flawed policy was applied to and the bureaucrats move on, to be replaced by another wave of people who follow the same tragic pattern. It seems that this is a product of the top down approach, and reflects the fact that in federal bureaucracies the players are constantly changing while the problems on the ground continue.

(CAYLUS submission to the Senate Select Committee on Regional and Remote Communities 2008)

It is unclear as to whether this extract illustrates the fundamental breakdown of Indigenous policy, or whether policy is constrained by lack of resources and funding. It seems as though public health officers are committed to promoting Aboriginal empowerment, but the little resources they are allocated restricts their assistance to what might attract the most media attention, or requires the most urgent assistance. In this way, potential health clients are left without aid (Lea 2008). The above extract also highlights a crucial point for the remainder of this thesis. That is, the extent to which assumptions are made about the application of policy. In other words, this thesis will analyze the way in which regulatory subjects and Indigenous policy recipients are assumed to be passive recipients of public policy and regulatory strategies, rather than actively engaged and empowered agents. These fundamental assumptions have implications for

the regulatory potential of volatile substance misuse strategies and other areas of Indigenous policies. This will be examined throughout this thesis within the context of regulatory strategies and the implications for strategy success.

This section has examined a select history of Australian policies, and the ways in which Aboriginal Australians have been the subject of decades of failed policy attempts, none of which have significantly improved the socio-economic, health, employment, education or lifelong expectancy of Indigenous people. The following section will examine the implications of continued funding for failing programs on the mainstream Australian population, which do little to elevate the living conditions for Aboriginal people.

3.2 POLITICAL AND LEGAL DISADVANTAGE

...the only pictures most people get of the alien settlements scattered in the distant regions of our own 'backyard', and through these upsetting pictures preconceived stereotypes of remote Indigenous life and immediately and convincingly confirmed... yet these images, on which so much Indigenous policy is formulated, actually reveal very little, either about the people for whom these settlements are home or their relationship with other Australians.

(Folds 2001: 1).

As discussed in the previous section, Indigenous Australians have been the passive recipients of decades of policies, with little improvement in any area of measurement. With the continued finding of failed policies, or policies that do not have the expected results, the implications for the wider Australian society are a mingling of sympathy and irritation, directed towards those receiving and those giving assistance (Cowlshaw 2003). These emotions are perpetuated by media images of 'stereotypes of remote Indigenous life' (Folds 2001: 1), and 'images of black people still sitting in the dust remain[ing] on our television screens' (Cowlshaw 2003: 109). These images can contribute to perceived disparity, perceptions of inequality on government spending – or spending on the wrong things (Folds 2001), which can lead to feelings of racial tension and disproportionality.

Aboriginal Australians make up a small percentage of the total population – 2.5% in June 2006, and this distribution is uneven between all Australian states (ABS 2006). Approximately 12.4% of Indigenous Australians were based in the Northern Territory, and 81.2% of these lived in remote areas in the Northern Territory (ABS & AIHW 2005). In 2002, it was estimated that just 18.5% of Indigenous Australians had completed year 12, and 38% were employed (non-Community Development Employment Projects – CDEP - jobs) (ABS & AIHW 2005). Although Indigenous people make up just 2.5% of the total population, they are over-represented in prisons, representing 21% of the total prison population in June 2004 across Australia, indicating that overall, Indigenous adults were 11 times more likely to be in prison than non-Indigenous adults (ABS & AIHW 2005).

In 2002, 43% of Indigenous males had reportedly tried illicit drugs, and 27% had done so in the previous 12 months. Marijuana was the most commonly reported drug experienced by Indigenous Australians, with 34% of people having tried it, and 19% in the previous 12 months (ABS & AIHW 2005). These results were collected as part of the National Aboriginal and Torres Strait Islander Social Survey (ABS 2002), although it is important to note that it is unlikely that this study was able to include the more marginalised Indigenous people, or those based in remote areas (Delahunty and Putt 2006).

Despite attempts at improving the economic disadvantage of Aboriginal Australians, racism and discrimination remains a part of life for many Aboriginal people, who have been referred to as the most ostracized group in Australian society (Mellor 2003). Overt expressions of racism or discriminatory behaviours are widely considered to be politically incorrect, however not all racism is so blatantly articulated (Mellor 2003). Rather, there are socially acceptable and tolerable forms of racist discrimination that are subtler, as evident in the present-day disadvantage, social exclusion, and the over policing of Aboriginal people within Australia (Mellor 2003; Spooner and Hetherington 2004; Cunneen 2001; Anaya 2009).

The idea that Aboriginal communities are over policed and over regulated is nothing new – monitoring of Aboriginal colonies for ‘protection’ purposes has dated back to European colonization (Cunneen 2001:13; Cunneen 1992; Cowlshaw 1994; Homel, Lincoln and Herd 1999). Although much attention has been paid to the initial contact of white Australians and Indigenous Australians, which ultimately led to much marginalization and the implementation of various racially motivated policies, the ongoing hostility between Aboriginal people and the police is maintained through a process of over policing and discriminatory policing practices, also leading to increasing numbers of Aboriginal people being defined as criminal (Cowlshaw 1994). The Commissioner of the 1991 Royal Commission into Aboriginal Deaths in Custody stated that:

... far too much police intervention in the lives of Aboriginal people throughout Australia has been arbitrary, discriminatory, racist and violent. There is absolutely no doubt in my mind that the antipathy which so many Aboriginal people have towards the police is based not just on historical conduct but upon the contemporary experience of contact with many police officers.

(Johnston 1991 vol.2: 195).

The ongoing presence of police in Indigenous communities has conflicted with the Federal policy of self-determination, which should in itself lead to a consultative and respectful process of policing and interaction between officers and communities (Cunneen 2001). Theoretically, the practice of self-determinism should lead to Indigenous communities enacting more control over the level of police activity and method in their communities (Cunneen 2001). However, the very definition and establishment of self-determination as a Commonwealth policy – not a policy initiated by Indigenous Australians or Aboriginal organizations – inherently implies a lack of ability to be self-deterministic. Although the policing of Aboriginal Australians should be situated within ‘self-determination’, there is little opportunity for Indigenous people to have any control over the degree of police activity or the development of appropriate approaches for dealing with practices defined as “criminal’ within the dominant legal discourse’ in their own communities (Cunneen 2001: 231).

As illustrated above, Aboriginal people are vastly over represented in prisons which not only questions the level of police activity in Indigenous communities, but also the extent to which these factors fit within the framework of colonization, and the understanding and relationship to white Australian law (Cunneen 2001). Much of the day to day activity that occur in communities takes place outside, and is thus subject to police and external scrutiny (Cunneen 2001). This allows behaviours such as drinking, swearing, loitering and family interactions to be visible, and open for police intervention. Through the policy of 'zero tolerance', arrests can be made for these acts, directly leading to a greater over representation of Indigenous people in custody, a state of over policing, an increase in those who are defined as criminal, and a general disregard for the cultural importance of the public space (Cunneen 2001: 101; Cowlshaw 1994). The 1991 Royal Commission into Aboriginal Deaths in Custody identified the policing of minor crimes and over representation of Aboriginal people in custody as an area needing immediate attention and reform.

The constant presence of Aboriginal people in custody reinforces the view of Indigenous Australians as criminal, 'hostile, uncooperative' and 'drunken', leading to stereotyping and racism at an individual and institutional level, reinforced by further police activity and arrests for minor infringements (Cunneen 2001: 152). No other ethnic minority group receives the amount of police or justice system attention as Aboriginal Australians (Cunneen 2001). The use of arrest for minor offences is also a way in which police officers can assert their authority and dominance in the face of resistance and disrespect exhibited by Aboriginal people (Cunneen 2001). Thus the way in which police activity can contribute to the normalisation of Aboriginal people in custody and their inferiority is clear.

The limits of acceptance of 'otherness' questions whether mainstream society and the Australian legal system is able to view violence or other acts that may lead to police intervention in Indigenous communities as traditional culture or criminal practices (Cowlshaw 2003: 11). The 1967 referendum, which acknowledged Aboriginal Australians as Australian citizens, allowed the

Commonwealth Government to make laws for Indigenous people, thus affording legal equality (Cunneen 2001). In practice, whilst the formal policies of assimilation and absorption have been eradicated, the inclusion of Aboriginal people as Australian citizens means cultural and traditional practices must adhere to mainstream Australian law.

It is crucial in this thesis to consider the importance of policy makers to be able to formulate innovative and responsive policies that are reflexive of the Indigenous community context and respect the historical climate. Further, 'matter out of place' in regards to substances and the community must not impede progressive responses (Douglas 1996). This will be examined further later in this chapter.

These sections have provided a historical and social background in which Indigenous health issues can be contextually situated, which can provide a deeper understanding of the ways in which Aboriginal Australians are disadvantaged across multiple areas, and how these factors contribute not only to substance and alcohol abuse, but also add tension to the study of these issues. In addition to understanding the social and historical background factors that underlie this contextual understanding, it is imperative to consider cultural issues and the extent to which culture is considered within the etiology of drug and alcohol abuse. These factors have implications for the response to substance misuse, and whether cultural considerations should play a central role in drug and alcohol abuse interventions.

4. CULTURAL FACTORS

Culture is an essential element for the study of substance misuse in two ways. Firstly, as will be examined in this section, an individual may engage in substance misuse due to cultural and spiritual breakdowns, which has implications for treatment and rehabilitation programs. The use of cultural elements in response

to drug and alcohol interventions depends largely on the interpretations of etiological explanations of use (Brady 1995). Increasingly, cultural disruption caused by dispossession and colonization is cited as explanations for substance abuse, and as such, cultural reconnection interventions are warranted.

Secondly, any treatment program must be culturally appropriate and accessible for it to have any chance of being effective. The difficulty here is that designing culturally appropriate treatment programs can be problematic, as defining what is culturally appropriate is notoriously difficult. However, culture and cultural appropriate approaches are often given privilege over other theoretical explanations, due to their inherence in Indigenous issues, re-emphasizing the neo-colonial power relationships in which knowledge is constructed. For this thesis, tensions between this approach and non-Indigenous approaches are crucial in examining and defining substances misuse, and whether these tensions can be resolved.

The beginning of this thesis suggested that social problems can be socially defined and have meaning attached, which is particularly important when volatile substance misuse is socially defined as 'matter out of place', disrupting the 'pattern' and familiarity of everyday life (Douglas 1966: 40). As argued in the beginning of this thesis, the labeling of volatile substance misuse as such has the potential to influence the response to the behaviour – for example, by impeding reflexive and innovative policy responses. In a similar way, the idea of cultural appropriateness is a social and political construct, which is enacted in order to allow Indigenous people contribution and control over various community programs (Cowlshaw 2009 pers. com). In other words, cultural appropriateness fulfils specific purposes at different times, depending on the political motivations. From this perspective, in order to give Indigenous people a voice and some measure of power in programs, cultural appropriateness can be wielded either as a political 'comfort' concept, or as an assertion of authority (Cowlshaw 2009 pers. com).

Viewing or constructing culture in this way implies that culture is not a set of customs and values that are 'passively' inherited or passed down intergenerationally, but is a malleable and applicable concept, depending on the situational conditions (Linnekin 1992: 251). The notion of 'culture' is thus given an identity, a consciousness, which is a 'representation embedded in a particular social and political context and subject to interested human manipulation', rather than a lifeless abstraction (Linnekin 1992: 251). There is thus a separation of traditional customs and historical practices, and culture.

Cultural construction implies... that tradition is a selective representation of the past, fashioned in the present, responsive to contemporary priorities and agendas, and politically instrumental.

(Linnekin 1992: 251)

The fluidity and indefinability of culture allows the concept of 'cultural appropriateness' to be enacted and enforced in specific and different situations, by different agents with various political motivations. For example, Noel Pearson argues that cultural appropriateness is used as an 'alibi' for substandard services, and that culturally appropriate education 'should not be an alibi for anti-intellectualism, romantic indigenism and a justification for substandard achievement', and that culture is a 'strong force for stasis and ... conservatism' (Pearson 2007: July 21-22). Other actors and bodies of literature discuss 'culture' and ideas of 'cultural appropriateness' as concepts linked to inherent Aboriginality, without necessarily defining or explaining what that culture is.

Similar to this notion, Brady argues that the danger in attempting to define culture lies in assigning it too narrow a definition, which does not allow 'people [to] make selections from a wide range of adaptive possibilities according to their wants and needs' (Brady 1995: 1490). This again implies that culture is a dynamic, subjective concept that can be employed as a tool in specific situations for different purposes.

Cowlshaw's concept of 'mythologising culture', which 'insists that outsiders defer to Aboriginal people in relation to Aboriginal identity and culture' (Cowlshaw 2010: 209), is crucial for considering cultural issues within this

thesis. This mythology emphasizes the enthusiasm inherent in the revival of cultural programs, which are enacted as tools for specific purposes in political settings. For example, the various traditional demonstrations of Aboriginal heritage, such as are shown in mural paintings in schools, parks and public buildings, welcome to country demonstrations in schools and universities, as well as traditional cultural performances at political gatherings (Cowlshaw 2010).

Cowlshaw argues that much of the Indigenous culture that is demonstrated in these settings are done so as part of 'state sponsored culture', which include demonstrations such as dance performances, smoking ceremonies, Dreamtime story telling in schools, and acknowledgement of 'traditional' land owners, rather than a culture that is reflective of the local Aboriginal culture, or a culture that is 'alive' in the area (2010: 213). Such state sponsored culture appears to be more of a symbolic pander to Aboriginal culture, rather than a genuine interest and reflection of local and historical tradition.

From these perspectives, culture is a dynamic and mercurial concept, representative of the past, but embedded in current social and political contexts, which allows it to be manipulated and drawn upon in different conditions to fulfill specific political and social agendas. It could be argued that by using culture, an individual or group 'does' culture, by enacting and embodying specific cultural practices and conditions. For this thesis, cultural appropriateness is a crucial concept, as what it means to responding bodies and how they construct culture will also affect their responses to volatile substance misuse within cultural contexts.

However, 'doing culture' is not a concept limited to those responding to alcohol or substance misuse. Increasingly, cultural factors are being explored as contributing factors to alcohol and drug use, due to decades of cultural disruption initiated by colonization (Brady 1995). Although the focus of this thesis is the responses to volatile substances, it is important to consider the response and effects of alcohol in similar contexts; alcohol is similarly a legal

substance that is difficult to regulate, and has been abused in some Indigenous settings. The cultural responses to alcohol will be considered here in order to consider how these problems are being responded to in some Indigenous communities.

The previous section discussed the prevalence of volatile substance misuse. In 1995, it was estimated that alcohol was a direct contributor in 10% of Aboriginal Australian deaths, and alcohol abuse was identified as a leading health concern amongst Aboriginal people (Brady 1995). Although fewer Indigenous Australians per capita drink alcohol than non-Indigenous Australians, when they do drink, it is more likely to be at harmful levels (Phillips 2003). It has been suggested that alcohol is imbedded in Indigenous Australians' lives, where abstainers are ostracized, and 'to drink alcohol is to be an aboriginal' (Gibson 1987 cited in Brady 1995: 1490).

As previously stated, when examining explanations for drug and alcohol use, 'culture' has become an issue because of Indigenous interpretations of the etiology of drug and alcohol abuse' (Brady 1995: 1489). In other words, disruption to culture, brought about by colonization and dispossession, is increasingly being considered as a contributing factor for drug and alcohol abuse. As such, it is little surprise that in looking for ways to combat cultural disruption and spiritual breakdown, reconnection with 'cultural and spiritual roots is, from this perspective, essential to recovery and on-going well-being' (Brady 1995: 1489). In fact, reconnection with the land is considered to be one of the simplest solutions to problems of addiction.

Eschewing all other etiological theories of addiction, addictive behaviours are largely interpreted by Aboriginal people... as having come about because of their status as a colonized and dispossessed people. Because dispossession is about loss of land, land rights with their accompanying spiritual and cultural markers are deemed to be a basic solution to Aboriginal addiction problems... Renewed contact with the land, regaining what was lost, has thus come to be associated with pathways out of addiction.

(Brady 1995: 1494)

Further, a strong cultural connection is argued to offer some level of protection from future drug and alcohol use (Brady 1995). However, there lies a paradox in

citing cultural or spiritual disruption for alcohol or drug use, for some communities experiencing problems with petrol sniffing or chronic alcohol abuse are very traditional communities, with social cohesion who retain land ownership and continue to practice traditional ceremonies (Brady 1995). Some of these communities with substance misuse problems are places that present opportunities in which 'young men have legitimate opportunities for bravado and risk-taking' (Brady 1995: 1491).

Although one of the strengths of traditional culture is that it allows those within the community to retain strong connections with the land, culture and traditional spirits, it also presents a barrier for young people in the community, as they are able to conduct themselves with complete autonomy from a very young age (Phillips 2003; Brady 1995). In this way, even when presented with evidence that individuals are at risk of harming themselves or others in the community, community members are not likely to interfere in other people's business. The implications of such reluctance to intrude on others can lead to 'impediments for Aboriginal people to take action'. Further, there exists

... socially and culturally embedded notions of individual autonomy which are a normal part of the socialisation of Aboriginal people in remote Australia. Because child-rearing practices are focused around permissiveness and learning by experience (techniques that worked extremely well in earlier years) adults rarely interfere in the activities of children or teenagers. By the time teenagers become young men and women, older family members have no automatic authority over them. 'I am boss for myself', and 'it's my body, my business' are frequently heard statements. It would be embarrassing, shameful and simply socially unacceptable in many cases, for an individual to try to impose his or her will or remonstrate with others (be they sniffing, drinking to excess, 'neglecting' children, or illegally selling petrol to sniffers).

(Brady 2006 cited in SCARC 2006: 27-28).

In this way, aspects of traditional culture may act as obstacles to overcoming alcohol and drug use. The general policy of 'live and let live', and respect for an individual's right for 'my body, my business', even in the face of serious harm or risk to an individual appears to take precedent as socially acceptable behaviours in Indigenous culture, which can lead to little respect for older family members.

This cultural attitude in respect to drinking emphasizes the ‘solidarity of drinking groups’, which is especially important in communities which are externally threatened – such as the Alice Springs town camps, which solidifies alcohol as a central factor in everyday activities (Brady 1995: 1491). Those who do not drink face such social pressure to drink in these practices that they feel forced to leave their communities to avoid participating (Brady 1995).

Previous sections in this chapter argued that there is a lack of individual agency in some explanations that may contribute to substance misuse. In contrast, considerations of culture that require the active engagement of, and application of the concept of culture, assume that individuals must be active agents of culture and not passively directed or indirectly manipulated. In other words, the fact that culture is a malleable concept means that it requires agency and capacity to be able to be wielded as a conceptual tool within the framework of substance misuse, and responding programs.

In summary, although the previous sections examined individual explanations as contributing factors for substance misuse, conceptualizing alcohol use in Indigenous communities as such can lead to over-simplification of the illness, due to the possibility of ignoring the association of circumstances relating to individual and collective histories, as well as the cultural, political and socio-economic conditions (Phillips 2003). Divorcing substance and alcohol use from the cultural and historical contexts and viewing it as a community-isolated event perpetuates the stereotypical view of Aboriginal people as ‘dirty, drunken, lazy blacks’ (Phillips 2003: 30). This chapter has aimed to give an insight into factors that are able to marry these perspectives – to give individual contributing factors for use some community, cultural and historical context.

As discussed throughout this section, there is a disparity between western medicine, which is suggested focuses on the mind and body, and Indigenous illness, which can be associated with dysfunctions of the heart or spirit (Phillips 2003). For this reason, when considering Indigenous health issues, it may be narrow minded to merely apply ‘western systems of knowledge’, without

considering the historical, cultural, political and socio-economic conditions and assumptions implicit in this knowledge (Phillips 2003: 30). Further, as Indigenous people more frequently cite dissociation with culture and lack of contact with the land as explanations for the etiology of drug and alcohol abuse, reconnecting and strengthening spirit and culture is a way in which this can be addressed.

CONCLUSION

This chapter has presented a background of definitions of substance misuse, explanations for use, and interventions regarding substance misuse. In examining the socio-cultural explanations for misuse, substance misuse is explained as a problem born predominantly, for various reasons, from a sense of futility. From these perspectives, there is little sense of agency or responsibility for an individual's substance misuse, which may be assisted by revolutionizing social order, improving almost all areas of the socio-economical climate to which Indigenous Australians are disadvantaged. However, this perspective does not address individual agency or opportunity, which can and has been the focus of some responses that seek to reduce the supply of substances through product modification and restriction. The success of these programs will be analyzed further in Chapter Four, but for this thesis it is important to emphasize the difficulty involved in regulating the personal use of licit substances.

Along with a basic understanding of volatile substances, it is essential that the historical, cultural and political contexts of Indigenous Australians be explored. Situating the research in a contextual, cultural and social basis provides this thesis with a framework in which the research can be based, and to this end, this chapter has examined these factors. An important issue that has been raised throughout this discussion is whether interventions should be focused towards alleviating the symptoms of social disruption – of which volatile substance

misuse is one – or enacting a process of revolutionary social change. In other words, should interventions be attempting a bandaid or surgery solution?

The arguments in favour and against both perspectives are compelling: due to decades of cumulative social disadvantage in almost every possible area, for substantial and sustainable change to any of these areas to be possible, the underlying causes of disadvantage must be addressed. However, the practicalities of such social revolution are so overwhelming and unlikely to be resolved for many years to come, that brief interventions capable of temporary relief from such disadvantage are considerably more feasible. Further, the different ways in which the problem has been defined will affect the feasibility of complete social upheaval or temporary solutions, which is dependant on the different responding body.

Aboriginal people are disadvantaged across every area of measurement – life expectancy, health, housing, education, employment and so on. Following colonization and decades of failed Indigenous policies, this is still the case. This chapter earlier suggested that some Aboriginal people may resist assistance as a way of exerting independence from continual interference, which has led to tensions between Aboriginal people, governments, and non-Aboriginal people. This is due to the fact that there is a belief that governments overspend on Aboriginal people, at the expense of non-Aboriginal issues, which is not helped by images of Aboriginal communities with damaged houses on television, leading to a mixture of sympathy and irritation felt by non-Aboriginal people (Cowlshaw 2006; 2003). These conceptions also contribute to racial tensions regarding perceived disproportionality over government spending.

Increasingly, Indigenous and non-Indigenous people have cited cultural issues brought about by colonization and dispossession as contributing factors for drug and alcohol misuse. The difficulty, as discussed throughout this chapter, is in the indefinability of culture as a concept. For this thesis, the importance of culture lies in its explanation in the etiology of drug use, which makes it an essential factor in the response to substance misuse.

As previously indicated, this thesis is concerned with the broader Indigenous policy assumptions, which have historically operated through applying policy to passive policy recipients. As this project is concerned with the regulatory approaches to substance misuse, it is crucial to examine the underlying assumptions these strategies make about subject agency. These basic assumptions have broader implications not only for matters regarding Indigenous policy, but also the effectiveness of specific regulatory strategies and volatile substance misuse programs. The following chapter will establish a cohesive theoretical framework for analyzing policy and regulatory strategy assumptions, within the context of broader regulatory approaches.

CHAPTER TWO: CONTESTED DOMAINS: REGULATING QUEENS OR PAWNS?

The previous chapter introduced us to the problem of volatile substance misuse in the Alice Springs town camps, and pointed to factors that may contribute to this behaviour for the specific population who are engaging in substance misuse. What emerged was a need for specific responses that effectively address the problem within the community context. Regulation is one of a range of policy approaches that are available to deal with what might be described as harmful behaviour. As policy and lawmakers prepare legislation and strategies for dealing with these harms, various assumptions are made about those they are regulating, in terms of their capacity for agency and self-determination. The effect of these assumptions and the extensive implementation of policy across a broad spectrum of people has implications for the potential success of the programs. This chapter will examine these assumptions, and analyze how they affect the processes of criminalization and regulation. In doing so, the chapter will construct the theoretical framework in which the research will be situated, also considering the objectives and techniques of regulatory action.

Regulation has been defined and conceived in many different ways, but this thesis adopts a broad definition, one which allows room for regulatory action from a number of different organizations and public offices. My approach is influenced by Julia Black's definition, which sees regulation as any 'activity of attempting to control, order or influence the behaviour of others' (Black 2002: 103).

Assumptions concerning human motivation – the internal desires of preferences that incite action – and agency – the capacity to undertake that action – are key to both the design and implementation of public policy.

(Le Grand 2003: 2)

This quotation emphasizes that the approach policy makers and regulators take to constructing policies is based on their assumptions about implementers and beneficiaries of those policies. These assumptions will greatly affect the ways in

which policies are conceived, and their ultimate effectiveness. There are four basic assumptions that underlie the theoretical framework for this chapter, which are based on a theory developed in Le Grand's 2003 *Of Knights and Knaves, Pawns and Queens* theory. These are assumptions related to the motivation of policy instruments, and assumptions based on the capacity of regulatory subjects. According to Le Grand (2003), two elements underlie policy motivations:

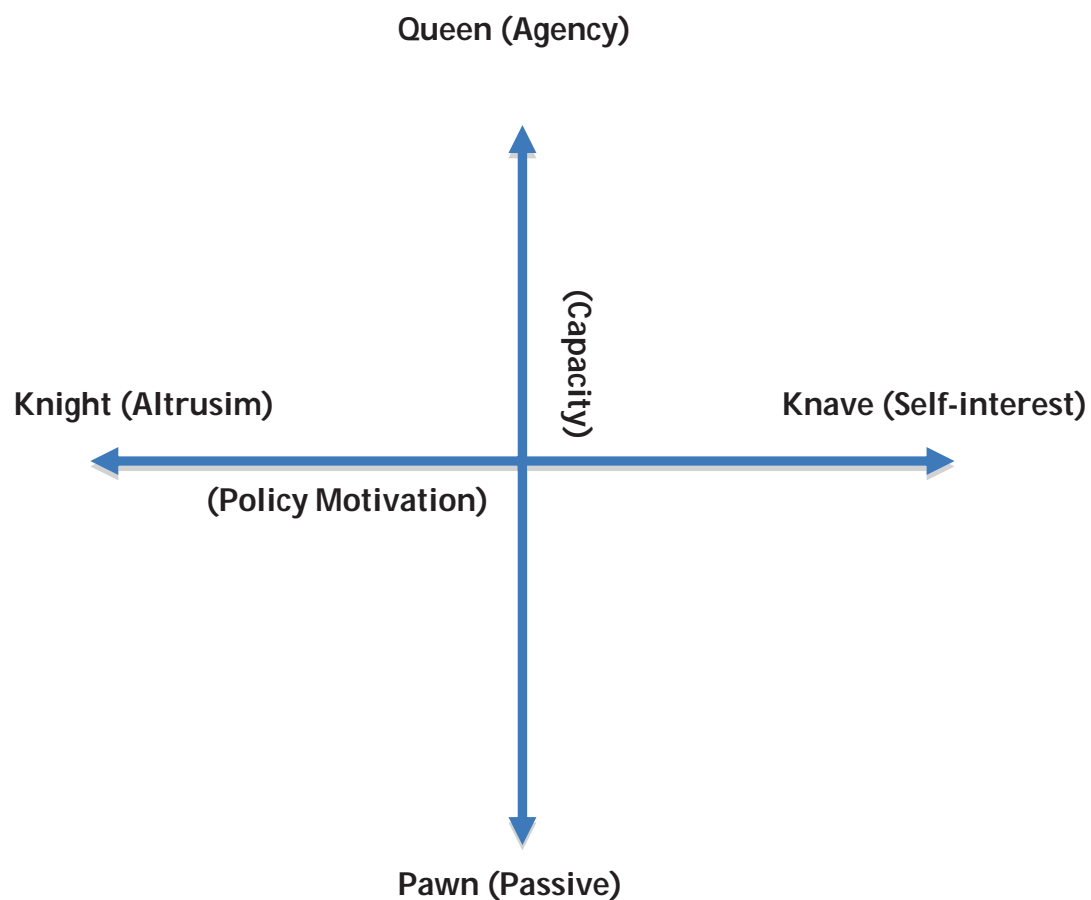
1. That policy instruments are either designed on the basis that people are motivated by altruistic means, and may act even when the consequences go against their best interests, for example blood donors (donating blood for no personal gain) – these people are conceived of as knights, or,
2. Policy is designed on the basis that people are primarily driven to pursue their own self-interests – these people are knaves. These two elements underlie policy motivations.

And similarly, assumptions about agent capacity result in either:

1. Policies that take no account of people's capacity for responsibility and see individuals as passive recipients of policy, conceive regulatory subjects as pawns, the least powerful and least valued, most victimized chess piece, or,
2. Policies that empower individuals to act with agency and capacity; regulatory subjects are considered to be queens, the most powerful chess piece (Le Grand 2003).

These four regulatory assumptions relate to two intersecting elements of policy making and regulation – motivation and agency, and can be represented on an intersecting axes. Altruism and the public interest (knights) oppose the pursuit of self-interest (knaves) on the horizontal motivation axis, whilst passivity and lack of capacity (pawns) oppose active empowerment and responsibility (queens) on the vertical agency axis. This is represented in Figure 1 below.

Figure 1: Le Grand's (2003) Motivation and Agency Axis



(Source: Le Grand 2003: 16)

When considering these axes and the assumptions that are represented, both vertices are crucial for understanding the processes underlying regulation and public policy. Perhaps more important is the assumption of individual agency and capacity, as the wider implications may impact on whether the policy maker is influenced by knavish or knightly motivations. As users of public services and recipients of public policy, how much power should individuals have? Are there conditions where users forfeit their agency and defer to professionals or others to make decision on their behalf? Or should individuals always retain some measure of power and decision-making capability, even if that means actively seeking professional advice? Does that mean individuals should be treated as pawns?

In regards to capacity and reasons as to why individuals are treated as pawns in some areas of public policy, Le Grand (2003) utilizes Bill New's (1999) 'individual failure' approach and identifies four primary reasons. Firstly, an individual may lack the capacity to complete the necessary intellectual tasks. This is often associated with mental health care, or in other areas of health care, where an individual's mental capacity is affected – if unconscious for example. The second reason is associated with weaknesses in an individual's resolve, where they are unable to make long-term decisions based on short-term incentives – for example, an individual might know that behaviours are harmful, but be unable to stop. Third are decisions associated with distorted outcomes based on emotional decision-making, and emotional attachments to unlikely outcomes. Finally, there is a relationship between decisions based on preferences and experiences, where preferences for certain outcomes may depend on an individual having knowledge a certain set of experiences. Based on a lack of capacity for individuals to make informed decisions, New (1999) suggests that these conditions might require treating individuals as pawns.

A final situation in which individuals may at first be considered pawns is where one person may wish to engage the professional services of another, and delegate their authority – for example, a doctor making decisions on behalf of a patient or parents delegating responsibility for their child's education to a teacher. However, voluntarily allocating an individual's capacity to another does not make that person a pawn – they are actively choosing to behave in this manner, and as such are behaving as queens (Le Grand 2003). In cases where agency is either voluntarily or involuntarily delegated to another person, there is no guarantee that another party will make fewer mistakes, or make better decisions in favour of that individual. In fact, a second person would be making these decisions in addition to their own everyday decisions, which has implications for the priorities of their decision-making capacities. The decisions made for the benefit of someone else who is unable or unwilling make the best decisions for themselves may be influenced by a second party's considerations of professional pride, arrogance, or modesty (Le Grand 2003), which may alter the decisions made on behalf of someone else.

In the majority of situations, therefore, the power should lie with service users – as queens, rather than professionals who deliver services (Le Grand 2003). As a general rule, this depends on the context of situation - Le Grand gives the example of a comatose patient arriving in hospital who is dependent on the decisions made by professional doctors rather than being in a position to exert his or her own decision-making capacities (2003). However, although professionals are not self-interested knaves, they can never have the same measure of concern for an individual as that individual, and as such the user has the most motivation to improve his or her own situation, and should be an active participant in decision-making – a queen. In health care and educational settings, however, a user depends on the advice of professionals to make informed decisions, but in most situations this does not deny the user their capacity to remain an active agent involved in taking heed of the advice and being involved in the decision-making process. In this way, users of any public service should be empowered to make decisions for themselves, rather than deferring all responsibility to professionals and placing themselves in passive pawn-like positions of receiving health and educational services (Le Grand 2003).

Pearson (2000: 21) argues that reciprocal-free welfare in Aboriginal societies reflects an unequal distribution of power, such that a ‘superior power’ makes decisions on behalf of Aboriginal people, and acts on behalf of a vulnerable population group. The ‘superior power’ refers to Aboriginal and non-Aboriginal people in positions of authority, who provide services for ‘passive’ recipients, and who are responsible for the program or service initiative and motivation, and thus marginalize and govern Aboriginal people (Pearson 2000: 21). In this way, Pearson asserts that those in positions of authority (queens) make decisions on behalf of those with less capacity, who become passive pawn-like recipients, when they should instead become active, responsible agents, in charge of their own decisions. This tension reflects the difficulty involved in determining when to intervene with vulnerable population groups, as discussed in the previous paragraph. When should a professional, or someone with greater, or more specified knowledge and authority become involved in making decisions

on another's behalf? The crux of Pearson's (2000) thesis is that this external intervention removes individual and community sense of agency and responsibility, damaging vulnerable groups, as they become passively dependent on welfare or other ungrounded programs. This is a crucial consideration for Indigenous populations, and the broader implications will be reexamined throughout this thesis.

Whether a regulatory subject is assumed to be a passive pawn or an active queen has implications for the motivations of the regulators, insofar that by treating individuals as queens and ensuring that a sense of agency is retained, regulators may not be serving their own best interests, and may be constructing policy from a knight's perspective. A knight will construct policy for 'no private rewards' (Le Grand 2003: 27). Conversely, treating regulatory subjects as passive recipients of policy may serve a regulator's interests more than a subject's, and this policy driven by self-serving motives is aligned with a knave's perspective. In other words, knaves will help others when doing so will 'serve their private interests' (Le Grand 2003: 27). The personal satisfaction derived by both from assisting others is not important for these purposes (Le Grand 2003).

The relationships between these assumptions and the realities of the conditions in which the policies are implemented are central to the potential success of the policy (Le Grand 2003). Assuming people are altruistic knights and implementing policy to that effect will likely have negative consequences if individuals are primarily self-interested knaves. In the same way, assuming individuals lack autonomy and capacity and thus treating them as passive policy recipients – pawns – may lead to discouraging and demoralizing queens, or turning pawns into knaves in order to avoid or 'dodge the system' (Le Grand 2003: 48). Although this appears to be a relatively simplistic representation of agency and motivation within public policy, this model is only concerned with policy makers' 'perceptions of reality and to show how this has affected policy design' (Le Grand 2003: 17). In other words, the ways in which regulators perceive those they are regulating, through their own policy lens.

This section has discussed the capacity of regulatory subjects and what motivates regulatory policy, but the assumptions made by regulatory systems and public policy about regulatory subjects is perhaps more important than policy motivators, which sees some subjects treated as competent queens in certain conditions and as passive pawns in others (Lacey 2004). For example, those charged with committing a crime are usually treated as capable queens charged with agency and responsibility, just as those who are the subject of crime prevention strategies are treated as passive pawns (Lacey 2004). In this way, policy treats regulatory subjects as active agents in some circumstances and as pawns in others.

This raises two fundamental points that highlight the difficulties in the application of regulatory strategies that will be revisited throughout this thesis. Much regulatory policy assumes that its subjects are capable, rational agents – queens, who are consciously responsible for their own choices, and applies this assumption uniformly. However, not all regulatory subjects are rational actors, but lack the same degree of agency as rationally minded queens. Should they then be regulated as passive pawns, as mere recipients of public policy? Thus the first difficulty associated with regulation is whether policies should be consistent in their assumptions about the rational capabilities of their subjects, or whether different attitudes can be made in different situations, and varying policy applied accordingly. Secondly, there is a reciprocal relationship between regulatory strategies and regulatory subjects, insofar as regulation relies on a strong interaction with community-based consultation and active participation, but is also regulated and controlled by these external social orders and community groups (Lacey 2004). In this way, regulatory strategies are externally regulated just as they regulate.

This places an emphasis on the community groups, which are inherent in most social settings, and are responsible for establishing behavioural norms. Social groups exert enormous pressure on community-based controls, which is ‘central to the production of compliance with the norms of criminal law’ (Lacey 2004: 148). The broader implications of community-based control are that these

groups are the 'gatekeepers' between behaviours that might only be considered criminal and the process of formal criminalization (Lacey 2004: 149). This means that when criminal law deviates from community principles, enforcement will be difficult, and its effectiveness limited by its lack of affinity to community-based control. In this way, social norms regulate formal regulatory practice.

These issues are important to examine in any regulatory work, but are particularly crucial in considering the regulation of drug use, where the capacity of users to remain rational, capacity-driven agents may be compromised by the nature of the problem. In these circumstances, the degree of subjects' capacity is central to the policy strategy, and whether they should be regulated as passive pawns or as active queens. Le Grand's theory suggests that a blanket approach to public policy that sees queens regulated as pawns and vice versa, may have detrimental effects and be ineffective (2003), just as policy needs to be responsive to its intended subjects, which a uniform policy application lacks (Lacey 2004). Further, criminalization assigns agency to individuals, and usually operates on the assumption that agents are actively responsible for their criminal decisions. As such, assigning the role of queen to those charged with criminal behaviour has implications for the regulatory potential of criminal law (Lacey 2004).

As discussed in this section, according to Le Grand's (2003) theory, policy is primarily motivated by knightly or knavish intentions. When attempting to respond to what might be described as harmful behaviours, regulation is one of many different policy options available to policy makers. However, within the broad term 'regulation' lies various techniques and strategies for controlling behaviours, each of which have different methods and outcomes. When deciding which regulatory technique to use in which situation, policy makers will not only be motivated by the desired outcome, but also by their own motivation – whether they are knight or knave. Further, the capacities of regulatory subjects must also be taken into account, particularly when attempting to control behaviour that may affect the potential of regulatory subjects to remain responsible, independent agents. The following sections will examine different

regulatory techniques and their motivations, and will consider how regulatory policies are delivered – whether regulatory subjects are assumed to be pawns or queens, and whether policy is thus delivered in a blanket approach to its subjects.

Historically, governments tend to invoke the creation of criminal law as a panacea for social ailments, giving the sense that criminalization or the increase of penalties are on the rise:

... In the sense that successive governments over the last twenty years appear to have decided that criminalization is the quick fix for almost any social problem... perhaps more interesting is the fact that many of these new offences – particularly the less serious offences in the area of what we could loosely call public or social order – may be blurring the already tenuous boundaries between ‘real’ and ‘regulatory’ crime by which criminal law’s legitimation is fostered.

(Lacey 2004: 163-164)

This extract illustrates how governments are hasty to resort to criminalization and the creation of new offences when responding to acts that go against social norms, ranging from graffiti to drug use (Lacey 2004). The broader implications of such assumptions is that police and the criminal justice system will become increasingly involved in responding to social matters, as well as in the response to regulating social problems that were once the responsibility of health and community bodies. This will be analyzed in greater depth in a later chapter, in the context of the blurring of distinctions and responsibilities between different agencies involved in responding to social problems. However, it is important to note at this point that the immediate government response to social problems is often the creation of new offences. But my example in this study is of a different approach that involves workers from health, police, policy and community, working together within in a cohesive framework.

1. PAST DICHOTOMIES

Previous scholarly examinations of regulation have taken particular notice of the considerable debate that once surrounded command and control and self-

regulation, which were at one time viewed as mutually exclusive policy distinctions, between which policy makers were forced to choose (Sinclair 1997; Iles 1996; Gunningham and Sinclair 1999). In much of this literature, the dichotomy between command and control and self-regulation portrayed command and control as 'top-down, cumbersome, and resource intensive', and self-regulatory voluntary techniques as 'bottom-up, relatively flexible, and particularistic' (Iles 1996: 4). However, this classification failed to appreciate the complexity of regulation (Iles 1996).

The parallels between self-regulation and complete deregulation may induce supporters of command and control techniques to distrust the motives of self-regulation supporters, but in essence, these techniques encompass a wide range of policies (Sinclair 1997). In fact, by viewing command and control and self-regulatory approaches to regulation, not as opposing entities, but as instruments on a regulatory continuum along with other regulatory techniques, the 'artificially restrictive' dichotomy allows an opportunity for enhanced regulatory efficiency, by an appreciation of the possibly complementary combination of components from both techniques (Sinclair 1997: 532). In other words, by using a combination of regulatory techniques including command and control and self-regulation as well as other techniques (Sinclair 1997), and by not viewing these elements as essentially dichotomous, policy makers are able to manipulate these techniques to best suit the regulatory behaviour. One of the best ways to illustrate this is through Braithwaite's (1992) hierarchical approach to regulation.

2. CONTINUUM OF SANCTIONS AND RESPONSES: REGULATION HIERARCHIES

The more traditional approaches to regulation once involved coordination between regulatory actors from various agencies, including those who imposed the rules (the regulator), those who monitored compliance (assessors), and

judiciaries who imposed sanctions for regulatory breaches (Collins 2004). In this way, regulation was similar to the formal process of criminal law. However, in seeking to use coordination and cooperation of the regulators and the regulated, policy makers began making use of a far more flexible tool of delivering regulation: responsive regulation, which is a malleable hierarchical process that encourages the use of self-regulation, in order to allow issues to be settled through consultation and negotiation.

Braithwaite's (1992) responsive regulatory pyramids are perhaps one of the best ways of illustrating the interdependence and complementarity of various types of regulation. This approach represents two hierarchical pyramids, one with an escalating hierarchy of sanctions, and the other an escalating hierarchy of enforcement techniques, reflecting the continuum of regulatory approaches and sanctions, with no dichotomies and no mutually exclusive approaches.

Responsive regulation is a way in which police, private agencies or other responding bodies can regulate by selecting from a variety of hierarchical forms of control to suit the situation. The pyramid has the capacity to escalate to more severe penalties in the event of non-compliance, and allows less severe regulatory approaches to be adopted if the body being regulated is complying with the enforcement strategies (Ayres and Braithwaite 1992). The enforcement pyramid has at its base persuasion techniques, which seeks to gain compliance through the respectful enforcing of rules, standards and guidelines. Enforcement then becomes more demanding as the pyramid narrows, through warning letters, civil penalties, criminal penalties, license suspension, and license revocation (Ayres and Braithwaite 1992).

These strategies are enforced through the regulation enforcement strategy pyramid, which has self-regulation at its base, followed by enforced self-regulation, command regulation with discretionary punishment and command regulation with non-discretionary punishment at its apex (Ayres and Braithwaite 1992). Voluntary self-regulation assumes that an agency or individual is responsible for meeting certain standards that are internal or external to that

agency or individual, which are self-monitored, punished if non-compliant, and corrected. This is considered to be one of the most efficient methods of regulation (Ayres and Braithwaite 1992). If self-regulatory strategies are unsuccessful, enforced self-regulation is the next possible approach. The pyramid shapes for both strategies, with self-regulation and persuasion at their wide bases indicate that these strategies are usually enough to encourage individuals to comply with regulatory standards, before there is a need to move to the next layer of the pyramid. The apexes of both pyramids again indicate that only a few cases will reach the top of the pyramid in terms of enforcement through regulatory strategies.

These pyramids of escalating and deescalating hierarchical forms of control and enforcement illustrate how mercurial and flexible regulation can be. With no dichotomies, regulatory techniques exist on a flexible continuum and can be applied in the right situation, according to the circumstances and regulatory objective.

However, as discussed in the preceding section in regards to criminalization, the internalization of social norms can also be an effective method against harmful behaviour. On this basis, Lacey (2004) suggests that there could be a layer underlying the bottom layer of the enforcement pyramid, which relies on peer pressure and an adherence to social norms, securing voluntary compliance. As such, internalization of social norms in this underlying level may make escalation to the first layer of the pyramid unnecessary.

As previously indicated, regulation and Braithwaite's (1992) pyramids are policy options available to regulators, and can be used in various regulatory settings, depending on the appropriateness of the situation. However, when applying them to areas of criminalization, they make the assumption that there can be a 'productive interaction between modalities with different assumptions about subjects' motivations and capacities' (Lacey 2004: 151). In this way, there is the assumption that the awareness of the more coercive upper levels of the pyramids will induce individuals to behave cooperatively with non-coercive

methods, but make fundamentally different assumptions about individuals' capacities and motivations. As such, this approach assumes individuals are rational agents, capable of being coerced by the threat of more severe penalties and enforcement techniques.

As discussed in the preceding section however, this is not always the case, and assuming otherwise can be detrimental to the policy initiative. For example, when auditing practices over-regulate workers, as is sometimes the case (Lacey 2004), subjects are treated as and assumed to knaves. How then can regulatory techniques inspire individuals to act as knights? Although responsive regulation and the threat of escalating penalties might be enough to coerce compliance from rational agents, do persuasive and coercive techniques remove elements of their autonomy and agency, due to a no-choice-but-to-comply situation, rendering them more pawn-like in their capacity? It is my hypothesis that this is the case, and despite the flexibility and potential for regulator and subject negotiation, the fact that responsive regulation is primarily not the product of community-based regulatory strategies, the power still lies with regulatory agencies – queens, who regulate pawns.

Although these questions remain, this section has established that there are no dichotomies between regulatory approaches, but rather that the regulatory continuum holds a place for different techniques that can be applied in conjunction with one another depending on the appropriateness of the situation, and the capacities of the regulatory subjects. This chapter will now consider the various regulatory objectives that different techniques would address. In the following sections, key terms that will be used are regulatory techniques and objectives. The intention of the regulatory policy or program is the objective, which affects the methods that will be used to achieve these outcomes. In turn, the methods used will be referred to as the regulatory techniques, such as product control and social control for example. These techniques would be used to address regulation targeted towards preventing harmful behaviour.

3. PREVENTION

Turning now to different regulatory methods that can be used by policy makers depending on their own motivations as well as the desired policy outcome, this section will examine prevention and prohibition approaches. Common preventative methods are associated with proactive social strategies, which target the emergence of harmful behaviours, but other options for policy makers under the umbrella of prevention include the controlling of behaviours through prohibition, product and social control. Useful in examining regulatory objectives and techniques is the regulation of prostitution and alcohol, and the historical underpinnings that have helped shape the current regulations. As is evident in some of these examples, preventative legislation can be used to prohibit behaviours. For example, legislation that prohibits the operation of brothels has the objective of preventing prostitution in brothels by prohibiting the behaviour. Thus the technique is the legislation prohibiting the operation of brothels.

Prohibition is commonly referred to in regulatory literature as command and control, which is usually the government's declaration of legal rules that prohibit certain forms of conduct, which are then supported by coercive civil or criminal sanctions if the rules are violated (Morgan and Yeung 2007). In other words, command and control is a regulatory style that is communicated in a fairly authoritative and non-consultative top-down directive. In this way, although not all prohibition works in this way, command and control has the effect of prohibiting or controlling the standards of certain forms of conduct, and regulators are often in authoritative positions, with access to rule-making powers, or are enforcing the rules set by government departments (Baldwin and Cave 1999). The obvious advantage of command and control is that it has the ability to legally prohibit behaviour, create sanctions for non-conforming conduct, and has the authority and clout of lawmakers behind it (Baldwin and Cave 1999). In theory, products and services can be controlled through licensing and registration, which demands that certain standards are rigorously met, under the threat of criminal sanctions. However, as previously indicated, when

viewed as a cumbersome, inflexible regulatory tool (Iles 1996), command and control is often criticized for its inadaptability to certain environmental situations, rendering it an unsustainable practice (Nash and Ehrenfeld 1996).

In practice however, prohibition in many cases is not a policy option for various reasons. For instance, the difficulty in controlling licit drug use, such as volatile substance misuse for example, is that volatile substances are not illegal or illicit, and provide an important function to the majority of the population. Prohibiting the use of volatile substances to any citizen is therefore not a viable policy option. By contrast, in the Prohibition era in the USA, alcohol itself was prohibited: there was no legal use for it. The same is true of other drugs - such as cocaine - which are illegal per se. In regards to alcohol, various controls across Australia have been introduced throughout history, including:

‘...complete prohibition; import restrictions; the imposition of excise duties and licensing fees; restrictions on days or hours of trading; and restrictions on sales to intoxicated persons, minors and – from early colonial times – Indigenous people’

(Saggers and Gray 1994: 45).

However, both alcohol and illicit drug use are reliant on the individual’s agency and personal responsibility, as is the use of volatile substances for intoxication purposes. Therefore, when analyzing prohibition, it is crucial to consider the extent to which the government or regulating bodies have the right to interfere with an individual’s decision to use drugs, alcohol or volatile substances for personal intoxicating purposes. Just as the sex-work discourse views prostitution as a concept closely linked to self-determination, users of drugs, alcohol or volatile substances are similarly influenced, at least to a certain extent (Brooks-Gordon 2006).

For this thesis, the implications are how policy makers’ perceptions of motivations and agency and the reaction of the regulatory subjects to presumptions about their behaviour may affect and distort the intended policy outcomes of a command and control style of regulation. As command and control is essentially an authoritative, top-down directive, non-consultative regulatory style, it appears as though it does not take much heed of individuals’ capacity for

autonomous action, but rather imposes a set of stipulated rules, with coercive civil or criminal penalties if they are violated. As such, although subjects are not necessarily treated as passive victims of circumstance, they are not empowered to act as active agents through policy, and are therefore closer to being regulated as passive pawns than as active queens. Given that command and control does not seem to further the interests of those who are regulated, but seeks to ensure that rules are adhered to on a cost efficiency basis, policy is most likely motivated by knaves, who are more interested in pursuing policy that furthers their own interests than policy that may benefit regulatory subjects above their own.

Other ways in which behaviours can be prevented are by restricting access to harmful substances. These techniques are further examples of how access to harmful or dangerous substances and behaviours can be controlled under the umbrella of prevention.

3.1 PRODUCT CONTROL

In Australia, it is estimated that there are 250 domestic volatile substances that can be used for intoxication purposes (Gray et al 2006), and as mentioned previously, prohibition of these substances is not a practical policy option. However, tighter regulation and control of some volatile substances is possible. Interventions based on situational prevention are intended to avoid the occurrence of particular types of behaviours by limiting access and opportunities – in this instance substance misuse (Tonry and Farrington 1995). To this end, individual substance use is dependent on the external availability of a substance – without an intoxicating substance being accessible, affordable and available for use, the substance misuse cannot occur, regardless of an individual's willingness to experiment. Situational prevention models can therefore be useful in attempting to limit the use of substance misuse, and these have been incorporated into several community approaches.

When an opportunity for substance misuse emerges, an individual will make the conscious decision to engage in substance misuse in response to situations and circumstances he or she may find themselves in (Clarke 1983). Given that volatile substances are some of the most readily available and affordable methods of intoxication, volatile substances are easily accessible when the opportunity arises (Gray et al 2006). Thus the decision to take advantage of their easy accessibility emphasizes the active role individuals have in their drug use.

Not all volatile substances are purchased: some are stolen from retailers and gas lines that supply petrol tanks (Gray et al 2006; Stojanovski 2010). As such, some communities experiencing problems with volatile substances have tried supply reduction strategies by locking up their petrol and petrol facilities, and restricting the sale of volatile substances to those over 18. Locking up petrol facilities involves caging pumps and employing guard dogs, as well as floodlighting petrol stations and other petrol housing facilities (CDHA 2004; Gray et al 2006). In some instances, petrol sniffers have broken into the petrol tanks of cars and other motor vehicles, and have cut the fuel lines that surround petrol stations, which demonstrates how users are forced into finding alternative access to substances under this approach (CDHA 2004). Some communities have employed night patrols, which try to prevent substance users from inhaling or sniffing and usually return them to their families (MacLean and d'Abbs 2002; CDHA 2004).

In addition to product restriction, preventative approaches have focused on product modification, by altering the chemical components in sniffable substances. Under the federal government's COMGAS scheme, (later renamed the petrol sniffing prevention program), non-sniffable petrol was subsidized in remote communities in Western Australia, South Australia and the Northern Territory in 1998, and became available to 36 communities by the end of 2004 (AE 2006). From 1998 until 2005 the introduced 'non-sniffable fuel' was Avgas, which contained fewer hydrocarbons and produced less of a euphoric effect than leaded or unleaded petrol (AE 2006: 21). The inhalation of Avgas caused severe headaches and stomach pains due to high quantities of tetraethyl lead present,

which further inhibited sniffing (ADCA 2005; AE 2006). In 2005, Opal fuel was introduced as a replacement for Avgas.

Other product modification strategies have included the addition of deterrent chemicals to petrol, causing nausea and vomiting when inhaled. This was generally unsuccessful when petrol sniffers learned how to evaporate the nauseating chemicals, coupled with widespread nausea felt by the non-petrol sniffing members of the community (Gray et al 2006; CDHA 2004).

The broader implications of situational prevention and product control are that they remove an individual's agency and capacity for responsibility, and impose regulatory methods on subjects as if they are passive pawn-like recipients. With no accessibility to substances, individuals have no ability to exercise their autonomy and are the subject of restrictive regulatory policy. There is no capacity for individuals to act as self-determining agents capable of rational, responsible decisions; rather subjects are assumed to be 'at risk' of dangerous behaviour unless access is restricted, and thus their competency is overruled. Within the variety of restrictive techniques that have been examined in this section, the substitution and product modification of spray paints and Opal fuel has slightly different implications for the policy motivations than other restrictive techniques.

The Federal Government subsidizes Opal fuel, as the high cost of manufacturing the fuel would otherwise pass the cost onto consumers, which would likely result in a failure of anyone to purchase the petrol (AE 2006). As such, this element of product substitution and subsidy appears to be motivated by more altruistic motives, as the policy benefits others – although crippling their agency and capacity for autonomy in the process – whilst not passing on all the benefits to the government, who suffer the financial loss of fuel subsidization (Le Grand 2003). The fact that the process of fuel subsidization along with other responses targeted towards substance misuse might engender governments to the public and increase their popularity, as they are seen to be actively addressing the problem may conversely make the process of fuel subsidy motivated by knavish

purposes, as governments seek to pursue their own interests. In this context, it appears as though policy makers are motivated by both knavish and knightly interests to a certain extent, in the sense that they want to pursue their own interests, but have some interest in the public spirit. The fact that these two factors align in this situation does not mean that these same policy makers would not become knaves or knights in a different context. Rather, a recurring agenda in many, if not most, policy situations is the active seeking of political popularity. The motivations of policy makers are more evident when popularity and policy do not align, as will be discussed later in this chapter.

3.2 SOCIAL CONTROL

As examined earlier in this chapter, community-based controls play a crucial role in regulatory strategies, as they form the second half of the reciprocal relationship between strategy and community regulation (Lacey 2004). In other words, communities and private citizens are often the 'gatekeepers' between criminality and the process of formal criminalization, meaning that the effectiveness of regulatory strategies will be limited when there is a lack of effective communication between criminal law and communities (Lacey 2004: 149). In this way, wider forms of social control themselves regulate regulatory strategies, just as regulatory strategies regulate or control communities and social groups. This reciprocal relationship is the fundamental backbone for voluntary compliance, which is responsible for internalizing social norms and was discussed as the layer underlying the responsive regulation pyramids in hierarchical forms of regulatory control. Without the formation of the internalization of social norms, Lacey (2004) suggests that the higher levels of the hierarchical pyramids in terms of monitoring and enforcement would be unable to deliver even modest objectives.

However, community-based controls are not only important for their necessity in the internalization of social norms and regulating regulatory strategies, as they fall under the umbrella of preventative objectives. As indicated in the

previous chapter, substance misuse remains a non-criminal offence, challenging the earlier raised assumption that regulation involves the creation of offences (Lacey 2004). However, police do have more regulatory responsibility, and with new authority comes new duties for police concerning dealings with individuals acutely affected by their use of volatile substances, as well in assessing, preventing and responding to volatile substance abuse problems at a more strategic level (CDC 2004). Both implications have strong emphases on community policing, with central tenants of community support and police performing a variety of public duties, with the objective of empowering communities (Segrave and Ratcliffe 2004). With this empowerment, communities are able to identify and respond to problems, improve the community environment, and increase positive public responses and attitudes towards the police (Delahunty and Putt 2006).

Empowering communities gives them the ability to police themselves, declare 'dry' areas, and create strong communities ties (Gray et al 2006). This in turn has implications for the coercive ability of community members as a means of social control for regulating behaviours. This will be analyzed in detail in a later chapter in the context of coercing individuals to attend treatment for substance misuse. Although public police have a general role in regulating substance misuse, ranging from preventative, deterrent and harm minimization approaches, policing functions are carried out by other public and private agencies with various regulatory agendas. Further, as preventative approaches to regulating volatile substance misuse affects the control of substances through retailers and sale restriction, this technique relies on the ability of retailers to implement and manage cohesive policies.

The implications of social control and community empowerment are very different from the regulatory strategies examined thus far. Unlike command and control and product restriction strategies which have taken little account of subjects' agency, and independence for rational action and responsibility, but have rather implemented policy upon passive pawn-like regulatory recipients, social control is a strategy in which subjects are empowered, self-determined

agents, responsible and capable of making decisions about their community and how it is policed and managed. It is likely therefore, that these regulatory policies are altruistically motivated; as it is the communities who will be most benefited by these strategies, rather than the policy makers.

The broader implications for designing policy that assumes its subjects are queens and is designed by knights means that unlike in the previous examples of regulatory techniques, regulatory policy is not fostered upon its subjects and does not make assumptions about their lack of capacity, which can lead to demoralizing and discouraging individuals, or risk turning knights into knaves (Le Grand 2003). Empowering communities to work together means that capable agents are in a position to take responsibility for those who might be in a more vulnerable position, rather than policies that apply blanket strategies based on inaccurate assumptions of subjects' capacities.

Despite this, although many preventative approaches to regulation are focused on controlling behaviours, not all elements of social behaviour are easily predicted or controlled. Side effects and unintended consequences of regulatory interventions can occur leading to unforeseen outcomes. For example, as discussed above, adding deterrent chemicals to petrol had the unintended consequence of making innocent citizens sick (Gray et al 2006). The prohibition of drugs and alcohol can lead to the establishment of criminal activities that are able to meet the demands of people who wish to continue to use such substances (Morgan and Clarke 2006). An unintended consequence of prohibition is in the form of black market opportunities, the move to substitute products such as other drugs or other weapons, corruption of officials, and criminal activities in order to purchase illegal goods, the price of which has been inflated by prohibition (Morgan and Clarke 2006).

Other unintended consequences emerged in Maher and Dixon's 2001 study of policing the Cabramatta heroin market, in which the intense policing of the drug market promoted unsafe drug storage practices. That is, street-level drug dealers would store small amounts of heroin wrapped in foil or balloons, in their noses

and mouths in order to avoid police detection, and spit them out in order to complete a drug purchase. If police approached, they would swallow them (Maher and Dixon 2001). The unintended consequences are thus three fold: firstly, the potential harm to drug dealers and users from swallowing heroin to avoid police detection, and secondly the danger associated with the transfer of bodily fluids from a dealer spitting out a cap and a purchaser storing the cap inside his or her mouth. The final consequence is associated with the danger to police when they became aware of this process and attempted to retrieve drugs from people's mouths (Maher and Dixon 2001).

This is not to say that these interventions are criminogenic, but they can have unintended consequences, highlighting regulatory and legislative complexities that may not necessarily be lessened by anticipation (Morgan and Clarke 2006). However, understanding the risk factors for unintended consequences may assist policy makers in taking steps to establishing preventative mechanisms when attempting to regulate through prevention and deterrence with legislative techniques.

4. PUBLIC VERSUS PRIVATE REGULATION

Within preventative approaches to controlling behaviour, there are various policy options available for product restriction and modification. Increasingly inherent in these strategies is the onus of responsibility for the sale of volatile substances being passed to the retailers. Due to their nature, many of these options are not regulated or overseen by police or the public regulating bodies, but by private industries and regulating bodies. These responding bodies and their roles will be analyzed in later chapters, however it is crucial to note at this juncture the role of both private and public sectors in regulating behaviours.

Increasingly, regulation has become a tool used by state and private bodies to manage public activities in public places or organisations only (Scott 2002). In

many settings, private organizations have a role in implementing and enforcing regulatory rules in public settings independently of the state, but private bodies need not set standards, monitor and enforce them by themselves (Scott 2002). Rather, there can be an interaction and cooperation between private and public overseers, whereby standards are publicly set and privately monitored and enforced (Scott 2002). An example of a delegated regulatory power includes the RSPCA (Royal Society for the Prevention of Cruelty to Animals), which acts as a specific 'policing' agency in the UK, monitoring the welfare of animals in public and private sectors (Scott 2002).

Another example of public and private monitoring services are Australian lifeguards and lifesavers. Lifeguards are privately funded by pools, amusement parks or resorts, and are usually paid workers (SLSA 2008). Surf lifesavers are publicly funded through lifesaving clubs, but are usually volunteers who work on weekends and holidays at public beaches (SLSA 2008). All Australian lifeguards and lifesavers must complete first aid, rescue and resuscitation training, and the Australian Lifeguards Services (ALS) is responsible for lifeguards and lifesavers. In this way, the division of responsibility between public and private domain is shared between these two bodies, which is overseen by the ALS.

Other private regulating bodies have no formal arrangements with those they are regulating, but still maintain power to seek 'behavioural modifications from public sector bodies', which is neither 'voluntary nor coercive' (Scott 2002: 66). This power is related to wealth and organization, authority and knowledge (Scott 2002). The difficulty with private regulation of public organizations is that often, private bodies lack the necessary 'clout' or authority they would have if they were state agencies (Scott 2002). In contrast, public authoritative agencies are equipped with the necessary influence. The most obvious example of a state authority agency is the police who, as discussed in other sections of this chapter have various roles and responsibilities when dealing with volatile substance misuse.

Self-regulation is a well-known form of ‘consensual regulation’, but in academic writing it has come to represent a multitude of different strategies, involving varying degrees of government participation, degrees of enforcement, as well as whether self-regulators hold a monopoly over the regulatory control (Morgan and Yeung 2007: 93). In particular, self-regulators are often responsible for regulating the behaviour that occurs within its own organization, and standards may be informal controls or be subject to strict legislative standards, under governmental or other external supervision (Baldwin and Cave 1999). Self-regulation is often performed in-house due to the specific technical or expert knowledge held by the self-regulators, that those outside the organization would lack (Morgan and Yeung 2007).

When analyzing the role of retailers as key players in terms of their responsibilities for following policies regarding product restriction and modification, it is likely that the majority of them will fall within the category of self-regulators, which has various advantages in terms of enforcement speed and government independence. In other words, although there may be difficulties in holding small retailers accountable for their regulatory actions, their size and independence allows them to be efficient when responding to regulatory infractions (Baldwin and Cave 1999). For example, retailers are best able to monitor and regulate their own volatile substance product restriction rather than be the subject of external regulation, due to efficiency and effectiveness, as well as the fact that they know their own products the best – they are experts within their own field. In this way, self-regulators are the queens of their own regulatory strategy – they are the subjects and the regulators, and as such are self-determined agents.

5. COMPLIANCE AND DETERRENCE

Compliance and deterrence are regulatory approaches with fairly similar objectives. Both are focused on controlling behaviours, but in very different

ways. Similar to a previous discussion which argued that there was no dichotomy between command and control and self-regulation, but only that these regulatory techniques exist at different ends on a regulatory continuum, so too should there be a harmony between compliance and deterrence objectives. 'The trick of successful regulation is to establish a synergy between punishment and persuasion' (Ayres and Braithwaite 1992: 25). This section will examine both compliance and deterrence as separate regulatory objectives, before suggesting that elements of both should be utilized for a cohesive approach to regulatory enforcement.

Compliance is a regulatory approach that relies on conformity to the law as its central objective. In other words, compliance does not rely on prosecutorial techniques, but is based on measures that seek to gain compliance with the law (Baldwin and Cave 1999). There are two strategies that can be used to gain compliance to regulatory standards, which are persuasive and insistent approaches (Hutter 1997). Both persuasion and insistence are aimed at securing compliance, but persuasion uses methods of encouraging and coaxing individuals into complying with regulatory standards, by explaining regulatory rationales and the methods for compliance in patient ways (Hutter 1997). In contrast, insistent strategies are less flexible and are dependent on the tolerance limits of compliance regulators, who will increase the pressure when compliance is not immediate within a specific time period (Hutter 1997).

The benefits of compliance are that by avoiding methods of prosecution, the approach uses more efficient and rational resources, and through the selective use of less formal strategies, higher levels of compliance may be obtained. This is because individuals are responding to risks rather than harms, which in turn may prevent harms from occurring (Baldwin and Cave 1999). However, the dangers of compliance lie largely in regulatory capture, which is where the regulators become too close to the regulated, and pursue their own interests over those of the broader public's (Ayres and Braithwaite 1992).

In contrast, deterrence, although similarly targeted at controlling behaviour, has a retributive dimension, and uses sanctions and prosecutions in order to deter future rule violations (Ayres and Braithwaite 1992). In this way, deterrence, unlike compliance, relies on strict enforcement of the rules in order to improve standards of behaviour and to reduce the risks of possible infractions. So although compliance and deterrence have similar objectives, deterrence has an embedded element of punishment which is targeted at coercing others to comply. In this way, deterrence can be inflexible and may foster feelings of animosity, hostility and lack of cooperation amongst the regulated, which may in fact reduce its effectiveness (Baldwin and Cave 1999).

Deterrence theory as an objective for crime control has its roots in schools of classical criminology and philosophy, with Jeremy Bentham and Cesare Beccaria (1789; 1764). Deterrence theory assumes that crime is motivated by potential profit, but can be deterred by severe, swift and certain punishment. Therefore, not only does incapacitating and punishing offenders deal with those who have committed crime, but also deters would be offenders from committing crime. Deterrence is based around rational choice theory, which assumes that individuals rationally select actions that will maximize benefits (MacCoun 1993).

The obvious assumption underlying deterrence theory, therefore, is that individuals are rational actors who will be discouraged from committing crime or violating rules when the penalties of doing so are sufficiently harsh. As we know, however, not all subjects in regulatory settings - and certainly in criminalization - are rational actors, rendering deterrence theory only applicable for those situations that do involve rationally-minded, responsible agents.

The importance of an individual's perception in deterrence theory cannot be overlooked – an offender's willingness to engage in crime is motivated by perceived benefits weighed against perceived sanctions, similar to a weighing of costs and benefits in rational choice theory (MacCoun 1993). Perception is also involved in the evaluation of risk. In other words, policies aimed at deterring criminal behaviour involve a perception and evaluation of risk by an offender

(Naggin 1998). In this way, offenders weigh the risks and benefits of being caught, and if police decide to 'crackdown' on a certain type of crime, the deterrent effect depends on the perceived risk of being caught.

In areas outside crime control, deterrence methods can still be used to generate compliance, by using cooperative techniques to attain regulatory standards (Burby, May and Paterson 1998; Burby and Paterson 1993). Similar to much crime control deterrence techniques, with a rational choice analysis in weighing the costs-benefits along with the likelihood of being caught, regulatory compliance also relies on subjects weighing the possible penalties averted by complying, against the rewards from non-compliance (Kuperan and Sutinen 1998; Burby and Paterson 1993).

One of the problems with deterrence methods is associated with the constant need for supervision, as well as a general need for penalties to be sufficiently harsh. In this way, deterrence methods outside crime control still rely on certainty and severity in order for them to be effective. However, beyond the criminal justice arena, it is often not feasible for the penalties to be sufficiently severe to ensure the compliance with regulatory standards (Kuperan and Sutinen 1998). Further, there is the potential that the overuse of deterrence can lead to regulated groups to call for the removal of that program (Burby and Paterson 1993).

As deterrence theory assumes that individuals are rational actors capable of making a choice between sufficiently harsh penalties and a violation of the rules, it takes account of the capacities of agents and their abilities to make rationally informed decisions. Similarly, compliance operates through negotiation and persuasive techniques, as it tries to coax subjects to conform to regulatory rules. As such, deterrence and compliance techniques seem to operate on the assumption that their subjects are rational, responsible agents – particularly in areas of crime control, where individuals are queens for the purposes of responding to criminal charges (Lacey 2004). The policy motivation, however, is more difficult to interpret.

Compliance methods based on negotiation, cooperation, with various concessions and compromise may be time consuming both to subjects and to the regulators. As such, due to the fact that the compliance process may be public spirited in the sense that there are no civil or criminal penalties, nor any threats of coercive action, policies based on compliance are more likely to be motivated by knights. This is also due to the fact that compliance techniques may be more beneficial to the subject – in the appropriate circumstances – than the regulator.

Conversely, policies based on deterrence techniques seem to favour the regulator over the subject, in the sense that although subjects are empowered agents with the capacity for rational choice, civil and criminal penalties advance policy makers' interests more than regulatory subjects', and deterrence theory seems able to further the interests of regulators more than those who are regulated. However, as previously indicated, the policy motivations in these instances are not clearly identifiable, and as such they may differ depending on the context, the regulatory subjects as well as the specific policy maker.

6. HARM MINIMIZATION

Although the broad objective of many regulatory approaches is to control, prohibit or prevent behaviours from occurring, there is another approach that deals specifically with reducing the associated harms. The implication of harm minimization, therefore, is that dangerous behaviours will occur, and when preventative, prohibitive and compliance approaches are unsuccessful or inappropriate, another policy option is to minimize the harms involved. Harm minimization is especially important when dealing with drug and alcohol issues, as these can be viewed as health concerns and cannot be appropriately or effectively addressed through criminal justice sanctions, interventions or penalties. Often, policies related to health issues are dependent on what is politically achievable, rather than what is politically optimal, which is apparent through the public demand for criminal sanctions for drug users and sellers,

when from a criminological standpoint adversarial approaches are ineffective (Skolnick 1999).

A harm minimization approach is an alternative to addressing the problem using the criminal justice system by using policy to reduce or minimize all drug-related harm (Weatherburn 2009). Australia has demonstrated a commitment to approaching illegal substances from a harm minimization perspective, and formulating harm reduction strategies into drug policy (Maher and Dixon 1999). To this end, Australian approaches to volatile substance misuse will likely follow this tradition, and incorporate harm minimization principles. A harm minimization approach to volatile substance misuse may depend on the substance itself, which varies depending on the setting. The wider public perceives the very nature of petrol sniffing in a remote Aboriginal community as an issue primarily related to health (d'Abbs and Brady 2004). Conversely, chroming in urban settings can be portrayed as presenting a threat to the morality and functioning of a community in which media audiences live, and as such, chroming is more likely to be characterized as a crime prevention issue rather than health issue (d'Abbs and Brady 2004).

Supporting this notion, a significant proportion of police officers questioned in 2006 suggested that addressing volatile substance misuse should not be the responsibility of the police. They gave various reasons, including: that the primary role of police is to focus on criminals; volatile substance misuse is a health concern, rather than a police one; and volatile substances are best dealt with by the community or family of the user (Gray et al 2006). However, in contrast, volatile substance misuse is considered by some policy and community agencies to be a police issue (Gray et al 2006). This extends to police having the authority to search and seize property and to apprehend people, and recommend assessments for mandatory treatment orders (Gray et al 2006). From this perspective, despite the fact that volatile substance misuse is not a crime, law and policy makers have dictated that police be actively involved in the regulatory response.

Under a harm minimization approach, the responsibilities of police in responding to volatile substances are three fold. Police are responsible for protecting the community, through a 'common law duty-of-care', investigating crimes that occur whilst substance misusers are intoxicated, as well as disrupting the supply of substances (Gray et al 2006: 55). A fourth responsibility that was not examined by Gray et al (2006) is the duty of police to liaise with health and other community workers. This may be a difficult task, given the reluctance on the part of some police to view substance misuse as one that requires a police role.

The view that substance misuse is not a policing matter, but one best dealt with by the health sector contradicts the stereotypical police approach to techniques of harm minimization. In the context of heroin markets, police officers appear to not understand the basic principles of harm minimization directions, and have in the past specifically targeted clients of needle exchanges (Maher and Dixon 2001). Official guidelines and Commissioner's statements offer little guidance, on the one hand applauding harm minimization and expressing police commitment, and on the other condemning needle exchange and methadone maintenance treatment (MMT) programs for their part in supporting drug use, creating an 'ever-increasing circle of death, crime and decay' (Ryan 1999 cited in Maher and Dixon 2001: 15). As such, the breakdown of harm minimization seems to occur at an operational level, with street level enforcement practices not reflecting the principles of harm minimization policy (Maher and Dixon 1999).

However, as will be analyzed in greater depth in later chapters, police involved in the regulation of volatile substance misuse appear to be advocates of a harm minimization approach that sees health workers as the primary responders to the behaviour. Whether this is due to the fact that in general, volatile substance misuse is viewed as behaviour so alien and foreign – as 'matter out of place' that police want no part of it, or whether the fact that substance misuse is not a criminal offence and holds little interest for some police officers, are factors that will be considered at a later point in this thesis (Manderson 1995: 802).

Techniques that can be employed under a harm minimization approach are focused on treatment and alternatives for drug or alcohol offenders. These might include rehabilitation or methadone maintenance programs, and reducing harm to the user without imposing incarceration or criminal penalties (Skolnick 1999). For volatile substance misusers, these include outstation programs, where the user is removed to a place of safety, and is provided with physical and emotional care by family and community members (d'Abbs and MacLean 2002; CDHA 2004). As these alternative sanctions involve treatment methods, they offer users a better chance of permanently altering their behaviour (Skolnick 1999). Thus it is education that focuses on health risks and values, rather than scare tactics, in combination with long-term social reforms that are more effective in minimizing the harm associated with drugs, than are criminal punishments through crime policy (Skolnick 1999).

A further point of consideration is whether the use of coercive techniques should be employed in order to induce individuals into these programs. For example, legal coercion is in practice in the NSW drug courts, in order to divert drug dependent offenders away from the justice system, and provide a better chance of receiving appropriate treatment (Weatherburn, Topp, Midford, Allsopp 2000). The practice of legal coercion usually takes the form of an offender presented with a choice between incarceration and treatment, often with the threat of incarceration if treatment is not completed (Weatherburn et al 2000). Coercive techniques in regards to outstation treatment will be discussed in a later chapter.

Harm minimization techniques that involve no coercive action seem to assume that individuals have limited capacity, warranting intervention to deal with the consequences. In other words, this approach assumes that individuals lack rational choice and will thus make choices that result in harms that must be managed. As such, although harm minimization seems to respect the active choices made by subjects, and is therefore a policy approach that assumes individuals are queens, it responds as though they are pawns, and victims of their own circumstances. Conversely, when coercive techniques are involved in the approach, the individuals' ability to exercise their self-determination and

agency are severely limited and as such, this end of the policy tends to treat subjects as passive pawns, recipients of a harm minimization policy approach which compels them into treatment.

Further, there is often an abundance of negative attention that surrounds harm minimization policy approaches - for a well-known example, see the Kings Cross Medically Supervised Injecting Centre (MSIC), which has been criticized for 'promot[ing] tolerance of illicit drug use' (DAC 2009), 'fail[ing] to reduce the overdose death rates' (Bissett Jan 5 2009), and for being a 'veritable license for illegal drug consumption' (Moyes 2008). However, official research into the MSIC has indicated that these criticisms are baseless, given that public injecting has decreased and all overdoses have been managed without fatality – an actual overdose rate of 5.4 per 1,000 visits between 2001 and 2007, reducing the potential for morbidity given they occurred on-site (Maher and Kaldor 2007).

Numerous academic studies have credited the MSIC with a reduction in overdoses and unsafe injecting practices such as needle sharing (see Fitzgerald, Burgess and Snowball 2010; Stoltz et al 2007; Kerr et al 2005; Thein et al 2005; Wood et al 2004; Hedrich 2004; and Zurhold et al 2003), without an increase in drug-related crime (Wood et al 2006). Government acceptance in 2010 of this has led to making the MSIC permanent. Given that some harm minimization approaches often attract antagonistic public and media attention, which can be deflected onto policy makers themselves, the harm minimization approaches are most likely not motivated by self-serving knavish interests, but purely for public spirited, altruistic and knightly reasons.

6.1 LEGALIZATION

In addition to treatment and occasional police involvement, harm minimization can be approached through licensing and other administrative regulation techniques such as building development controls and taxation. Although very authoritative, potentially involving registration, inspections, restrictions and

taxes (Weitzer 1999), licensing or legalization minimizes the harms associated with certain behaviours by seeking to monitor key players and to ensure minimum standards are being met to those who are granted permission to operate and offer services (Baldwin and Cave 1999).

In the example of prostitution, legalization can involve licensing or registration of prostitutes, (although this is not what has happened in Sydney), mandatory health inspections and restrictions, as well as business taxes (Weitzer 1999). The monitoring and licensing of sex workers and brothels is the responsibility of police, municipal authorities or other independent agencies (West 2000). Workers or brothels who do not seek or who are not granted licensing could be subject to criminal consequences (West 2000). Thus the main objective of legalization is harm minimization, with regulations and restrictions focused on reducing harms to all parties associated with the activity (Weitzer 1999). With legalization, prostitution would be formally recognized in legislation and regulated by the government, encouraging the introduction of minimum wages for prostitutes, better working conditions, safety measures, and occupational health and safety regulations (Sullivan 2010).

However, as with drug use, those opposed to the legalization of prostitution argue that techniques of harm minimization appear to condone prostitution (Weitzer 1999). The success of legalization is dependent on sex workers' readiness to adhere to regulation processes which, in the form of mandatory health checks, licensing and registration and so on, can be interpreted as infringing on the relative freedom of the workers (Weitzer 1999). Due to community complaints and practical constraints, legalization would most likely be better suited to brothel workers and escort agencies, rather than street workers (West 2000). This is an example of how combinations of regulations can be used for different effects: prohibition is used against street workers to drive them into the regulated conditions of legalized, off-street prostitution.

With the legality of substance misuse in Australia, legislation in all Australian states has been amended to allow police appropriate authority in dealing with

volatile substance misusers. These laws give police stop, search and seize powers, as well as powers to detain those suspected of inhaling or intending to inhale (Gray et al 2006). Stop, search and detain powers are usually a way into detention and charge (Blagg 1997), but here they are used for non-prohibitory purposes. Northern Territory courts have the authority to mandate rehabilitative treatment, and local areas can gain recognition for laws relating to the possession, supply and use of volatile substances (Gray et al 2006). Regulation through harm minimization without penalty or criminal consequences is thus in use in most Australian jurisdictions.

The implications of legalization as a regulatory strategy are how policy makers' perceptions of agency and motivation may affect the intended policy outcomes. Although falling under the umbrella of a harm minimization approach and therefore maintaining some measure of respect for subjects' self-determination and capacity for choice, legalization with licensing, registration and health inspections infringes on freedoms within the workplace and as such, individuals must submit to these conditions before they can work. From this perspective, legalization is essentially a commanding, top-down, non-consultative regulatory style, with little community involvement of those being regulated, and therefore takes little account of individuals' capacity for autonomy and agency, as it criminalizes those who are not licensed or registered. In this way, legalization fosters certain conditions on individuals, with the implication that these subjects can never be completely active, self-determining agents. As such, although to a lesser extent than some of the previously visited regulatory approaches, this technique is operating under the assumption that individuals are more pawn-like than queen-like, and is treating them as such.

Given the relative ease for regulators to conduct the process of registration, licensing and health checks, it seems as though legalization is likely motivated by self-serving policy makers, who seek to gain public and political approval by restricting and monitoring the actions of marginalized groups. As such, their private interests are served as much if not more than those to which the policy is targeted towards, meaning that the policy is likely driven by knavish

motivations. Further, the implications of treating and regulating autonomous agents as pawns, and fostering restrictions on work conditions has implications for the potential success of programs, in that workers can be demoralized and dispirited, or may become knavish themselves in order to avoid the restrictive impositions (Le Grand 2003).

6.2 DECRIMINALIZATION

Another technique for a harm minimization approach is decriminalization, which effectively removes all criminal sanctions and penalties as well as all other legal controls, deregulating behaviour. The difficulty with decriminalization, as opposed to harm minimization through treatment or legalization, is that all standardized controls are removed, thereby removing safety measures. In this way in theory, the behaviour becomes an unmonitored, deregulated activity.

Again using prostitution as an example, decriminalizing prostitution would remove all criminal consequences and penalties, resulting in prostitution becoming a deregulated, legally tolerated activity. Thus, prostitution would be treated like a deregulated, legitimate business (Sullivan 2010). In general, decriminalization does not attract public support, leading the majority of policy makers to oppose decriminalization, in contrast to prostitutes' rights groups, who argue in favour of decriminalization (Weitzer 1999). This is due to the fact that they feel that strict regulating guidelines fail to allow prostitutes the right to use their bodies as their work, and allow undue government interference, promoting the censure of prostitutes (Weitzer 1999). Vital to the issue of prostitution are health and safety concerns, such as reducing violence and harm to sex workers, through legal and organizational changes (West 2000). Removing regulatory control would allow the organization to look after itself, but without protective standards.

NSW is the only Australian state to have attempted decriminalization of prostitution, with the *Prostitution Act 1979* (NSW) (*Section 5*), which revoked

laws relating to solicitation and loitering unless causing serious anxiety or offense, which has resulted in brothels now operating as any other legitimate business (Sullivan 2010). An increase in street workers, however, led to neighbourhood protests and resulted in the re-introduction of criminal penalties for street prostitution, with amendments designed to restrict prostitutes to brothels or escort agencies (West 2000). The increase in community complaints not only allowed the police wider discretion in determining offensive conduct, but further resulted in an increase in arrests, higher penalties and legislative efforts to stop prostitutes from working in the same area (West 2000).

Decriminalization removes the social ostracism and risks of exploitation along with all forms of regulatory control (West 2000). In this way, individual and collective agency is responsible for ensuring minimum standards are being met in terms of health and safety. Without prescriptive standards for health and safety, any number of dangerous behaviours can occur.

The broader implications of decriminalization are again in regards to the assumptions of motivations and agency. As deregulation has no restrictive approaches, and is not imposing any predetermined standards of behaviour that are not a product of community or subject-based consultation, this approach places no restrictions on behaviour and therefore appears to operate on the assumption that the regulated are capable, deterministic agents, who are able to make responsible choices and actions. As such, deregulation assumes its subjects are queens. Further, decriminalization is generally not a popular policy option within communities, as restrictions that once applied to controlled acts and community groups are removed. As such, policy that seeks to decriminalize must see the benefits in removing regulatory controls, despite negative public or community attention that may deflect onto the policy maker. This implies that the approach is driven by knightly motivations, which are able to pursue the public interest at the expense of his / her own (Le Grand 2003).

CONCLUSION

This chapter has discussed various regulatory techniques and how they can be applied to different policy settings depending on the regulatory objective and the motivation of policy makers. What has emerged from a discussion and critique of these methods, is that the majority of regulatory approaches operate on the assumption that their regulatory subjects are rational agents, capable of making responsibly informed decisions – queens, and hold individuals accountable for their actions, for example – in the areas of criminalization. However, whilst assuming they are queens, they are regulated as pawns, often with a lack of consultation and lack of power, who are passive and largely uninvolved in the regulatory process. Treating regulatory subjects as such may inspire individuals to act as knaves, in order to avoid regulatory penalties and restrictions, as well as being frustrating and discouraging to those with agency and capacity for autonomy (Le Grand 2003).

What has also emerged through an examination of some of the different regulatory strategies is the way in which these policies operate on the assumption that individuals are queens in some circumstances and not in others. This is evident in the variance between strategies, which raises the fundamental question: should regulatory policy be applied uniformly, or tailored for the regulatory subjects, just as strategies vary depending on the situation? Applying blanket regulatory strategies without taking account of the capacity or agency of the individuals who are being regulated can lead to ineffective policy, with unintended outcomes (Le Grand 2003), and effective regulation should be adaptable to its regulatory subjects.

Regulatory strategies that are consultative, empowering, public-spirited and community-based are more likely to be effective because they are tailored to the regulatory community, are community driven and owned. Further, the sense of ownership and empowerment ensures that individuals are actively engaged and are self-determined agents involved in the regulatory process, rather than

passive recipients of presumptive policy. In this way, queens should be the recipients of policy, but consulted along the way, and policy delivered by knights. However, as evident throughout this chapter, there are few regulatory strategies that view regulatory subjects with this level of capacity, or deliver policy with altruistic motivations. The regulatory approaches to volatile substance misuse will readdress these fundamental questions of agency and motivation with a view to assessing the effectiveness of policy in this area.

Another crucial point of consideration for this thesis that emerged through this chapter, was the essential function played by community groups in regulating and controlling regulatory strategies. This occurs through social groups creating community-based controls, which affects the creation of social norms and the wider society's compliance with them. As such, the effectiveness of any criminal law that is in conflict with community-based forms of control will be limited (Lacey 2004). In other words, lack of effective communication with community groups will constrain the potential of regulatory strategies. In this way, social norms regulate formal regulatory practice. Further, community groups are often the guards between criminal behaviour and the process of formal criminalization and thus the power of community groups cannot be underestimated.

Not all regulatory strategies that were examined in this chapter devalued the capacity of its subjects; social forms of control had the effect of empowering community groups to declare dry areas and manage their own spaces. As such, these regulatory subjects were queens of their own communities, who had agency and self-determination, with the capacity for community consultation coupled with rational action. Deterrence, compliance, harm minimization without coercion and decriminalization also appeared to operate under the assumption that their subjects were queens, capable of autonomy and agency. However, the policy motivations of these strategies and the others discussed through this chapter were more difficult to analyze.

The broader implications of this discussion and the framework for individual agency and policy motivation that has been examined in this chapter is the

extent to which policies should take subjects' agency into account before applying policy; whether policy should be applied uniformly regardless of the capacity of individuals; and how the reciprocal relationship between community-based controls and regulation works in practice. These will be examined in depth in the following chapters, drawing on data collected from fieldwork, and the original research questions.

CHAPTER THREE: FLEXIBILITY, NEGOTIATION AND RECIPROCITY IN ETHNOGRAPHIC RESEARCH

The previous chapters have explored the nature of volatile substances and the historical and cultural contexts of substance misuse. The past two centuries have seen the evolution of Australian Indigenous policies to reflect the changing attitudes of non-Indigenous Australians – a process that has covered a change in views from assimilation to self-determination. However, what has emerged through a critique of these policies and other volatile substance literature is the ever-present gap between white Australians and Indigenous Australians. The previous chapter explored issues surrounding the 'narcissistic desire' of white Australians to improve the social conditions of Indigenous Australians, and it was argued that the 'refusal to be helped' was a way in which Aboriginal people were able to exert independence and self-governance from the state's continual interference (Cowlshaw 2003: 108). Such assertions might operate under the assumption that the programs necessary to improve the social conditions of Aboriginal people are fully functioning and performing as expected, but are discarded in favour of autonomy, or are based on a belief in the inevitability of program failure.

The intention of the current project is to assess the success of regulatory strategies in responding to volatile substance misuse, with a focus on assumptions of agency and policy motivation. As such, the research may therefore shed light on whether the health inequalities in some communities exist due to the refusal to be helped, and the desire of Aboriginal people to remain autonomous and free from government interference.

This section details the methodology of the current research project, the steps taken towards the initiation of the fieldwork, and the research process itself. The nature of these processes develops into something of a narrative rather than a seemingly 'artificial' construct of obtaining access, finding participants, conducting the fieldwork, exiting the field and analyzing the data (Maher 1997:

207). Rather, the steps taken towards the construction of the research project involved a complex series of interrelated factors such as negotiating the field, reciprocity of resources between the researcher, the researched and other community bodies, and a vast degree of flexibility and reflexivity.

This required a comprehensive research design. Broadly, a study's design can be interpreted as a 'blueprint' of the research plan: its questions of inquiry and what is being studied, what data should be considered relevant to the research questions and what to collect, and how to analyse these data and interpret the results (Philliber, Schwab and Samsloss 1980). Although in practice the research process had to adapt to the actual conditions, the project would not have been possible without an extensive and well-planned research design.

In discussing these issues, this chapter will present a detailed account of the methods used, the questions asked, and the problems encountered along the way. In addition to this, the narrative perspective of the project construction will be explored – from negotiating the field to establishing relationships with community workers and members, to ethical responsibilities and reciprocity conflicts, and also the difficulties associated with researching and reporting the findings to those who occupy other power, class and cultural positions. However, these factors cannot exist in a vacuum – they are framed by the specific research aims, questions and design of the study.

As the aim of the project is to empirically examine the current responses to volatile substance misuse in an Aboriginal community and assess their levels of success, it is important to understand the community context in which the responses are based. It is the study of the community context in conjunction with factors that affect the implementation and operation of volatile substance interventions that will allow the interventions and their operating bodies to be fully understood. The specific research questions for this study are:

- Is volatile substance misuse a problem at the town camps / community?
What is the extent of the problem?

- What interventions are in place at the town camps / community? Are these interventions successful in regulating volatile substance misuse? What are the measures of success for the interventions?
- How do assumptions of subject agency and policy motivation affect the potential effectiveness of the programs?

The majority of previous research that has explored volatile substance misuse in Australia has originated from parliamentary or coronial inquiries, with evaluations of programs and interventions conducted in connection with the new police powers (QCMC 2005a), places of safety model (QCMC 2005b), Opal fuel (ADHA 2004) and the *Petrol Sniffing and Other Solvents Kit* (ADAC SA 2005). This project has built on these evaluations, and consists of a mixed-method hybrid research design, in a case study setting with both qualitative and quantitative research components. The term mixed-method hybrid research refers to research that employs the use of both qualitative and quantitative data collection methods within the context of a single study (Driscoll, Appiah-Yeboah, Salib and Rupert 2007).

Mixed-method research designs are appropriate for examining difficult research fields and provide a pragmatic advantage when investigating complex research questions. Whilst qualitative methods are able to provide a richer understanding of the context and the responses, quantitative analyses can provide an insight to any patterns of responses or other external phenomena that can influence responses (Driscoll, Appiah-Yeboah, Salib and Rupert 2007). The combination of both qualitative and quantitative methods within a single case study is the best approach to analyzing the responses to volatile substance misuse in the Alice Springs Town Camps, as they allow for the examination of interview responses as well as patterns that may emerge through quantitative data analysis.

The current research has drawn on the methods of other research projects that have examined volatile substance misuse, and have employed single or multiple

case studies with qualitative and quantitative research methods (Gray et al 2006; Delahunty and Putt 2006; ADHA 2004; Tsey et al 2003; Burns et al 1995a; Burns, Currie; Clough and Wuridjal 1995b), and the use of qualitative data without a case study design (MacLean 2005; McGarvey, Clavet, Mason and Waite 1999).

A case study approach is taken in this research. In essence, a case study is an empirical analysis that allows the investigation of contemporary phenomena within a real-life context (Yin 2003: 13). A case study usually involves using multiple sources of data: in this case direct observation and interviews are used together with statistical data. Case studies are particularly suitable for researching phenomena which are not separable from their context (Yin 2003), as in the current study of volatile substance interventions in Alice Springs town camps, as these interventions cannot be understood without reference to the social, cultural and historical context of the community.

Although the conditions within the Indigenous community chosen to participate in the study are not universal to all Indigenous communities, the cultural and historical context, population, income, socio-economic and employment status of the residents make this Indigenous community similar to others in Australia. The results from this study cannot be generalised to other communities. However, the experiences of this community can assist with understanding the conditions and circumstances of other Indigenous communities with similar problems.

There were three different research techniques used for data collection, which were face-to-face interviews, observation and analysis of official statistics gathered from key informants. The single case study was selected as the study design due to the need to explore and evaluate the different interventions in place within one community in depth, and the community chosen for study has had a history of volatile substance misuse.

1. CURRENT RESEARCH

1.1 INTERVIEWS

Volatile substance misuse programs involve a number of different populations, and in order to assess how effective the strategies are in targeting substance misuse, the current study sought to interview members of each population group. The interview research design drew on previous research in the field (Delahunty and Putt 2006; Gray et al 2006; Shaw, Biven, Gray, Mosey, Stearne, Perry 2004; Phillips 2003; Brady 1992). Interviews were conducted with four different groups of participants: police, community agency representatives, key informants and community members. Community members were interviewed in natural clusters where possible, which facilitated discussion, allowed the participants to feel more relaxed and comfortable, and provided valuable insight into the community cohesion through its members.

Interviews with key informants and policy makers focused on the policy framework in place in the community, and were designed to elicit a sense of the relative satisfaction or otherwise with the current approaches from policy maker or government official's perspectives. Further, strains within the non-Indigenous communities in relation to substance misuse were discussed, in addition to an exploration of what the perceived culturally appropriate solution would be.

Interviews with police were conducted with police officers experienced in dealing with substance misusers and accustomed to interacting with Indigenous community members. Interview questions were designed to elicit information relating to the nature and effects of volatile substance misuse, the effects and implications of policing petrol sniffing as felt by police officers, and the community. Police officers were also asked about their specific involvement with communities and volatile substance misusers, and how well the different agencies involved in substance misuse interventions interact. Questions about how effective the current interventions are in minimising the spread and harm of substance misuse were also addressed, as well as what other interventions may

be considered to be more successful. Police were asked to comment on specific incidences of substance misuse with which they had been involved (Gray et al 2006).

Community member interviews were designed to elicit information relating to the perceived success of the interventions in place within the community, as well as the perceived cultural appropriateness of the interventions. Interviews also focused on other culturally sensitive and relevant interventions that have been considered in addition to or instead of the current interventions in the community, as well what the 'ideal' approach from an intervention would be. Other questions focused on relationships with police, community agencies and substance misusers within the community, in order to focus on the nature of the working relationships, with a view to identifying any tensions or strains between bodies.

1.2 AN ASSISTED PASSAGE TO COMMUNITIES

In designing the community member section of the research, the project encountered several obstacles that needed to be addressed prior to the application for ethics approval. These included crucial components of the research such as the possibility of psychological distress in participants, the different languages spoken among town camp residents in which I am not literate, the difficulty in avoiding the possibility of coercion with a vulnerable population group, and the importance of gaining informed, voluntary consent.

After a preliminary trip to Alice Springs to meet with the local council and research team in April 2008, arrangements for a small team of local Indigenous researchers to be employed for the project were made. These researchers were employed on a casual basis, funded by the University of New South Wales's Research Fund, and have been involved with various other research projects within Alice Springs, with local Indigenous groups and community members. Prior to the commencement of the fieldwork and gathering of community member data, a team meeting was held between four members of the research

team and myself, which allowed for discussion and consultation on how to best collect the data from community participants. This included which town camps to visit, the structure and exact wording of the interview questions, and whether or not to tape record the interviews.

The research team that accompanied and assisted me with community member interviews consisted of three research team members – one had to withdraw after the initial planning meeting due to a scheduling conflict. Due to cultural reasons, the research team were reluctant to use the recorder, and preferred one member of the research team to administer the interview, with the other two members taking notes. Five of fifteen community member interviews were conducted in language, and only these were recorded, to allow for translation at a later time. Four of fifteen interviews were conducted in a natural cluster, which facilitated discussion in language, which were digitally recorded.

Table 1: Participants by Group and Gender

	Police	Community Worker	Community Member	Key Informant	Total
Male	2	4	3	1	10
Female	0	10	12	2	24
Total	2	14	15	3	34

As indicated in Table 1, the total number of participants involved in the research project was 34, of which 10 were male, and 24 were female. 15 were community members, 14 were community workers, three were key informants and two were police officers. The average age of participants was approximately 35 years. The interviews were conducted over a five-week period, from 1st September to 3rd October 2008, with approximately eight interviews being conducted a week, as the first week was primarily setting up interviews. Each interview took on average between 40 and 50 minutes to complete, with the longest lasting two and a half hours, and the shortest 25 minutes.

Interviews with police, representatives of community agencies and community members provided the research with the perspective of those 'on-the-ground' (Gray et al 2006: 3). However, the inclusion of key informants in the form of government officials and policy makers gave the research an alternative perspective – those who were not 'on-the-ground', but were well placed in decision-making (Gray et al 2006: 3).

It is important to note at this point that in order to preserve participant anonymity, the 'key informants' in this thesis will remain unidentified. There were three key informants that participated in this research, and due to the snowballing method of recruitment, the tight knit nature of those who are involved in volatile substance work in Central Australia and Alice Springs, as well as the easily identifiable nature of the role and positions of the key informants, their positions within the community will not be identified in this project.

1.2.1 INTERVIEW INSTRUMENT

The interview instrument was a semi-structured open-ended interview guide, which allowed room for flexibility within the interview, and also for other issues not included in the guide to be addressed. However, the guide allowed for the same factors to be a focus in each interview. Although the core focus for each participant group was the same, each participant group had additional questions tailored to their position within the community intervention framework.

Prior to each interview being administered, police, key informants and community workers were asked to complete a short questionnaire that asked for his or her age group, position, time spent in that position, whether he or she came into contact with volatile substances in that role, how often and which substances, and whether this was the first employment position working with volatile substances. These questionnaires and interview guides are provided in Appendix A (police officers), B (community workers), and C (key informants). Community members were asked at the beginning of each interview their age

group, but were not given a separate questionnaire to complete. The community member interview is provided in Appendix D.

The digital files from the interviews were transcribed and entered into a qualitative data analysis program (HyperResearch), to allow for a comprehensive analysis. The qualitative data were thematically coded through a hierarchical analysis with a view to investigate the specific research questions of this study. By using hierarchical coding, different levels of analysis and specificity could be given, as higher order codes gave general overviews of the research, and lower order codes enabled distinctions to be made between and within cases, and categories (King 2004). This method of analysis was chosen as it represents the most accurate method of thematic analysis and theory investigation, within the context of the study's research questions.

1.3 OBSERVATION

Observation of the community and any observable community-based interventions was conducted in order to complement the interview data.

Design of the observation method followed previous research using qualitative observational methods (Phillips 2003; Brady 1992). Observation participants were recruited through community groups and general observation of the community life was conducted between 1 September and 3 October 2008.

Observation of the community groups did not follow a structured guide, but was focused on the community ways of life and dynamics between community members. Observation of the programs focused on the ways in which they were conducted, the dynamics and interactions between participants, as well as the ways each participant group worked to implement the program activity. Group dynamics between the different groups of participants and within each group of participants was observed, including verbal and non-verbal communication, levels of interaction, and functionality of the group.

Observations were written up as field notes at the end of each day. These observations were used in order to reinforce data collected through the interviews collected in groups, as observation can most effectively provide a rich contextual base for interactions and group behaviour (Giordano, Cernkovich and Pugh 1986).

1.4 DOCUMENT ANALYSIS

Analysis of key informant and community worker data was conducted in order to provide the research with an additional dimension. The analysis collected information relating to the patterns and trends of petrol sniffing and related activities within the community, and material gathered through interviews and observation were compared with statistical data. These methods are elaborated and explored further in the following sections.

2. CONDUCTING THE RESEARCH

The scope of the study involved an Indigenous community, and various expected and unexpected practical difficulties were encountered.

The design for the current study began in October 2006. However, in response to the release of the *Little Children are Sacred* report in June 2007, which explored the sexual abuse of children in the Northern Territory, the Federal Government initiated a radical intervention into several Northern Territory communities. Aside from facilitating an environment of wariness and suspicion towards many of those outside the community, the intervention created barriers to accessing communities, who have for the most part, grown disenchanted at being the subject of endless research studies and interventions. As such, the scope of the current study was adjusted and entry to Aboriginal lands had to be negotiated

with the local council and community members, which took more time than initially anticipated.

Initially, letters requesting various forms of support were sent to the local council, followed by letters seeking permission to interview appropriate members of the various participatory organizations. These letters were sent to the local council, the Northern Territory police commissioner, the Northern Territory government, as well as other community groups, inviting participation. In keeping with the University of New South Wales' 'arm's length' approach to recruiting research participants, these organizations were asked to complete and return a permission form, which nominated a contact person within each organization. This contact person was approached and interviews were arranged with nominated members of each organization.

Once I arrived in Alice Springs however, more of a snowball method of recruitment began to occur, with each participant mentioning four or five more people they may have worked with on a volatile substance program, some of whom I had heard of, and some of whom I had not. This is largely due to the community nature in which the volatile substance programs and interventions are run: every community worker knows every everybody else, and they are seemingly aware of who is using substances, who may be at risk of using substances, and who the other workers are in the field. Several times I contacted someone for an interview and they were either 'out bush', or out of Alice Springs, but they immediately emailed me back with several other very useful contacts. In this way, the method of recruitment progressed throughout the duration of the fieldwork, as I continued to contact participants up until the final day of fieldwork.

As previously indicated, the total number of participants recruited into the study was 34. This represents the maximum number of people that could feasibly be recruited within the allocated recruitment timeframe using available resources. The recruitment procedure involved initially contacting as many heads of organizations via letter and phone from Sydney as possible and inviting them to

participate in the study, and then through following contacts via a snowballing method of recruitment in Alice Springs. I was satisfied that the participants in the study represented a good cross-section of the programs involved in the research. The participants represented the majority of the people relevant and appropriate to the programs studied within the population.

2.1 NEGOTIATING ACCESS

POWER, CLASS AND CULTURE – THE ‘STRANGER’

He is fixed within a certain spatial circle, but his position within it is peculiarly determined by the fact that he does not belong from the first, that he brings qualities into it that are not and cannot be, native to it.

(Simmel 1921: 322)

As explored in the previous chapter, Indigenous Australians have been historically marginalized and colonized by white Australians, and during the period of initial contact with the community, and throughout the duration of the fieldwork, I was conscious of both my white-ness and the difference in power and social positions between myself and community member participants. I anticipated entering the community as an outsider, external to the community group I was researching, and although I never expected to become a group member, I anticipated the community groups to gradually come to accept my presence. In this way, I was never completely an outsider or an insider: never external or internal to the group I was studying.

During interviews and observation with town camp members and community workers, I initially intended to match my dress sense to other community workers, so as to blend in, however, I soon forgot about this and dressed for the hot Alice Springs climate. I anticipated the fact that I was an outsider would work both to my advantage and disadvantage. On the one hand, I entered the community with no credibility, no trust, no friends in the town camps, and no cultural ties. My only link to the community was with the Central Australian Youth Link Up Service (CAYLUS), with whom I had attached myself and was

doing odd jobs for, and who had agreed to introduce me to some of the town camp members and other community workers and key informants. These participants had no reason to want to speak to me about their substance misuse, their involvement with misuse programs or the police or intervention bodies, as I was not someone reliable, trustworthy, or a familiar face.

On the other hand, my volunteer work with CAYLUS gave me some sort of 'in' into the town camps, as word of my research spread around. From this perspective, I was often nearby, in either the CAYLUS office or one of the camps tagging along and observing one of their workers, and my constant, albeit temporary presence, served as some sort of a reminder to substance misusers of the danger of volatile substances, the accessibility of the interventions: where town camp members can go for help, as well as the importance of my research. In this way, my outsider-ness made me a 'stranger', but a stranger with whom participants felt confidences could be shared (Simmel 1921). This 'stranger' confidence suggests that an outsider may be better placed to gather sensitive information than a relative or friend, due to the 'objectivity' of the stranger, and the fact that the stranger may be more likely to conceal the information from 'every intimate' (Simmel 1921: 324).

From this perspective, being external to the group still involves group interaction, however, the stranger is not a group member and is therefore both 'near and far' (Simmel 1921: 327). Importantly for this work, Simmel argues that since the stranger and the group have only the most general characteristics in common, emphasis is directed to that which is not held in common, but which is common to the group. In this way, I was perceived as a 'stranger' in terms of my alien culture, race and class, and considered 'far' from the community group, with only general shared commonalities. However, it is precisely this 'farness' that allowed me to be 'near' to the group, and a stranger capable of being a secret-keeper and confidante with whom participants wanted to share personal information because they knew the likelihood of seeing me again was low.

In practice however, the research participants and I did not actively participate as 'insiders' or 'outsiders' or adhere to a rigid concept of inclusion and exclusion, but interacted in social situations and enacted a process of 'doing research'. The research process needs to reflect the research actors' inability to personify one unchanging perspective throughout the research process (Naples 1996) – it is unrealistic to expect rigidity from any participant's perspective, and the insider / outsider social interaction relationship should be similarly reflexive. The research process was fairly fluid, although at times I was consciously aware of my 'otherness'. However, through a process of gradual introduction, volunteer work with the community and reciprocity in terms of mutual respect and understanding, the town camp members participated to differing degrees in social interactions, exchanges and interviews.

This was in part dependent upon the ever-shifting relationships within the community itself, as well as between the different participant groups involved in the study, as ethnographers are argued to never be completely either inside or outside the community (Naples 1996). From this perspective, and as demonstrated throughout the duration of my fieldwork, the process of ethnographic research creates new social interactions and fields of study 'between' the stranger and the group; between the insiders and outsiders, rather than a process whereby the outsider makes a transition from the exterior of the circle to the inner sanctum (Hastrup 1992: 117).

In this way, rather than a researcher conducting ethnographic research as an outsider or insider, a meeting between ethnographer and participant creates a new field 'between' both worlds, where researcher and participant meet as 'others' (Hastrup 192: 117). The implications of the creation of this new 'other' world between that of the researcher and participant is that although the research may be set in the context of the field of study, the very act of ethnographic research and the influence of the construction of the artificial field cannot be avoided, in that it divorces the data from the original context. On the other hand, the meeting of ethnographer and participant in between both worlds allows for intimacy and 'ethnographer's magic' to occur, which cannot be

developed at a distance (Malinowski 1922: 6 cited in Hastrup 1992: 118), and research becomes a 'means of sharing information' (Maynard 1994: 16).

However, these approaches including Simmel's notion of the 'stranger', do not address the power differential between the researcher and participant and ignore the ways in which unequal power distribution on the basis of race, class, sex or something else may affect the ability or desire of a participant to confide in a researcher. Holloway and Jefferson (2000) argue that it is the unconscious, subjective involvement of ethnographers that determines the interpretation of research data, however, this must also surely affect the *production* of the data, particularly when the ethnographer as the interviewer sets the agenda and 'controls the situation' of the interview, 'by selecting the theme and the topics; by ordering the questions and by wording questions in his or her language' (Bauer 1996: 2). Bauer (1996: 2) suggests that this process illustrates more about the ethnographer's 'relevance structures' than the issues being researched.

Although this process does not reflect the power / class disparity between ethnographer and participant, it is a way in which the researcher engages a power relationship with a participant, merely through the technique of an interview design. Despite an ethnographer's best efforts to minimize the level of influence on the interviewee and the data, the 'researcher and 'researched' are simultaneously influencing each other, and there is an element of unequal power distribution in any interview setting, as structured and semi-structured interviews involve the researcher controlling the nature of the information that may be produced by the subject through a 'question-and-answer type' scenario (Holloway and Jefferson 2000: 31). Since this is occurring in ways that initially are out of the awareness of the parties involved, self-scrutiny is an absolutely necessary part of social science research' (Berg and Smith 1988: 31 cited in Holloway and Jefferson 2000: 33).

The interaction between the researcher and the researched demands a level of understanding and negotiation, rather than a predetermined concrete structure of unshifting power relations. As such, the difference between myself – female,

university educated, employed, white middle class - and the participant, who in the town camps was often unemployed, uneducated, and a member of a vulnerable population group – depended more upon our ability to negotiate interactions and the success of the third world we were able to create between ourselves.

Race, gender and social class all, therefore, sometimes play a part in interviewers' contacts with some respondents. It is not, however, possible to be certain which of these social relations will have an impact, when it will do so and what the impact will be.

(Phoenix 1994: 54)

This demanded a great degree of mutual respect and understanding – I understood that I was trespassing on delicate matters, sometimes unavoidably invasively and intrusively and was dependent upon participant 'hospitality and cooperation' (Holloway and Jefferson 2000: 85).

A crucial aspect of responsive ethnographic research with vulnerable populations is the degree to which it is culturally appropriate. Although difficult to define, this concept recognises that culture is:

Learned, shared and transmitted from one generation to the next, and it can be seen in a group's values, norms, practices, systems of meaning, ways of life, and other social regularities.

(Kreuter, Lukwago, Bucholtz, Clark and Saners-Thompson 2003: 133)

Factors that are linked with culture include a group's religious beliefs, views about the individual, autonomy, and the group itself, as well as other behavioural, social or symbolic mannerisms (Kreuter et al. 2003). However, although notions of race and ethnic identity are commonly associated with 'culture', and certain ethnic groups may share commonalities, it is simplistic to assume that all groups share a 'single monolithic, culture' (Kreuter et al 2003: 134). In any community, there likely exists cultural subgroups, to which an individual may belong to one or two or numerous, at any one time (Kreuter et al 2003). These factors may also be dependent on the group's geographic, demographic and socio-economic factors (Kreuter et al 2003).

Cultural considerations were discussed in the opening chapter of this thesis, where cultural breakdowns were not only considered important as possible contributing factors for substance misuse, but in the difficulty in defining and identifying exactly what 'culture' and cultural appropriateness means. This section argued that culture is a social and political construct, and just as social behaviours have social meanings attached to them, so too can culture. In this way, culture can be enacted to allow Indigenous people contribution, involvement and control over community programs (Cowlshaw 2009 pers. com). As such, the concept of culture can be exercised as an implement that can be used to exert authority, or as a political comfort tool (Cowlshaw 2009 pers. com). In this way, culture relies on an individual's agency in deciding how best to apply cultural concepts, and manipulate cultural conditions.

2.2 ESTABLISHING TRUST

As a general rule, trust arises when a community shares a set of moral values in such a way as to create expectations of regular honest behaviour.

(Fukuyama 1996: 153)

Establishing a sense of trust in the relationship between researcher and participant is an essential ingredient in any successful research project, and encompasses a range of factors including the researcher's commitment to behave in a way that displays integrity, obligation and respect to the research and participants (Eide and Allen 2005). The process of developing trust occurs over time, and demands a level of cultural sensitivity, immersion and collaboration (Eide and Allen 2005; Corbie-Smith, Thomas; St. George 2002). However, it has been argued that the development of trust between researcher and participant is more difficult to establish when the participant belongs to a cultural group that has been historically persecuted by the researcher's cultural group, and this confidence takes more time to develop and evolve into a working relationship (Corbie-Smith et al 2002; Lindenberg, Solorzano, Vilaro and Westerbrook 2001).

During European settlement in the 1800s, Indigenous Australians were the subject of years of oppression and marginalization, which has translated decades

later into inequalities in health, housing, socio-economic status, employment, education and power. The development of a solid relationship between a researcher and participant group when the researcher's cultural group has historically been responsible for the oppression of the participant's cultural group, may take more time and as a result, the researcher must demonstrate that they are trustworthy, culturally sensitive and are able to report the findings back to the community in a way that is accessible for community members (Eide and Allen 2005). This was a factor in shaping the design of the research, and the local Indigenous council remained in consultation throughout the design and initial stages of fieldwork.

2.3 INITIAL CONTACT

The initial period of introduction between the community group and I began in early 2007. As the research plan began to develop, I was able to maintain communication with a representative from a local community agency, who facilitated access to other community workers in the local area.

The project required the support of the local community council, in the form of assistance with Indigenous-speaking researchers, facilitation to the local community members and other community agencies. Negotiation for this support began in January 2008, and involved a preliminary trip to Alice Springs to meet with the local council and some community members, and the research was approved in May 2008.

During this initial period of negotiation with the local council, I met with the Indigenous research team, and on an early trip to Alice Springs, was fortunate enough to be able to observe the team 'in action' on another project. Not long after this initial contact, I arranged with the local Indigenous council to employ members of this research team to assist me with community and town camp member interviews – this was examined earlier in the chapter.

3. The Community – Alice Springs Town Camps

Table 2: Town Camp Names and Language Groups

Town Camp	Other Name	Language Group
Akngwertnarre	Morris Soak	Arrernte, Warlpiri
Anhelke	Namatjira	Arrernte
Anthelk-Ewlpaye	Charles Creek	Arrernte, Anmatyerre
Anthepe	Drive In	Arrernte
Aper-Alwerrkngge	Palmer's Camp	Arrernte
Basso's		Kaytetye
Ewyenper-Atwatye	Hidden Valley	Arrernte, Warlpiri
Ilparpa		Arrernte, Pertame, Luritja
Ilperle Tyathe	Warlpiri Camp	Warlpiri
Ilpiye Ilpiye	Golder's	Arrernte, Kaytetye
Ilyperenye	Old Timers	Arrernte, Warlpiri, Luritja, Pitjantjatjara
Inarlenge	Little Sisters	Arrernte, Warlpiri, Luritja, Pitjantjatjara
Irrkerlantye	Whitegate	Arrernte, Luritja, Pitjantjatjara
Karnte		Luritja, Pitjantjatjara
Lhenpe Artnwe	Hoppy's	Arrernte, Warlpiri, Luritja, Anmatyerre
Mount Nancy		Arrernte, Kaytetye, Anmatyerre, Alyawarr
Mpwetyerre	BP or Abbott's	Arrernte, Warlpiri, Luritja, Pitjantjatjara, Warumungu
Nyewente	Trucking Yards	Arrernte, Luritja
Yarrenyty-Arltere	Larapinta	Arrernte, Pertame, Luritja, Pitjantjatjara

Source: Tangentyere Council (2005; 2006)

The Alice Springs Town Camps were unofficially established in 1928, when the town of Alice Springs itself became a prohibited area for Aboriginal people, when until then, the town and surrounding areas had been the traditional lands of the Arrernte people, who had called the town Mparntwe (Tangentyere Council 2005;

2006). As a result, camps on the edges of town were established, although as they are located on crown land, Aboriginal people have had no legal rights over power, water, sewerage and housing services to these communities (Tangentyere Council 2005; 2006).

Over the ensuing decades, there have been efforts to move Aboriginal people from the town camps to more remote communities such as Arltunga and Hermannsburg, though with the change in Australian policy towards Aboriginal people in the 1970s, the legitimacy of town camp communities has come to be more of an accepted part of Alice Springs (Tangentyere Council 2005; 2006).

Tangentyere Council obtained 16 Special Purpose Leases for 16 Town Camps, which have since been altered to Leases in Perpetuity, and each Town Camp now has a Housing Association or an Incorporated Association, whose members are its residents (Tangentyere Council 2005; 2006). Each Town Camp has its own rules and management terms. As evident in Table 2, most town camps have Arrernte residents – the traditional owners of Alice Springs - with residents from other language group residing and some of the camps (Tangentyere Council 2005; 2006).

4. SUBJECTIVE ANALYSIS

The danger in using case studies as a research design is that the researcher may fail to develop a representative set of operational measures, and may be 'subjective' in analyses (Yin 2003: 35). In order to overcome this threat to validity, the current study collected multiple data from various sources using a variety of data collection methods. Further, the current study was able to have local council members review the research design before commencing data collection (Yin 2003). These council members remained available for consultation throughout the research process.

5. ETHICAL CONCERNS

Ethical approval for this research was granted from the University of New South Wales' Human Research Ethics Committee (approval number 07287), and the Central Australian Human Research Ethics Committee in 2008. Participation in the research was voluntary and participants were advised that they were free to withdraw their consent at any time. Further, participants were asked to read a participant information statement and sign a consent form before commencing any research procedure. A copy of the information statement is provided in Appendix E. Anonymity and confidentiality was assured by the removal of any identifiable material such as names and places from all research records.

Due to the possibility of coercing members of a vulnerable population, collaboration with the local research team was initiated, and this team assisted me conduct community member interviews. The team were able to explain the contents of the participant information statement and the nature of voluntary participation, and help explain the contents of the statement to those who were illiterate or had difficulties with the language, in the local language for the purposes of gaining informed consent. For the purposes of community member interviews, the research team assisted me in writing a consent form worded in simpler language, which clearly explained the objectives of the research, the voluntary nature of their participation, and their anonymity and confidentiality. A copy of this information statement is provided in Appendix F.

The research team was asked to ensure community members were assured of their anonymity and confidentiality. Members of the research team were qualified to identify signs of participant distress, and were able to refer participants to the community counselling service if they became distressed through their participation. In accordance with university policy, all research data will be secured at the University of New South Wales for seven years following the final publication.

6. LIMITATIONS OF THE CURRENT STUDY

There are several limitations that are relevant to the current research. Firstly, a young, non-Indigenous female conducted the research for this study. This factor was an advantage and disadvantage to the research. I as the researcher, clearly represented life outside the community, and from that perspective, participants – primarily community members, may have felt more relaxed about talking openly with an outsider. However, conversely, the fact that the researcher was an outsider, white and female, was an obstacle to building rapport with participants, again primarily community members. As such, participants may have withheld or provided false information. Being a non-Indigenous female affected the acceptance of the researcher into the community for obvious reasons, and not being an insider in the community influenced the level of trust afforded to the researcher and the information provided.

However, for the most part, I did not conduct the community member interviews, as the research team did so on my behalf. I remained visible to the interviews in progress, but out of earshot. From this perspective, the community members may have felt they could open up to Indigenous researchers, for two members of the research team were residents at one of the town camps included in the study. Conversely, knowing the researchers may have made the community members less inclined to be completely honest, as they would be likely to come into daily contact with the interviewer at the completion of the interview.

Second, the research was conducted in a community that was severely affected by recent government and media attention. The community was the site of inquiries into child abuse and other social issues, and thus the willingness of community members to accept and confide in an outsider so soon after such unwelcome intrusion was hampered. This was addressed as best as possible by the researcher being introduced to the community by members and representatives of community agencies prior to the commencement of data

collection, and although some hesitancy on behalf of the community may have remained, the introduction facilitated the research and the willingness of participants to discuss sensitive issues.

The researcher was also able to spend some time with the community members in a non-research capacity by assisting with various community activities, which facilitated the building of trust. This included volunteer work with a local substance misuse program prior to the commencement of the research, and throughout its duration. This ensured that I was a familiar face around the area, and the local council, and was associated with a service providing assistance to the town camps.

CONCLUSION

This chapter has outlined the methodology and research design employed in the current study. The use of a single-case case study allows examination and evaluation of the current interventions in place in the Indigenous Alice Springs town camp community, within the cultural context. The power differentials between the researcher and researched was explored, and the steps and obstacles encountered along the way to the commencement and throughout the duration of the fieldwork were explored. Ethical issues such as confidentiality and anonymity were addressed, and limitations of the current study and the methods used to overcome them were discussed. The following chapter will explore how the problem of substance misuse has been conceptualized, and examine the responding programs. The way in which the current legislative approach to substance misuse has developed will also be analyzed, with a view to understanding the historical progressions that have led to its conception.

CHAPTER FOUR: VSAPA CONCEPTUALIZATION AND RESPONSES TO VOLATILE SUBSTANCE MISUSE

This chapter will examine the current legislative approach to substance misuse in the Northern Territory, with the *Volatile Substance Abuse Prevention Act* (VSAPA) 2005 (NT), and how it was born through community consultation, planning and the removal of criminal sanctions for substance misuse associated with the *Misuse of Drugs Act* (MDA) 1988 (NT). In conjunction with understanding how this Act was developed, this chapter will analyze the current programs and interventions that are in place in response to volatile substance misuse, in order to understand the approach the Northern Territory, particularly Alice Springs, is taking to substance misuse.

In 1985, the Senate Select Committee on Volatile Substance Fumes made a statement to the media:

The subject of volatile substance abuse is highly sensitive and it is well established that the media can both assist in reducing its prevalence and exacerbate the problem by promoting the practice.

(1985: v)

Indeed, the effect of the media in both of these ways has been well established and is not contested. However, what is surprising to note at this juncture is the fact that volatile substance misuse was identified as problematic enough to warrant a senate inquiry more than two decades ago - in 1985 - and was described at the time as having 'assumed epidemic proportions... of sufficient magnitude for urgent action to be taken' (Senate Committee 1985: 231). The Senate Committee received 109 written submissions from individuals and organizations – an enormous amount considering a more recent senate inquiry in 2009 into Opal fuel and petrol sniffing received only 20 submissions (Standing Committee on Community Affairs 2009).

More recent media attention has identified petrol and other volatile substances as a critical problem affecting widespread Northern Territory communities, which can be traced to journalists such as Paul Toohey from *The Australian* who

in 2000 and in 2001 regularly featured petrol sniffers, their families and communities in attention-grabbing articles. In this way, it is crucial to note that although the media did not identify petrol sniffing as a major issue until the last decade, it was a serious problem more than twenty-five years ago, deserving of a senate inquiry.

In fact, one of the reasons behind a general lack of public awareness was due to a 'policy of silence' that had been adopted by governments at the time, in response to a report, 'How to Launch a Nationwide Drug Menace' (Brecher 1972), which attributed the initial spread of substance misuse in America to sensationalized media attention (Senate Committee 1985: 81). In the wake of this report, Australian governments limited the amount of information on substance misuse made available to the public. In the 1985 Senate Committee into volatile substance misuse, one submission strongly argued that this contributed to 'widespread ignorance, and had not had any effect on the growing incidence of volatile substance abuse' (Stamp Out Sniffing 1985 cited in Senate Committee 1985: 81).

The recommendations of this inquiry led to the development of a section in the MDA, specific to the supply of volatile substances, which stated that a person who:

... sells or supplies a volatile substance to another person and who knows or ought to know that the other person intends to use the substance by administering it to himself or herself or a third person or supply it to a third person for use by the third person to administer it to himself or herself or to a fourth person, is guilty of an offence', and is liable to a \$2,000 fine, or 2 years imprisonment... The Minister may, by notice in the *Gazette*, declare a substance to be a volatile substance.

(Section 18 MDA 1988)

Section 18 in the MDA was the only reference to volatile substances in any Northern Territory legislation at the time, although in a preliminary section, volatile substances were defined as:

Plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, gasoline or any other volatile substance derived from petroleum, paint thinner, lacquer thinner, aerosol propellant or anesthetic gas

(MDA 1988)

A further point of note is that 'dope' was in 1988 defined as a volatile substance, whilst the current MDA 2010 (NT) has clear provisions for defining cannabis, which is considered a dangerous drug, and not a volatile substance.

However, the 1985 senate inquiry had recommended a more sophisticated approach than was reflected by the legislative change: the committee recommended the 'combined and concerted efforts of Aboriginal communities, outside Aboriginal agencies and State and Federal Governments' (Senate Inquiry 1985: 227). The committee concluded that within the Northern Territory, 35 out of 371 communities had been experiencing problems with petrol sniffing (9%), and despite several individual and community efforts to eradicate sniffing, there had been no complete successes. Based on the consideration of various responses presented to the committee, they concluded that the ingredients for successful programs appeared to be complete community commitment, strong leadership, persistence in attempting to find a solution, mobilization of community resources, provision of attractive alternative diversionary activities (Senate Inquiry 1985: 237).

Beyond these holistic approaches, the 1985 committee advanced recommendations that volatile substance misuse should not be made a criminal offence. Their first recommendation was to this effect³. Secondly, the committee recognized the dire need for legal mechanisms to manage the supply of volatile substances to minors, where it is known that they will use it for inhalation; and criminalization of supply by non-minors, particularly in enticing minors to participate in sniffing petrol. This in turn led to the introduction of the MDA, and the provision that made it an offence to knowingly supply a volatile substance to a person suspected of inhaling. It was suggested that all other initiatives be

³ Section 8a 10.27 'The Committee concludes that the act of sniffing petrol should *not* be made a criminal offence and recommends to State Governments that no legislative action be taken to create such an offence' (Senate Committee 1985: 238)

community based in design and implementation, involving community members and leaders in a culturally sensitive way.

In practice therefore, the MDA was only enforceable when individuals were found to be supplying petrol to those who would misuse it. Despite the inclusion of supply restrictions relating to volatile substances in 1988 under the MDA, petrol sniffing and other volatile substances continued to be misused. Another Select Committee on Substance Abuse in the Community (2004) found that 30 communities in the Northern Territory were still particularly affected, with an estimated 350 chronic, persistent sniffers (LANT 2004). The Committee received 18 submissions about volatile substances from those in the Northern Territory and interested fields.

Under the MDA, there was no authority for a community worker or police to intervene when an individual was at risk of harm. Some police were interested in being involved for searching or seizing volatile substances, however:

Most were not [and] the ones that were did it knowing they had no power and were risking trouble if they elected to try and help out... People could sniff all day every day without any action being taken by police at all unless they broke the law... We had to work after some crime was committed, after which 'no sniffing' bonds etc could be put onto people, but really these had little effect... for 8 years in the early 80s and 90s, no sniffer ever completed a court order... during that all that time.

(ID 205, Community worker)

As discussed in earlier chapters, the current legislation that applies to volatile substances in the Northern Territory is the *Volatile Substance Abuse Prevention Act* (VSAPA) 2005 (NT). Twenty years after the first senate inquiry into volatile substances recommended complete community involvement and a holistic approach to substance misuse, the Northern Territory began implementing legislation that whilst not criminalizing substance misuse, had a multi-faceted approach to substance misuse that empowered communities, whilst involving police, health, community members and community workers.

What is crucial to note at this juncture is the relative efficiency in which the VSAPA was developed following the 2004 Select Committee on Substance Abuse

in the Community, in contrast to the ineffective Section 18 for dealing with substance misuse in the MDA in 1988, following the 1985 Senate Committee on Volatile Substance Fumes. What may have facilitated the efficiency in which the VSAPA was developed and implemented was a change of Northern Territory Government in 2001, bringing the Australian Labor Party (ALP) to power under Clare Martin. Prior to this election, the Country Liberal Party (CLP) had been the elected Northern Territory Government throughout the 1970s, 1980s and 1990s, and was a conservative government that did not implement the innovative recommendations that were made by the 1985 Senate Committee. Following the 2001 change of government, the newly elected ALP provided a different political climate that facilitated a new Select Committee, and efficient implementation of innovative policy recommendations and legislation.

The VSAPA was conceived in part by Marion Scrymgour, a member of the Northern Territory Legislative Assembly since 2001, and Deputy Chief Minister of the Northern Territory Labor Party from 2007 to 2009. Scrymgour was raised in Darwin and witnessed the extent and community disruption brought about by volatile substance misuse firsthand. In 2003, Scrymgour was made Northern Territory Health Minister – the first Indigenous woman in the Northern Territory parliament, and chaired the 2004 Substance Abuse Select Committee. As such, although there were others who were influential in bringing about the VSAPA:

It was the brain child of an Indigenous Minister of Health (NT), from a remote community who had grown up with the reality of inhalant abuse, and whose Act is therefore practical in a way that would be impossible for someone designing an Act who had not lived it... it's a model other jurisdictions could learn from...

(ID 205, Community worker)

In this way, the unique perspective and policy motivation brought about by Marion Scrymgour was an essential component in the design of the VSAPA, which immediately followed the 2004 Substance Abuse Select Committee that she chaired. The Act has innovative elements such as community ownership and management, as well as a multi-tiered approach to substance abuse, incorporating a role for police, community workers, community members and policy makers, which has not been attempted in other areas of drug misuse.

In other areas of legal reform, the introduction of legislation seeks to formalize informal practices, for example the *Young Offenders Act* (YOA) 1997 (NSW). The YOA formalized the police officers' use of discretionary warnings and cautions, with options to move to youth justice conferences and court if necessary (Bargen, Clancey and Chan 2005). By legitimizing diversionary practices, which were often being used by police officers through their discretionary methods, the YOA was able to reduce the number of young people in the justice system, changing the way in which many police and criminal justice practitioners responded to minor crimes by young people (Bargen, Clancey and Chan 2005). The VSAPA was entirely different from formal and informal police practices that were in place before its implementation. The following section will analyze this in more depth.

1. THE VOLATILE SUBSTANCE ABUSE PREVENTION ACT (VSAPA) 2005 (NT)

There are four major components to the VSAPA, which relate to the prevention of substance misuse; assessments and treatment orders for those considered to be at risk of severe harm; community management areas controlling the possession, supply and use of volatile substances; and the criminalization of supplying volatile substances.

Sections 13-29 are in regards to the expanded police powers for dealing with volatile substances. Police or an authorized person can search a person without a warrant who is:

- a) In a public place,
- b) Trespassing on private property,
- c) On private property, if police or authorized persons are given permission to enter that property, or,
- d) Where police or authorized person has a reasonable belief that the person is in possession of a volatile substance and is inhaling or will inhale a

volatile substance. The substance can then be destroyed under this section of the Act.

Police may search for, seize and dispose of volatile substances and take individuals to a place of safety. In addition, police may make applications to the Minister for assessments of those who may be at risk of severe harm. Specifically, sections 33 to 36 of the VSAPA relate to assessments and applications for treatment orders. As such, police or an authorized person, health practitioner or family member may apply to an assessor for an assessment of the person believed to be at risk of severe harm. If the assessor believes the person to be at risk of severe harm, an appropriate treatment program will be recommended, and the assessment report forwarded to the Northern Territory Chief Health Officer. If recommended by the Health Officer, Courts may then mandate a treatment order, specifying the place of treatment and minimum length of stay. Examples of treatment centres will be analyzed later in this chapter, but include Mt Theo outstation, Ilpurla, and BushMob in Alice Springs.

Section 60 details the appointment of authorized persons in the community, who are individuals given greater authority to deal with volatile substances, such as searching for and seizing volatile substances. This is especially important for remote communities that lack the access to police stations and residential officers. As such, 'authorized persons' in the community can be empowered with police-like authority, to search for and remove substances as well as to remove a person to a place of safety. Sections 44-51 relate to community management plans, which require a minimum of ten community residents making an application to the Minister to declare that an area is a management area. Within this area, community members can control the possession, sale and use of volatile substances, which is legally enforceable once approved by the Minister.

Section 52 criminalizes the supply of volatile substances when the supplier 'knows or ought to know' that the second person will use the substances for intoxication purposes, or will supply the substances to a third person for intoxication purposes. The maximum penalty is 200-penalty units or two years

imprisonment. This section in the VSAPA is the same as section 18 in the MDA 1988 (NT), which no longer appears in current MDA legislation. Section 55 in the VSAPA stipulates that the identity of informers providing information about the supply of volatile substances will be kept confidential.

In these ways, the VSAPA seeks to comprehensively address volatile substance misuse through prevention, early intervention and treatment. Unlike previous legislative approaches to substance misuse, the VSAPA specifies a role for police without criminalizing substance misuse. Increasingly, governments have a 'quick fix' tendency to react to any social problem by creating new offences and thus new roles for police (Lacey 2004). Although the VSAPA is new legislation, it challenges this approach – that new offences are essential in regulation – as police are given new authority without the creation of offences. Police or authorized persons are given powers to search for and seize substances when they are suspected of being misused, apprehend those who are intoxicated and take them to a place of safety, and apply for assessments and compulsory treatment orders for chronic misusers. The difficulty for police and authorized persons is in the subjectivity of 'suspected' substance misuse, however as will be discussed later in this chapter, in the current setting, substance misusers are generally known to police and community workers. In this way, police and community workers are able to closely monitor those involved in substance misuse, which effectively reduces much of the associated guesswork and subjectivity.

With community management plans, communities are able to control the possession, supply and use of volatile substance within a designated space within communities. Once approved by the Minister, communities can prohibit petrol and paint from entering into the community, which is legally enforceable by police. In this way, communities can manage their own sales of petrol and paint, similar to alcohol 'dry' areas. Only community members are able to request and endorse community plans, and amending plans requires a minimum of ten community residents.

This element of the VSAPA recognizes the strength of community-based forms of control, under which communities are able to self-manage and enforce the declared dry areas, as well as controlling the nature of substances permitted within community boundaries, with the potential for additional police support. Community management plans are therefore a way in which communities are empowered to administer themselves, as well as having some measure of input into the wider response to volatile substances. By promoting community empowerment and self-determination, this element of the VSAPA recognizes the active agency and capacity of community members, and treats them as queens of their own communities, with the necessary authority to decide what is and is not permissible.

This is one way in which communities and their members are able to exercise autonomy, agency and control over some strategies of substance misuse, and is also a way in which the control and classification of dry community boundaries can be regulated by community groups and members. This places an emphasis on the importance of reciprocal community-based controls within the regulatory structure – in this instance, community groups regulate the regulatory approach, which targets the community space, ensuring that it remains community driven, controlled and appropriate for the community in which it is situated.

This is in contrast to Pearson's (2009) view of how government and bureaucracy govern Indigenous communities, which argues that:

The bureaucracy views people on the ground as incapable – and therefore, instead of simply providing resources and facilitating decision-making and action at the ground level (especially social programs), it hoards power... in claiming the right to self-determination, we are claiming the right to take responsibility. We need to restore the importance of responsibility in our understanding of our problems and in our understanding of the solutions: if we don't, we are kidding ourselves and our people.

(Pearson 2009: 151-167)

Through this assertion, Pearson suggests that governments are assuming power over Aboriginal people, who are perceived as passive policy recipients, and 'resist accountability' (2009: 168). However under the VSAPA, communities are

empowered with the authority to manage and govern their own area, which emphasizes the importance of reciprocation and cooperation between communities and police, responsibility, self-determination and governance. As such, community policing strategies and community-based controls are one of the central ways in which communities can self-govern, be empowered, and utilize alternative forms of governance (Blagg 2008).

A further point for consideration as to the implications for community groups is the extent to which this strategy emphasizes the role of communities in defining behaviour that may be considered to be criminal, and the process of formal criminalization. As communities declare dry areas, they also create clear lines of delineation in what is considered as acceptable and unacceptable forms of community behaviour. As such, there is an onus on communities to initiate the process of criminalization, generally identifying behaviour to be criminalized, if the situation within the community warrants it, as these community controls are legally enforceable. However, the cultural factors inherent in Indigenous community groups make the practice of this difficult, and it is unclear how often communities formalize community law, by invoking more authoritative police sanctions.

In addition to protecting the identity of an individual providing any information under the VSAPA to the police, like the MDA before it, the VSAPA makes it an offence to knowingly supply volatile substances to those suspected of misusing the substance.

In these ways, the VSAPA is responding to volatile substance misuse in four primary ways:

1. Through early intervention - with police and authorized persons having the capacity to remove substances and taking a person to a place of safety
2. Assessments and treatment - which can be mandatory or voluntary
3. Community management plans and management of volatile substances
4. Supply of volatile substances (NT Health 2009).

As evidenced by the communities' abilities to apply for and determine community management areas, the VSAPA empowers communities with the ability to self-govern. In addition to this, within the community there may be designated authorized persons, further allowing the community members to manage themselves. In this way, the VSAPA is formalizing and legally recognizing community law and authority. Although the VSAPA legally recognizes community management areas, it is unclear as to what extent communities were practicing informal management areas prior to the VSAPA.

As discussed above, the centrality of community groups and community-based controls within the regulatory strategies is essential for the effectiveness of public policy: in this instance the criminal law enforces community rules. However, when formal criminalization disagrees with community law, dissonance will limit the effectiveness of regulatory and policy strategies (Lacey 2004). The close articulation of community and criminal law in this instance has wider reaching implications for its success, insofar as the regulatory capacity is not limited by conflict, and has the weight of community groups behind it. In this way, as community groups control regulatory strategies, just as they are regulated by the same strategies, they are empowered and bolstered by formalized police support.

In addition to formalizing community law, police have a wide range of options to choose from when responding to volatile substances under the VSAPA. As discussed, prior to the introduction of the VSAPA, police only had specific powers to deal with the unlawful supply of volatile substances, under Section 18 of the MDA.

The ones who were around before the VSAP Act remember the bad old days when they had no power to do anything - people could be sniffing in front of the police station but they could do nothing. They love the VSAP Act because it gives them a heap of possible responses. The mandated treatment does have enough teeth to make them happy.

(ID 205, Community worker)

In contrast to the VSAPA, which has provisions to mandate treatment to rehabilitative programs and is able to issue warrants for uncooperative individuals without criminal penalties, is the example of the NSW coercive treatment through the drug courts.

Legally coerced treatment in regards to drug offenders is designed to:

...Reduce criminal recidivism among people who commit drug-related offences... [by] diverting drug-dependent offenders away from the criminal justice system and into an appropriate treatment modality... usually with the threat of incarceration if treatment requirements are not met.

(Weatherburn, Topp, Midford, Allsopp 2000: 38)

By diverting drug-dependent offenders away from the criminal justice system, the justice system avoids the costs associated with minor offences and offenders as well and offenders can avoid its criminogenic nature and have a better chance of obtaining appropriate treatment (Weatherburn et al 2000).

Diversionary strategies primarily focus on drug related offences, such as possession, personal use, supply, being under the influence of illicit substances when committing an offence, and committing offences in order to obtain drugs (Weatherburn et al 2000). Most commonly, offenders are presented with a choice between attending a treatment program or being incarcerated. In some cases, sentencing is delayed pending evidence that the offender has entered into or is progressing in some form of treatment program (Weatherburn et al 2000).

The contrast between this approach to illicit substance abuse and the VSAPA approach is clear. The VSAPA is incorporating a wide, multi-agency response. Although there are provisions under the VSAPA that mandate treatment for those assessed to be at risk of serious harm, there is no criminal penalty for those who refuse to enter into treatment, or who leave the treatment program. In this way, the 'mandate' is a court order that propels an individual into treatment, although the lack of compulsory commitment makes an involuntary stay in treatment programs difficult. As such, traditional definitions of court 'mandates', as court ordered, compulsory directives, do not necessarily apply.

In contrast, a court mandate is a process in which the state is able to provide an individual with the necessary 'shove' or propulsion into a community program, thus allowing the community treatment to then assume control. The state then retreats, having provided the conditions under which circumstances can change. However, although involuntary treatment is not enforceable, in practice, if individuals are mandated to go to Ilpurla or Mt Theo outstation, the geographical locations make escape all but impossible. In this way, although individuals may have little choice but to comply with their mandated treatment at an outstation, the fact that they are not being forced to do so with the threat of incarceration or severe criminal sanctions makes the VSAPA approach unique and non-adversarial.

However, as will be later discussed, the pressure exerted by family kinship and community ties on individuals in some areas – most notable in the Yuendumu community – is akin to community coercion, without criminal penalty. Without the judicial sanctions, this form of coercion appears to have had extraordinary therapeutic success within the community, and Yuendumu was the only community in Central Australia to eradicate petrol sniffing before the introduction of Opal fuel.

As will also be discussed in the following chapter, both of these approaches, legal and family coercion, make assumptions about individual agency and self-determination, which ultimately have implications for the potential successes of the programs. Further, the following section will consider whether these and other responses been implemented in a blanket approach, or whether they have taken their subjects' capacity into consideration before application. These issues will be considered along with a broader analysis of agency and policy motivation.

1.1 HARM MINIMIZATION OR HEALTH RESPONSE?

As indicated by some of the participant responses above, the community workers' approach to substance misuse is one that sees an active role for police under the VSAPA. In particular, one participant indicated that police were happy

with the options available to them under the VSAPA, given that prior to its introduction, people could be sniffing petrol outside the police station, but police could do nothing. In contrast to the Young Offenders Act (YOA), the VSAPA was not formalizing informal practice, but revolutionizing the way in which police approached the problem of substance misuse. Prior to the introduction of VSAPA, substance misuse was not constructed or considered to be a police matter, and those who wanted to be involved were 'risking' serious trouble if they did so (ID 205, Community worker).

From police and community workers' accounts of events between 1988 and 2005 when police only had the formal option of dealing with suppliers of substances for intoxication purposes under section 18 of the MDA, it seems as though some police unofficially dealt with substance misusers by issuing 'no sniffing' bonds and trespass orders (ID 204, 205, Community workers). Court bonds and police bail were tools that could bypass the lack of legislation that addressed petrol sniffing, but had the necessary authority that would override Aboriginal people's right to personal autonomy and 'right to sniff' (Stojanovski 1999: 16). These bonds and bail orders could be used in two ways. Firstly, if the substance misuser had committed a crime or come into contact with the law whilst intoxicated, the Mt Theo staff would ensure that bond and bail conditions would include clauses such as:

Not to sniff petrol, and to reside at Mt Theo or elsewhere at the direction of the Outstation Manager.

(Stojanovski 1999: 18).

This is an example of how police, community workers and criminal justice employees cooperated prior to the introduction of the VSAPA, to ensure that substance misusers received the appropriate treatment. However, when substance misusers had not committed a crime whilst intoxicated, but were chronic petrol sniffers actively involved in the recruitment of other sniffers, police and community workers had little legal authority. In 1999, Stojanovski stated that:

Occasionally with some older Police Officers we are able to get support through the use of intimidation. If the Police Officer is satisfied that the parents of the

petrol sniffer want them to go to Mt Theo the Police Officer will tell them that they have to go. The young person believing that the Police Officer will force them to go will then get in the car and go to Mt Theo. This is very helpful and is what the parents of the children expect the Police to do... Unfortunately this process of cooperation between the parents and the Police, (where the Police back up parental authority), is a grey area of the law... Other Police believe that the process is legally unclear, and are concerned about their own liability if an accident should occur... Because of the legal uncertainty surrounding this issue, the level of Police assistance depends very much on the individual Police Officer on the day... currently... unless we have a Police Officer who will intimidate the young person to go to Mt Theo we are powerless to stop some young people from sniffing.

(Stojanovski 1999: 18-19)

However, at some point it seems as though police were told to stop this response, as they were risking trouble for themselves if they continued to respond in this way (ID 205, Community worker). As such, by 2004, volatile substance misuse had increased with little police involvement, which prompted the 2004 Select Committee's recommendation that police be involved with community and health responses. This was mandated into the VSAPA.

The involvement of families and police in coercive practices also raises a crucial point to consider for the context of this thesis. This approach breaks down the dichotomy between private and public regulation, challenging the assumption that private families are associated with consent and negotiation, and the state or public agencies are involved in coercion. In contrast, as is evident from Stojanovski and other participants, family pressure can have a greater effect on individuals than state coercion and the involvement of the police. Further, public coercion is subject to regulatory practices and can be controlled, whereas private coercion lacks regulatory scrutiny and may be much more intensive than a state agency can be. As such, private methods of coercion are an example of an uncontrolled power that have the potential to be underestimated and unregulated.

The obvious difficulty in completely transforming the police response to substance misuse is in altering the previous perceptions and constructions of substance misuse as a health matter that was not a police issue. The way in which a problem is socially identified in certain ways is influenced by internal

and external factors, such as individual agency, as well as social, political and economical influences.

As indicated by the participant above, many police are satisfied with their role in the VSAPA, and are happy with the 'teeth' afforded to them under the mandated treatment and assessment orders. However, in speaking to other police officers, this was not a uniform attitude towards a police role in responding to substance misuse.

They've frequently over the years that I've been in the police force tried to make it a policing problem and it's not a policing problem. The fallout from it is. It's a serious health problem. The cost to the community is huge. The effect of a young sniffer or several young sniffers in a community of 500 or 600 people is just - it's impossible to describe the magnitude of the impact. You'd swear to God you had 15 kids running riot and not two or three.

(ID 300, Senior police officer)

This officer indicated that although others have 'frequently' tried to make substance misuse a policing matter, he considers it to be primarily a health issue, with police involvement only necessary in the 'fallout'. When pressed further, this participant stated that although police should 'absolutely' have a role in substance misuse:

...At the end of the day it is a health issue and it's a social issue. Yes we're there to - you know our motto is to protect and serve and like any police force we should be there to serve the community but we've got to have better mechanisms that what we've got now... If we suspect a kid that's sniffing we should be able to fill out the paperwork, whiz it down to the local health clinic and say we need this kid assessed because nobody in the community's doing anything about it. You know how come with all the kids that are being put up, why aren't the health people doing this stuff?

They know who's sniffing just as much - these communities are pretty much open books - everybody knows what everybody else is doing. Why is it our people who are doing it? Are we the only ones who care? I know we're not but you would think we were...

(ID 300, Senior police officer)

A significant proportion of police interviewed in 2006 (Gray et al. 2006) supported this view, by expressing the concern that volatile substance misuse is a health matter rather than a policing issue, best dealt with by family and community members. These illustrate completely different viewpoints from

some other police perspectives concerning harm minimization, which have previously verbally supported the approach, but in practice tended to target clients of needle exchange programs or methadone maintenance programs (MMT) (Maher and Dixon 2001). In other words, although police headquarters may express a commitment to harm minimization, in practice, officers dealing with drug offenders are faced with a dichotomous view of enforcing the law or minimizing harm, and may have little harm minimization training in regards to managing drug offenders (Maher and Dixon 2001). As previously argued, harm minimization has sometimes been used as a political catchphrase, but has not always been well understood.

‘Harm minimization requires cooperation with non-police agencies committed to demand reduction and public health’ (Maher and Dixon 1999: 507). In this way, harm minimization in regards to substance misuse seeks to control and regulate the behaviour, whilst managing and attempting to limit the associated harms to the broader community, without punishing the misusers.

Although Australia has demonstrated a commitment to approaching drug policy from a harm minimization perspective, overt expressions of commitment to harm minimization techniques have in the past been overshadowed and contradicted by police conducting forceful crackdowns on drugs and associated offences (Maher and Dixon 1999; Maher and Dixon 2001). However, in the VSAPA, police are given a wide range of options for dealing with substance misuse, and as illustrated by the previous participant quotation, are seemingly happy to take a harm minimization approach, led by Northern Territory health and community workers, even stating that ‘it’s [petrol sniffing] not a policing problem’. The obvious danger here is that although police have a mandated role within the VSAPA, if they continue to construct substance misuse as a health and social issue divorced from the criminal justice sector, police may become reluctant to be involved completely.

The introduction of the VSAPA with mandated police roles was not an isolated response. In fact, although there have been numerous interventions and

responses to volatile substance misuse, the declining numbers of substance misusers have been at least in part credited to the introduction of Opal fuel in 2005 (ID 100; 213; 204; 205; 206, Community workers; ID 300; 301, Police officers). As indicated in the beginning of this chapter, in 2004 there were estimated to be 350 chronic, persistent sniffers, and 20 communities significantly affected by substance misuse (LANT 2004). In 2008, an evaluation of the impact of Opal fuel found that Opal had significantly contributed to a 94% decline in petrol sniffing across Central Australia (d'Abbs and Shaw 2008).

However, the rollout of Opal fuel coincided with the introduction of the VSAPA, making the two a formidable response to substance misuse. Within the community, there are numerous other interventions and programs that are in place that respond to substance misuse. These range from preventative programs that have been involved in the rollout of Opal fuel, and deal with individual case management, to treatment and rehabilitative programs. The different ways in which these programs define substance misuse affects their response to the problem. This will be examined in the following section.

2. RESPONSES TO VSM IN THE ALICE SPRINGS TOWN CAMPS AND SURROUNDING COMMUNITIES

This section will examine other approaches that respond to substance misuse in the Alice Springs town camps. Although many of these programs were in place prior to the introduction of the VSAPA, the implementation of the Act has had significant effects for how the programs operate and manage substance misusers, both as individual programs, and as a collective response. These changes will be analyzed and discussed.

As examined in previous chapters, gathering an accurate approximation of current volatile substance misusers in any area is difficult, though it is estimated that at the time of writing there were 20 substance misusers in the Alice Springs

town camps, at varying levels of activity (ID 202, Community worker; fieldnotes 2008). This estimate includes substance misusers residing and using substances in town, as well as those who are based in Alice Springs, but who have been court ordered to attend treatment programs in remote areas. The process of regulating the use of substances through mandating treatment will be explored further later in the chapter.

One major community-based response to substance misuse in the town camps is the establishment of the Central Australian Youth Link Up Service (CAYLUS), in November 2002, which was initially created as a petrol sniffing prevention project, but which has since broadened its aims to address the misuse of other substances (CAYLUS 2007b). Other responses in Alice Springs include BushMob House, as well as the process of mandating treatment orders through the VSAPA to BushMob and the two main remote outstations – Mt Theo-Yuendumu Program, which lies approximately 350 kilometers from Alice Springs, and Ilpurla, also known as Barry Abbott's, which lies 260 kilometers from Alice Springs. Police respond at a local community level, as do community workers who are placed within communities supported by CAYLUS. All of these responses and the process of negotiation between the different responding bodies will be explored.

2.1 ASSESSMENTS AND TREATMENT ORDERS

As discussed previously, under section 33 of the VSAPA, an application can be made to the Northern Territory Health Minister for a treatment order, if a person is believed to be 'at risk of severe harm' from using volatile substances. This can be done by a police officer or an authorised person, a health practitioner, or a member of the family of the person who is believed to be at risk.

If the application is successful in that the Minister believes that the person named in the request is at risk of harm, the Minister will approve an assessment of the person's physical and psychological condition under section 34, which is to be carried out by a qualified health practitioner. If the assessment suggests that

the individual is at risk of harm from volatile substances, the assessor will recommend appropriate treatment. If not, the Minister will refuse the request for treatment order and inform the requesting parties. If the person refuses to submit to an assessment, or refuses to attend the recommended treatment, the Minister may apply to a magistrate for a warrant.

Table 3: Referrals under section 33 of the VSAPA, Jan – Dec 2008

	No. of people referred	No. of people approved for a formal assessment	No. of people given treatment orders
Top End	54	46	13
Central Australia	88	76	9
Total	142	122	22

Source: Department of Health and Community Services, Alcohol and Other Drugs Program, NT 2008

As indicated in Table 3, of the 142 people referred to the Minister in 2008 across the Northern Territory for a formal assessment, 122 of these were deemed to be considered 'at serious risk of harm', and were assessed. Of those assessed, only 22 were recommended for treatment orders, 9 of who were in Central Australia.

The sporadic nature of volatile substance use and the transient nature of the client group means that people often relocate, cease sniffing, participate in treatment voluntarily, enter the criminal justice system or enter other service systems. Clients may be precluded from consideration for mandatory treatment for the above reasons. These exclusions account for the difference between the number approved for a formal assessment and the number ordered into treatment [as evident in Table 3].

(DHCS 2008, pers. comm.)

Table 4: Referrals under Section 33 of the VSAPA, Jan – Dec 2009

	No. of people referred	No. of people approved for a formal assessment	No. of people given treatment orders
Top End	93	90	12
Central Australia	48	42	3
Total	141	132	15

Source: Department of Health and Community Services, Alcohol and Other Drugs Program, NT 2010

As indicated in Table 4, the number of people referred under the VSAPA for assessments from 2008 to 2009 has almost doubled in the Top End and almost halved in the Central Australian region. In Central Australia, of the 48 people referred for assessment in 2009, as opposed to 88 in 2008, 42 of these were approved for assessment and 3 were given treatment orders. In other words, 3% of people given formal assessments were given formal treatment orders, which made up 6% of people referred for an assessment.

One of the reasons given by DHCS for this discrepancy in mandatory treatment orders is the possibility that the person may have ceased sniffing. During a period of observation in September 2008, I attended the court hearing of a 16 year old town camp resident (the pseudonym of Jessica will be used for the purpose of this thesis), whose assessment results were being presented to a magistrate. Jessica was in the care of her mother, who did not sniff petrol, and had asked the assessor and court not to mandate Jessica to a treatment program, as she would prefer to look after her at home and continue to try to prevent her from using petrol.

The assessor was present at the court hearing, and had admitted six reports on Jessica, presenting her recommendations on whether Jessica should or should not be mandated to treatment at BushMob. The Central Australian Youth Link Up Service (CAYLUS) had also tendered a report, stating that Jessica had not sniffed petrol in over two months, and argued that she should not be mandated to treatment, as the care she was receiving from her mother would be interrupted and she would be across the street from Hoppy's town camp – a well known petrol sniffing camp, and free to leave care.

Up until the day before, the assessor had been recommending that Jessica be mandated into treatment, but submitted a report on the day of the hearing recommending that Jessica remain in the care of her mother as long as she continue to abstain from sniffing petrol (fieldnotes 2008). Jessica's example is an instance where a young individual may have experimented with petrol sniffing with friends or family, but faced with the threat of being mandated to a

treatment facility under the VSAPA, being formally assessed and attending court has frightened her into ceasing sniffing. At the time of her hearing, Jessica had not sniffed for more than two months, and was being closely monitored by her mother and one of the CAYLUS caseworkers. Not all assessment processes have a similar positive outcome however, with many being delayed by a shortage in health workers qualified to administer the assessments (ID 206, Community Worker).

In contrast to this process, the NSW Drug Courts, which are similarly targeted towards reducing substance dependency, although with an additional focus on drug-associated crime, use a process of legally coerced treatment and therapeutic jurisprudence to induce individuals into treatment. As previously discussed, drug offenders are presented with a choice between participating in treatment, and following a more traditional criminal justice route. If the policies of treatment programs are not abided by, drug offenders may face incarceration (Freeman 2002). Once an individual has submitted to this compelling incentive to participate in treatment, he or she is then met by a 'hands-on' team approach to their drug use, led by a judge, including a prosecutor, defence, treatment facilitator and corrective services (Freeman 2002: 3; Hora, Schma and Rosenthal 1999).

In addition, drug offenders are able to participate in devising their own treatment and rehabilitation plan, forming a close relationship with judges who oversee their cases, which emphasises the active role and responsibility each drug offender has in their own recovery process (Freeman, Lawrence Karski and Doak 2000). From this perspective, although drug offenders in the NSW drug courts are participants through legal coercion, they are included in the rehabilitation and treatment process. This is very different from the VSAPA process of mandated treatments, which does not appear to consider the views of substance misusers themselves, other than via submitted formal assessments, which have been made by a health professional. Both instances consider the advice of health professionals, but drug offenders seem to be more actively

engaged in the NSW Drug Courts than in the VSAPA mandated treatment process.

The formal process of assessments, court mandates and treatment orders under the VSAPA raises crucial implications for the response and treatment of drug use. In this instance, it is assumed that individuals lack the capacity for rationality, agency and self-determination, as they are subject to assessments, professionals' subjective opinions on their level of risk, ultimately affecting their entry into a court order treatment program. In this way, individual substance misusers are assumed to be queens, insofar as they are responsible for their substance misuse. Queens, as argued in an earlier chapter, are the most powerful piece in public policy, and are individuals who are assumed to be capable, rational agents, making active decisions on their own behalf (Le Grand 2003). Pawns, in contrast, are assumed to be passive recipients of policy, victims of circumstance, with constrained agency and rationality (Le Grand 2003).

Although in the VSAPA process, individuals are assumed to be queens, they are treated as pawns: they must passively submit to assessments, court processes, and treatment, if others decide it is in their best interests. In responding to drug use, this process raises the question of when is the best time to intervene under the assumption that individuals lack rationality and should forfeit their autonomy and agency for the sake of their health.

2.2 CAYLUS, COMMUNITY DEVELOPMENT AND OPAL FUEL

Opal fuel has been discussed in previous chapters as an alternative to toxic, unleaded petrol. One local organization – the Central Australian Youth Link Up Service (CAYLUS) - was instrumental in lobbying for Opal fuel, and was very visible in the period of time leading up to its introduction.

Before the Opal initiative, there were just too many people sniffing for any law-based practices to have any real effect – you can't prosecute 500 people. Once supply restrictions kicked in and the numbers dropped, the remote communities gained hope that the sniffing could be stopped, the groups broke up and the peer pressure dropped away in the face of limited supply and community pressure.

The remaining chronic sniffers – the ones who were seriously addicted – were still at it, but there were so few that the mandatory rehab options became possible. In essence, the Act only worked in conjunction with the Opal.

(ID 205, Senior Community Worker)

This was an area in which CAYLUS was most successful – the campaigning for Opal fuel on behalf of communities, and was done by CAYLUS building relationships with Government and convincing them that Opal fuel was a viable and mechanically safe alternative to unleaded fuel in Alice Springs and remote areas. As evident in the extract above, the combination of the VSAPA and Opal fuel were a formidable front against petrol sniffing at the time, although Opal fuel is not included or referred to in the VSAPA. CAYLUS provided the link between communities and Government by liaising, assisting communities write letters and initiating the Opal Alliance (ID 204; 205, Community workers). One CAYLUS participant emphasized the importance of the role that communities played in bringing Opal fuel to the Northern Territory, for which CAYLUS was an instrumental part of the negotiation between communities and Government.

We [had] the opportunity of the technology shift that allowed Opal to come along and we've had so much success because of that and I think that was only successful because of our work as well and so yeah what a great - I never thought when I started at CAYLUS that we'd actually, you know, stop petrol sniffing but we pretty much have managed to... Yeah so it's really successful and I think a part of the success of Opal was the fact that, you know, probably the Government said no initially and community demanded it and yeah I think that's kind of an under-acknowledged factor in the whole opal thing - was that the Government didn't want to do it initially and there was a lot of work done and there was a lot of time where communities were asking for it and pushing for it.

(ID 204, Community worker)

This participant indicated that the success of Opal was in part due to the 'pushing' of communities to have Opal fuel, in conjunction with the Government's initial refusal to fund and subsidise Opal. Although Opal has not completely eradicated petrol sniffing, it has certainly contributed to its decline since its introduction and rollout (ID 100; 213; 204; 205; 206; 300; 301; d'Abbs and Shaw 2008). Despite its undeniable benefits, there have been several problems associated with Opal fuel that will be explored further in a later chapter.

At the time of writing, CAYLUS was based in Alice Springs, but supported 19 remote communities and youth workers within a discrete area of the Central

Australian region, focusing on supply reduction measures through the direct targeting of inhalants, and demand reduction measures such as the development of community based youth and recreation programs (CAYLUS 2007b). CAYLUS is funded by 12 different sources with additional core funding that allows access to emergency brokerage funds to support community initiatives almost immediately if need be (ID 204, Community worker).

In addition to supporting remote communities and town camp residents, CAYLUS has made itself fairly unpopular with various government organizations since its conception, by lobbying heavily for Opal fuel and challenging government on policy and meeting their commitments (ID 204, Community worker). CAYLUS also assists remote communities in the development, funding and implementation of youth programs. From an outsider's perspective, lobbying government and non-government organizations is one of several tiers of CAYLUS's approach to volatile substance misuse in remote and town camp communities.

The other sides to CAYLUS's approach to substance misuse is the individual casework which is managed by two caseworkers, supply reduction and liaising with retailers which is done by the CAYLUS supply reduction officer, and community development with the appointment and support of youth workers in remote communities, which is overlooked by a remote community support worker. Under the VSAPA, CAYLUS's role became more formalized – authorized persons within CAYLUS can now legitimately dispose of volatile substances, request assessments and assist individuals with court dates, treatment orders and transport to treatment facilities. Although these may have been part of how CAYLUS operated prior to the introduction of the VSAPA, these practices are now formalized and have the added legally enforceable authority, although CAYLUS prefers to use methods of negotiation and persuasion when possible (ID 204, Community worker).

2.2.1 SUPPLY REDUCTION

The VSAPA criminalized the supply of volatile substances to those suspected of using the substance for intoxication purposes. In theory, this means that under the VSAPA, CAYLUS could threaten retailers with criminal action if they are found to be selling intoxicating goods to those suspected of using the substance for intoxication purposes or selling to underage customers. However, in practice, retailer and CAYLUS relationships are built on good faith, cooperation, and a non-adversarial approach, and the potential damage to retailer and community worker relations from this sort of action would most likely negate the benefits of this strategy (ID 204, community worker).

The CAYLUS supply reduction officer is proactive with retailers around Alice Springs, and liaises with stores to find out 'where people are getting sniffable products from and trying to stop the sales or theft of those products by people who are buying it to sniff' (ID 202, Supply reduction officer). In addition to this, the supply officer monitors which retailers sell volatile substances such as aerosols and glues and how each retailer stocks these items (ID 202, Supply reduction officer). If the substances are within easy accessibility, the supply officer will work with the retailer to try and resolve the problem.

I mean one thing that I could look at doing now for example is going back to somewhere like [supermarket] who still has sniffable glues on their shelves and talking to their manager about putting those glues behind the counter and if that- so I try initially to work with the manager of the local store, but if there wasn't any response then... we then sort of move up the chain and try and talk to the national - sort of the head office - and try and make changes that way, yeah.

(ID 202, Supply reduction officer)

This illustrates that although the VSAPA has given the supply officer the capacity to threaten retailers with criminal action for their lack of response in restricting access to glues and other sniffable products, in practice, a different method of negotiation with those at higher levels of management will be the next approach.

The process of working with retailers to encourage them to voluntarily remove dangerous products from display is a way in which CAYLUS lends itself to

working as a regulatory agency, engendering compliance from stores. In this way, although CAYLUS lacks the necessary authority to initiate formal sanctions, they are perfectly placed to enter into negotiation, persuasion, and encouragement with retailers to comply with supply reduction strategies. If retailers fail to comply, or seem reluctant to be involved with these strategies, rather than invoking official sanctions, CAYLUS would instead approach upper levels of that retailer management, and seek to gain their compliance. If these upper levels remained uninterested in being involved, CAYLUS would likely use its proximity to community groups to generate public pressure to encourage retailer compliance. As previously discussed, social pressure is founded in community groups, and is 'central to the production of compliance' (Lacey 2004: 148). CAYLUS's immediacy to communities is therefore a way in which public pressure and compliance can be engendered.

2.2.2 CASEWORK

The final tier to CAYLUS's work is casework, which is done by two caseworkers. This is CAYLUS's immediate response to substance misuse in the town camps, and is a way in which an in-town agency is able to provide follow-up care to those who have completed outstation programs, time with BushMob, or general daily support.

I guess my aim is to work with individuals to provide sort of holistic support to them, so it's not just about stopping them sniffing it's looking at what else is going on in their lives and supporting them to sort out like health stuff, court stuff, money stuff and family stuff. So sort of taking a more holistic approach to that person.

(ID 202, Caseworker)

Many of the clients that are supported by the CAYLUS caseworkers are not necessarily substance misusers or ex-substance misusers, but due to various socio-economic and other factors, may be at an increased risk of becoming involved in substance misuse, and are in general need of assistance and support (ID 202, Caseworker).

I help with Centrelink quite often. Little bits of bailing people out with food money or other money. Transport sometimes, preferably if it's sort of - can look like a case plan, you know, to get someone out of town to somewhere sensible. Sometimes just a lift to get them out of our office so we can get on with things.

(ID 206, Caseworker)

CAYLUS caseworkers also follow the progress of their clients in town camps. One town camp resident recalls seeing the proactive approach taken by CAYLUS in coming into one of the camps looking for their clients and checking up on their progress: 'I see CAYLUS mob going round to Trucking Yards [town camp] site, going down to look at a few sniffers who was there' (ID 409, Town camp resident). This resident indicated that she thought that CAYLUS had been 'trying hard to work on them heavy sniffers, get them out of that system', and that she had heard only good things about CAYLUS (ID 409, Town camp resident).

In this way, CAYLUS provides individual and family assistance to those who require it, assisting those who might be at risk of substance misuse, and following up with individuals in town camps. The holistic approach to risky behaviour that does not end when clients leave the CAYLUS office indicates that CAYLUS places an emphasis on community support, networks and empowerment. As such, the holistic casework, supply reduction and community liaison approach assumes that individuals are responsible, capable agents, who have the capacity to be involved in substance misuse programs and should be treated as queens. Further, CAYLUS encourages communities to play an active role in the response to substance misuse, as they assist with lobbying for Opal fuel, drawing attention to communities who might be at risk of a sniffing breakout, and attracting youth workers to remote areas (ID 204, Community worker).

2.3 BUSHMOB HOUSE

BushMob House is a small treatment centre located in Alice Springs, which has the capacity to care for up to ten people in-house at a time. BushMob is one of the places that the VSAPA can order people to attend treatment, however, BushMob is located directly across the street from Hoppys Town Camp, which is widely

acknowledged to be one of the major petrol sniffing camps. The primary problem with this process, mainly due to the location of BushMob, is that although courts can order treatment under section 33A of the VSAPA, and people who have been petrol sniffing or using other volatile substances must attend treatment at BushMob House, BushMob does not restrain individuals and keep them against their will, and if people do not want to be there they are free to leave. In contrast, the NSW Drug Treatment Correctional Centre restrains patients, contrary to drug rehabilitation literature, which suggests that people must be willing and ready to change their own substance behaviour (see for example DiClemente, Schlundt and Gemmell 2004; Diclemente, Bellino and Neavins 1999). This individual agency perspective is illustrated in BushMob's attitude towards treatment, by providing care for those who choose to engage with it.

Table 5: BushMob Statistics July-December 2008

	Self-Referred	Other Agency Referred	Total
July	10	12	22
August	16	12	28
September	3	11	14
October	14	17	31
November	8	7	15
December	10	8	18
Total	61	67	128

Source: BushMob 2009 pers. comm.

As indicated in Table 5, BushMob had 128 clients between July and December 2008. Of these, 61 were self-referred, meaning they presented themselves to BushMob voluntarily, and 67 were referred to BushMob by another agency. Other agency referrals were made through CAYLUS, Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's council, courts, Social Emotional, and Alcohol and Other Drugs Service Central Australia (ADSCA) (BushMob 2009 pers. comm). October was the busiest month for BushMob, with 31 clients, 17 of which were other agency referred, whereas September was less than half as busy, with only 14 clients, three of whom were self-referred.

Some staff at BushMob are now recognized as authorized persons under the VSAPA, which gives them the authority to seize volatile substances when they are being misused, 'apprehend' a person who has been misusing substances and take them to a place of safety, and apply to the Minister for Family and Community Services to make a recommendation for an application for a treatment order for an individual (DHCS 2007: 1). In this way, the VSAPA has given BushMob the capacity to act as a treatment centre that can operate with little police or external intervention. Unlike CAYLUS, which seems to operate much as it did before the introduction of the VSAPA, which has now formalized their practice, BushMob is slightly more cautious about seizing substances, despite having authorized persons and therefore capacity under the VSAPA to do so. In practice, VSAPA authority and authorized persons will not necessarily transcend the difficult conditions surrounding substance misuse, facilitating an easy disposal of substances. As one BushMob participant indicated:

I can theoretically, and by law, but it would just be dependent on who was around, what family was there; just so many things. Because someone that might not have known us or whatever might go, 'who is the fucking middle aged white man hassling the kid with the can', you know? Get him. Or they might be intoxicated and in a psychotic state, paranoid or whatever you know? In a real harm situation I'd call the police is what I'd do.

(ID 203, Community worker)

This illustrates that although the VSAPA has given community workers the necessary authority, some may prefer the additional security and reinforcement of police in carrying out the deputized duties of authorized persons. This was not uniform across all community workers however, as CAYLUS workers seemed quite happy to coax substance misusers into surrendering their substances, which they then had the authority to dispose of (ID 206, Community worker).

There is a dearth of literature and almost no research on BushMob. D'Abbs and MacLean (2008: 68-69) described BushMob as an 'recreational... adventure therapy' group, which provided exciting activities out bush to compete with the exhilaration of volatile substance misuse, such as rock-climbing, abseiling and other adventurous activities. During interviews with BushMob staff, they expressed frustration with this classification, and also indicated that the current

project is the first time a researcher has approached the centre in the previous ten years and asked what they 'got up to' (ID 203, BushMob Community worker). BushMob considers itself to be a treatment and rehabilitation program that runs outreach programs 'out bush', and does so to give substance misusers some time out from whatever problems they are faced with in their daily lives, rather than an activity that may compete with volatile substances in terms of excitement (ID 203, BushMob Community worker).

Clients are free to stay at BushMob House in Alice Springs as long as they like – stays have varied from one hour and up to two months (ID 203, BushMob Community worker). BushMob provides client services such as food, medical attention from the Drug and Alcohol Services Association (DASA), and supervised living conditions. In 2008 they were funded by the NT Government for \$404,000 per annum for five beds but had ten in the house that were used, and the funding stretched to cover amenities such as food, staff, vehicles, penalties and maintenance and so on. Every week or so, BushMob will go bush, depending on where those staying at the house want to go, and the activities depend on what they want to do (ID 203, BushMob Community worker).

Those staying at BushMob will attend bush trips, as will others in the town camps, as the staff conducting the bush trips will drive their troop carriers, or troopies, around the camps looking for people who might want to join them. During the trips, subjects such as the use of volatile substances may be discussed in a group situation, and the reasons people use them. This seems to be the extent of therapy or rehabilitative treatment that is offered through BushMob – although the benefits of removing an individual from the everyday pressures of life that may be a contributing factor to his or her substance use cannot be overlooked or underestimated.

Right guys, this is your country, what do you want to do? We want to go and check out that bore... Okay jump in, let's go... let's dig for some witchetty grubs, stop here we want to check this out; that's what we do... Who's bashing their partner? Talk about that. What are you sniffing for? Boredom, nothing to do. Hungry, Mum and Dad are gambling. All this stuff, you know. Is there anything we can do about it? Who do you talk to in town, if you're in town? Do you talk to a youth worker there, if there is one, because they come and go... Just

conversations around things that people don't want to talk about... Stop, eat, camp, do stuff. Eat, camp, swim, walk; you know, fairly active. Look at rock engravings, water holes, whatever.

(ID 203, BushMob Community worker)

As illustrated by this participant, there is some discussion about things that 'people don't want to talk about', and some attempt to solve these problems, by BushMob staff asking what can be done to find someone in town for an individual to talk to, however once the bush trip returns to town, the amount of follow up care is questionable, particularly when the individual returns to their daily lives and everyday problems, not residing at BushMob house. As such, much of the care that is given to clients that is based around 'going bush' is geared towards removing an individual from the everyday problems that contribute to his or her volatile substance misuse.

Interestingly, the majority of workers at BushMob seem to be non-Indigenous, and as such provide a fusion of care between going bush, and providing opportunities for Aboriginal people to reconnect with the land, and the more traditional group therapy. As such, BushMob workers typically allow those on the bush trips to guide the program, providing opportunities for traditional reconnection with the bush, led by Aboriginal people who are on the bush trip – often the clients of the program, or their family members (ID 203, BushMob Community worker). As such, this is not a program that can be categorized into a traditional drug rehabilitation treatment program, but relies on factors that are important to Aboriginal people, such as identity, tradition, bush and the land (ID 203, BushMob Community worker).

It's about the simple approach to an addiction process where you go out. You get up in the morning, same dog barking, same tree, you're not going to change. You're just going to cruise along complacently... You get up in the morning, different dog barking, different tree, different headspace, you take the next step... That community development stuff is surrounding working with the whole family and the perception of change, which is really important, we believe. And that saying about the dog and the tree came from Tennant Creek, Patrick Arquette... I hate the word rehabilitation. I don't think it fits adolescent drug and alcohol work... That's why stabilisation, catch your breath, medical check, where to next?

(ID 203, BushMob Community worker)

BushMob's approach to going bush with clients and discussing their alcohol and drug use is based on 'stabilisation' and the belief that by presenting an individual with a perception of change – a 'different dog, and different tree', there is the possibility of taking the next step to overcoming their substance misuse. In some cases between bush trips however, BushMob will visit town camps and seek out individuals they are aware of misusing substances, and invite them on advance bush trips, and discuss their sniffing. This does not lend itself to follow-up care, however it does provide more of a proactive treatment-like care that enters an individual's home environment and discusses their substance misuse, rather than a reactive treatment bush trip centre, that waits for participants to approach them.

In town you know, the same deal. Hoppy's camp, Charles Creek because you're out there all the time and sniffers, sniffer house, sniffer house, just rock up and sit down and go – in their path, you know, hi, how are you, what's happening? You know, whatever level of response. We're going bush tomorrow, do you want to come? And if there was even an indication of yes, we'd call there in the morning.

(ID 203, BushMob Community worker)

The directors of BushMob have emphasized that BushMob House is not only a place for Indigenous people, and many of the staff are white Australian. In talking with other community agency representatives, one issue that was raised with BushMob was that due to the 'white fella' run BushMob, there is the chance to learn about 'white fella' culture, but less opportunity to build upon and learn about Aboriginal culture (ID 202, Community worker). One town camp resident echoed this, indicating that programs such as BushMob and CAYLUS were run predominantly by white Australians, but felt that 'good programs need more Aboriginal people working', to provide a more balanced cultural approach (ID 401, Town camp resident). However, BushMob have indicated that they if they are going bush with people 'and they happen to be from that way, this is your country, we're providing the wheels and a staff member but you provide the rest' (ID 203, BushMob Community worker). From this perspective, learning about culture is in the hands of Aboriginal people who are invited to come out on trips.

Although BushMob staff indicated that they recruited some participants for outreach bush trips by driving through town and town camps and inviting people to come along, town camp residents who were involved in the study knew almost nothing about BushMob.

I see CAYLUS mob going round to Trucking Yards site, going down to look at a few sniffers who was there. But don't know much about BushMob... I hear a lot about Mt Theo. I hear that they have a good program running at Mt Theo.

(ID 409, Town camp resident)

This is possibly due to the fact that although BushMob may occasionally enter town camps to look for certain people, on the whole, BushMob seems to be more of a receiving and reactive facility. From this perspective, BushMob are available to accept VSAPA recommendations for treatments and assessments and discuss certain individuals with other caseworkers, however they do not appear to have the capacity to be overly proactive in attempting to prevent any incidences of volatile substance misuse, and many non-sniffing town camp residents are thus unfamiliar with their workers. In this way, it is unlikely that town camp residents will approach BushMob for assistance with a substance misuser.

BushMob constructs volatile substance misuse as an addiction, however not in a manner that typically associates addiction with a physiological dependence on a substance. Rather, BushMob considers substance misuse to be a dependence on escaping from the everyday problems that are faced by users, with the use of any possible available substance. As discussed in Chapter Two, the usefulness of addiction theories in analyzing volatile substance misuse is difficult to estimate, as individuals do not seem to become addicted to substances. Petrol sniffers can sniff every day in one community, and then travel to a different area and completely, voluntarily stop sniffing (Stojanovski 2010). In this way, substance misuse appears to be more associated with psychological dependence. From this perspective, BushMob approaches substance misusers and confronts their misuse by providing medical attention, food, shelter, trips out of town, and a supportive group environment that discusses these issues (ID 203, Community worker). Other community workers are skeptical about the success of these

methods, particularly when based in a facility that does not restrain individuals, located across the street from a well-known petrol sniffing camp.

In this way, BushMob seems to operate under the assumption that individuals are fully functioning, rational agents, who are capable of exercising their self-determination. As such, BushMob does not detain anyone against their will, recognizing the active role individuals should take in their treatment, and empowers individuals to take responsibility on bush trips. BushMob therefore appears to assume individuals are queens, and for successful treatment to occur, believe that queens must retain their agency throughout the detoxification and rehabilitation process, as active participants in their own recovery. Further, BushMob empowers community members to take active roles when on bush trips, allowing individuals to guide the experience, in terms of activities, stories and even destinations (ID 203, Community worker). In this way, the program seems to assume substance misusers are queens, in terms of their drug use as well as their treatment, and encourages external community participation by inviting town camp members on bush trips. As such, BushMob is primarily focused on individual empowerment and agency in treatment and is less involved in community development and capacity building, which may also due to manpower and resource limitations.

However, can there be the presumption of too much agency? As previously discussed with assessments and mandated treatment orders, drug use is an area in which the precise point of intervention is difficult to estimate. In this way, although individuals are agents responsible for their drug use and it should not be assumed that their capacity is compromised, when individuals become at risk of severe harm, under the VSAPA, intervention is warranted. Aside from the subjectivity of this assessment, there is also a question of whether this should be applied in all situations, or whether, as BushMob does, individuals can be assumed to have more responsibility and capacity for their situation and drug use. Although clients may have been court ordered to attend BushMob for treatment, indicating that they have been assessed to be at risk of harm, BushMob does not prevent individuals from leaving if they wish to do so. As

such, does BushMob afford individuals with more responsibility and agency than they are capable? The broader implications of this consideration will be discussed in the following chapter, in the context of the success of the programs.

BushMob is primarily involved with individual substance misusers, their families and other similar agencies around Alice Springs – unlike CAYLUS, BushMob lacks the capacity or opportunity to travel to the more remote areas and assist with community capacity and development. Although this addresses an important area of substance misuse – the individual and their immediate family and community, there is little interaction with the broader community – the supply or retailer network for example, which is largely left to the responsibility of CAYLUS. In this way, BushMob is not really involved in a responsive regulatory approach, unless the model can be adapted to account for the responsive options for dealing with substance misusers under the VSAPA.

3. MT THEO, YUENDUMU AND JARU PIRRJIRDI [STRONG VOICES]

The Mt Theo program is the result of collaboration between a group of Yuendumu elders, primarily Johnny Hooker Creek and Peggy Brown, and a white Australian youth-worker, Andrew Stojanovski, which began in 1994. These three community workers were awarded the Order of Australia medal in 2007 for ‘services to the youth of Yuendumu’ (Stojanovski 2010: 278). The program has a dual approach to addressing the problem of substance misuse and petrol sniffing in the community by:

1. Providing proactive diversionary activities in the Yuendumu community that take place during ‘prime sniffing time’, such as weekends, after school, nights and school holidays (Stojanovski 2010: 292). Sometimes these programs take place until after midnight

2. Removing young people who are at risk of using substances or offending to the Mt Theo outstation, for between one and six months. This time period depends on a community elders' assessment of whether that individual is able to return to the community (Mt Theo 2007; Stojanovski 2010). This has the effect of stopping an individual from being able to use substances, due to a total lack of supply, as well as not being able to participate in the recruitment of other young people to engage in similar behaviours.

The combination of these two approaches had the effect of disrupting the petrol sniffing cycle that existed within Yuendumu, and prevented the next generation of young people having an entrenched petrol sniffing culture (Stojanovski 2010). As such, when sniffing petrol was once the cool thing for teenagers in Yuendumu to do, and sniffing houses the places to go to 'pick up chicks' (Stojanovski 2010: 4), the Mt Theo program changed the ingrained culture, so that being a Jaru member and a mentor was the new cool thing to do (ID 211, Mt Theo worker). As such, sniffing in Yuendumu became a marginalized activity that young people wanted no part of.

Colloquially, the program is known as the Mt Theo program, however it is more formally known as the Warlpiri Youth Development Aboriginal Corporation, or WYDAC. Since the program began, it has expanded to include several components, including diversion, treatment, aftercare, mentoring, and youth development throughout the Yuendumu community (Mt Theo 2007). Yuendumu lies approximately 350 kilometers from Alice Springs, and the Mt Theo outstation lies another 140 kilometers north-west from Yuendumu.

The Mt Theo program began long before the introduction of the VSAPA, however the program is now an integral part of the Act. Similar to BushMob and Ilpurla, which will be discussed in the following section, one of the elements of the Mt Theo program is an outstation in which courts can mandate individuals to attend treatment. The success of the Mt Theo program will be discussed in the following chapter, however it is probable that without Mt Theo as a major spoke in the

VSAPA wheel, the Act would not be as responsive or as community grounded as it appears. This is due to its community drive, ownership and complete embodiment of true self-deterministic policy, in which:

Indigenous disadvantage can only be improved when Indigenous people are given greater control over the decisions that impact on their daily lives.

(Ridgeway 2003: 188, emphasis in original)

In this way, in line with Aboriginal autonomy, the Mt Theo program is a way in which the Yuendumu community has been able to exercise independence from paternalistic government policies and collective community action, with real responsibility for the community's welfare and wellbeing. Further, under the VSAPA, the program accepts court ordered clients from Alice Springs, Lajamanu, Nyirripi and Willowra, if they are of Warlpiri descent. Yuendumu also has a number of authorized persons in residence, who along with community police and police officers, can respond to those at risk of misusing, and refer them to program staff (ID 210, Community worker).

Okay at Mt Theo that's kind of like the cultural rehab so a lot of that's in the hands of the carers up there. We do workshops - well actually you know first and foremost we do cultural activities like hunting, going for trips out to visit sacred sites - you know digging out water holes - all that kind of thing... It doesn't sound like a lot but sitting down and talking stories with older people and that can be sort of around their substance misuse where problems they're there for can be around you know cultural stuff. It doesn't sound like a lot but it is - it's quite significant - like in terms of what people are doing up there...We do sit down for you know talks in a therapeutic sense with those young people as well but that's sort of the sum of what goes on there. What it means, a lot of it is sort of reengagement with the positive Warlpiri identity and as well as working through individual problems, it's about getting your head straight again [laughs] - you know settling down... cleaning up your act and getting your head together and sort of calming down and settling down and having space to think about what's going on and coming out refreshed almost which doesn't fit the model of - you know doesn't fit the model of many rehab kind of options, but that's what works here.

(ID 209, Mt Theo worker)

The youth program run through Jaru Pirrjirdi is a 'nuts and bolts' type of program, which has various youth-oriented types of activities, such as sport and recreational activities, discos, art, bush trips and so on (ID 209, Mt Theo worker). The establishment of the youth program, after school and holiday programs through Jaru Pirrjirdi were primarily in response to the visible boredom and

loneliness that young people were experiencing during school holidays and on weekends (ID 208, 210, Mt Theo workers). There are three levels to the Jaru Pirrjirdi program, from 'Training Jaru', which involves the youth program and night school, to 'Jaru Members', which has projects and bush trips as the main activities, and 'Senior Jaru', which consists of a youth committee, mentoring and career and life pathway (Mt Theo 2007).

The older 'graduates' of the Jaru program mentor those in the youth program, and are involved in the running of the activities (ID 210, Mt Theo worker). The mentor program is a way in which all community members stay connected as Warlpiri family, and know what everyone in the community is up to.

There's the Jaru Pirrjirdi mentoring structure in place there where young people keep an eye out for each other. That's natural - like it's not something Jaru Pirrjirdi invented but what Jaru Pirrjirdi did with that and that's a natural strength of Warlpiri kinship and family networks - is to use that as a way of caring and reporting, you know? So if somebody's worried about somebody in their family they'll come and let us know in the middle of the night or whatever you know? We hang out and chat if we're worried about somebody or have a suspicion about somebody then we'll go and chat with their friends as well as - and you know even if we're not worried about somebody we'll go and keep our feelers out in these networks.

(ID 209, Mt Theo worker)

In this way, the mentor program seemed to naturally evolve through community and family members 'keep[ing] an eye out for each other', and through community kinship. This is an example of the very proactive way in which the program acts as a preventative measure for individuals who may be at risk of using substances. Being involved in the mentoring component of Jaru Pirrjirdi gives young people 'active lives' in the community, and prevents them from becoming depressed and dependant on welfare (ID 210, Mt Theo worker). For some graduates, there are jobs through the career pathway program, some through Yuendumu media and other employment agencies in the area (fieldnotes 2008; ID 209, Mt Theo worker).

As such, the programs within the Yuendumu community emphasize individual agency and trust, with more senior members being responsible for younger members through mentoring programs, those who might be 'at risk', as well as

those who have returned from Mt Theo. In this way, the program highlights community and collective responsibility, individual agency and community capacity, and empowers individuals with important roles within the program and community. In this way, when individuals are in Yuendumu, the program assumes they are queens, with power, responsibility and agency.

In my visit to Yuendumu in 2008, the first place I was taken upon my arrival was to visit the Mt Theo 'map', which depicts the various stages of the program. This 'map' is reproduced below.

Figure 2: WYDAC Program



(Source: Mt Theo Website 2010)

As illustrated in Figure 2, the Mt Theo program is an interconnected web of programs, surrounding the Yuendumu community and the Mt Theo outstation. The committee overseas all programs, which includes Jaru Pirrjirdi, youth programs, the outstation, which is itself influenced by referrals from courts, police, corrections, CAYLUS and so on. Within each program component are several sub-categories, such as mentoring, careers, bush trips, nightclub, as well as inter-community liaising youth programs.

Previous discussions with community worker participants about BushMob and CAYLUS have pointed to the lack of adequate treatment and aftercare facilities

for substance misuse in Alice Springs and Central Australia. Mt Theo and the Jaru Pirrjirdi program appear to be the exception, catering for Warlpiri substance misusers in Yuendumu and at the Mt Theo outstation. For the most part, the Mt Theo program has 'a very, very good reputation of doing lots of good stuff' (ID 102, Policy maker), and the reasons for its success will be examined in greater depth in the following chapters.

The Mt Theo program has core funding from the federal health department - Office for Aboriginal and Torres Strait Islander Health (OATSIH), and has additional funding from Department of Health and Aging, the Drug and Alcohol Strategy, Suicide Prevention, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and several other smaller funding bodies (ID 209, Mt Theo worker).

On average, the outstation cares for approximately 30-35 clients every six months, however in the whole of 2006, only 14 of these were petrol sniffers (Mt Theo 2007). Most of the clients received are sent to Mt Theo outstation through court orders from other communities and Alice Springs, as the Yuendumu community has no problem with substance misuse anymore. However, in 2008-2009, the number of clients had decreased from previous years - there were 35 individuals who attended the Mt Theo outstation: 32% of whom were referred by Department of Corrections, 46% by police, and 22% were family / self-referred (Mt Theo 2009). Only one Yuendumu man was found to be using substances (petrol), and was taken to Mt Theo.

As previously stated, Yuendumu and the Mt Theo program was the first community to eradicate petrol sniffing before the introduction of Opal fuel, through community action and development. In this way, as one participant indicated:

I think Yuendumu probably set a great example of not actually needing supply reduction. They got rid of it first with Mt Theo, which is a sort of bush prison approach but it worked.

(ID 206, Community worker)

Yuendumu and Mt Theo operated by reducing demand and restricted access to products without tackling the supply source, as we have seen with the introduction of Opal. The analogy of Mt Theo outstation as a 'bush prison' was echoed by another community worker, who stated that:

Nobody wants to go [laughs]. [Q: Is that seen as like a punishment?] Absolutely, nobody wants to go. They get the biggest kick out of finishing their work there. Starting work as Jaru Pirrjirdi and then going out there to help. They think that's very cool, they love that and they love the place. But to be there, as they call themselves prisoners, everybody calls them prisoners, they're as prisoners, everybody wants out... They would get away if they could, absolutely. That's one of the reasons the isolation is so important. In town I guess you'd have fences, out there we've just got geography being so far away, yeah.

(ID 211, Community worker)

In this way, the coercive nature of the outstation is similar to the previously discussed legally coercive treatment of the NSW drug courts, with community disapproval and isolation rather than criminal penalties for those who do not want to go. As well as being a place to detox, learn cultural tales from community elders and reconnect with the bush, the Mt Theo outstation is a punishment to those who have stepped out of community line. Although Mt Theo is not an involuntary treatment center as stated in the VSAPA, and clients are not technically restrained against their will, the geographic position and the pressure exerted upon an individual by community and family members virtually ensures that the outstation is an involuntary treatment centre, from which running away is near impossible, and an individual's agency and capacity to exert independence is constrained.

Of the maiden voyage to the Mt Theo outstation, Andrew Stojanovski, one of the program founders stated:

Sniffers were cajoled by their family and by the shame of being singled out. Reluctantly they climbed aboard. When there was no more room in the cage truck, private cars were commandeered and they joined the convoy: a motley collection of battered Holdens and Fords snaked its way around the community.

(Stojanovski 2010: 19)

This illustrates how petrol sniffers were persuaded and shamed into going to Mt Theo, facing the enormity of the collective community pressure if they resisted.

The above quotation demonstrates how family and community coercion operates in practice, by shaming and cajoling individuals to comply. As such, community involvement and authority seem to lessen the complexities surrounding issues of autonomy and cultural independence, which were difficulties when parents attempted to address substance misuse with their children. However, this also highlights one of the programs strengths, which is in its 'tyranny of distance' (Stojanovski 2010: 165).

As such, although elements of the program that are based in Yuendumu assume individuals are capable agents with self-determination and assigns them various roles of responsibility, the Mt Theo element seems to assume the opposite. In this way, the Mt Theo program often relies on court orders or community and family coercion to compel individuals to attend treatment, which seems to be based on the assumption that these individuals lack capacity and autonomy – or it should be temporarily relinquished to someone in authority who is better able to care for them - requiring external community, health and court intervention. These individuals are assumed to be pawns, as those with little power and responsibility. However, once treatment is completed and they return to Yuendumu, their individual agency seems to be restored, as they become involved in community life, the program, and assume more responsibility. Further analyses of these assumptions of capacity have broader implications for the success of the program; these will be examined in the following chapter.

Over the past decade, Yuendumu has transformed from having one hundred petrol sniffers in one night, to one recorded incident of sniffing in the past three years. The outstation is a critical response to substance misuse that accepts Warlpiri clients from all over the Northern Territory, providing individuals with an opportunity to reconnect to their Warlpiri identity whilst detoxifying. The other elements of the program are proactive and preventative in their approach to substance misuse, and although Yuendumu has Opal fuel only, the program managed to reduce the demand for sniffing before the supply issue was addressed.

This illustrates the strength of close-knit communities in controlling and regulating behaviour. As discussed in a previous chapter, situational crime prevention strategies remove the opportunity for substance misuse by restricting access to substances. In this way, within the context of product control, an individual's agency and autonomy is constrained, as they are regulated as a pawn with little proactive power. However conversely, some techniques of social control are able to empower communities with the capacity to determine acceptable and unacceptable forms of behaviour, as well as allowing community groups to regulate the strategies that are focused on regulating community behaviour. In this way, because the Mt Theo program is controlled and managed by the Yuendumu community, the collective community is empowered not only to ensure its success, which will be analyzed further in the following chapter, but also to ensure community members play active, vocal roles within the program. The program is thus a case of empowered queens regulating queens.

4. ILPURLA

Ilpurla outstation, sometimes referred to as Barry Abbott's – named after the man who is in charge of the outstation – is located approximately 260 kilometers from Alice Springs. Under the VSAPA, Ilpurla receives individuals who have been mandated to attend treatment, who are often transported by CAYLUS workers.

There is a dearth of literature on the Ilpurla outstation, and during the course of fieldwork, although I was able to travel to the outstation and tour the facilities, the staff were unavailable to interview. D'Abbs and MacLean describe Ilpurla outstation as a 'cattle station', which is primarily designed to teach troubled young people about breaking in horses and mending machinery, that has had a troubled past due to a lack of adequate resources in a medical emergency (2008: 87).

Ilpurla is a remote, family-run facility that accepts court ordered and voluntary clients, however due to cultural and housing facilities, the outstation is more appropriate for males. There have been incidents where females have been at the Ilpurla outstation, although they have remained with the Abbott family for the duration of their stay (ID 204; 206, Community workers). However, the majority of Ilpurla residents have been court ordered through the VSAPA to attend treatment for two months, although it is at the discretion of the family if they have completed the program satisfactorily and are able to leave. According to CAYLUS records, 10-12 of the 17 clients who were at Ilpurla in September 2008 had been mandated to attend through the VSAP Act (ID 204, Community worker).

Rather than running an organised treatment or rehabilitation program, Ilpurla seems to be a program that is based on detoxification and hard work, giving young people a chance to reconnect to the land and learn new skills. From this perspective, although Ilpurla is a remote outstation, it is really an extended family-run cattle business that has the capacity to temporarily take on foster children and teach them new skills that may give them the ability to find employment once they find their way back into town. The obvious difficulty with this model is that Ilpurla is marketed as a treatment-rehabilitative outstation to which courts are mandating substance misusers through the VSAPA. Whilst in the care of a family-run cattle station, there is certainly little or no opportunity to misuse volatile substances, although clients cannot be held at the outstation indefinitely. As the outstation has little capacity to run programs beyond the physical instruction of machinery and livestock, once an individual returns to town and is presented with the same circumstances they were faced with before entering treatment, and an opportunity to engage in substance misuse, there is little inducement for them to refuse.

The Ilpurla program uses hard work and discipline to divert individuals away from substance misuse, in conjunction with a complete lack of supply. This approach therefore constrains an individual's agency, capacity and self-determination, as individuals are assumed to be farm workers. However,

conversely, individuals are taught new skills that they may employ once they return to Alice Springs or other communities. In this way, although the program seems to remove an individual's sense of agency, there is the capacity to learn about the land, farming and other agricultural techniques. From this perspective, individuals can contribute to their recovery, depending on their levels of engagement.

However, once treatment is completed, individuals return to Alice Springs and their agency is immediately restored. There is thus a tension between disenfranchised individuals in Ilpurla, who can be completely responsible agents from one day to the next. As such, the capacity for the program to assist with delivering responsibility and long-lasting effectiveness is unclear. However, within the constrained situation where individuals may be treated as pawns, as they have been mandated to attend treatment, have no access to substances and are compelled to participate in farm work whilst at Ilpurla, it is important to note that pawns are not completely socially determined and may make constrained choices within the situation they are in.

Table 6: Program Goals, Methods, Agency

Program	Goals	Methods / Motivations	Capacity
Mandated Treatment Orders under VSAPA	<ul style="list-style-type: none"> - Provide assessments and treatment to those 'at risk' - Involve court process if necessary to encourage individuals into treatment 	<ul style="list-style-type: none"> - Involuntary intervention assessment and treatment - Incapacitation 	<ul style="list-style-type: none"> - Lack of empowerment - Consultation with community and family members - Removes individuals' autonomy and agency – pawns
CAYLUS	<ul style="list-style-type: none"> - Community empowerment - Acute and holistic response - Remote community liaison 	<ul style="list-style-type: none"> - Consultation - Family and individual casework - Town and community liaisons 	<ul style="list-style-type: none"> - Encourages community empowerment and involvement - Queens
BushMob	<ul style="list-style-type: none"> - Acute health care - Short-term treatment 	<ul style="list-style-type: none"> - Acute, temporary respite 	<ul style="list-style-type: none"> - Assumes individuals have complete agency and capacity – treats them as queens
Mt Theo	<ul style="list-style-type: none"> - Community empowerment - Treatment - Eradication of substances 	<ul style="list-style-type: none"> - Acute and long-term management - Complete community involvement - Diversion - Mentoring - Peer / holiday / after school programs 	<ul style="list-style-type: none"> - Assumes those at risk lack capacity – pawns, and assume those who have completed treatment have agency restored – queens.
Ilpurla	<ul style="list-style-type: none"> - Break cycle - Present other life opportunities, - Teach young men new skills 	<ul style="list-style-type: none"> - Incapacitation - Diversion - Hard work on station 	<ul style="list-style-type: none"> - Uses disciplinary methods that treat individuals as pawns – lack of agency and autonomy whilst at the station. Once treatment is completed, agency is restored.

As illustrated in Table 6, the different programs that respond to substance misuse have different goals, different methods, and different conceptions of capacity of their clients.

5. PROGRAM SUMMARY AND CONCLUSION

Table 7: Program Prevention, Treatment and Aftercare

	CAYLUS	BUSHMOB	MT. THEO	ILPURLA
Prevention	Yes	No	Yes	No
Treatment	Refers clients to treatment	Yes	Yes	Yes
Aftercare	Yes (casework)	Limited	Yes	No

As indicated in Table 7, CAYLUS and Mt Theo provide preventative methods to individuals at risk of becoming involved in volatile substance misuse. CAYLUS is involved in the referral of individuals to treatment, whilst Bushmob, Mt Theo and Ilpurla are involved in the direct delivery of treatment services. Again, only CAYLUS and Mt Theo provide comprehensive follow up aftercare services, whereas Bushmob's aftercare facilities are limited to bush trips, and Ilpurla does not appear to be involved in any formalised follow-up care. However, due to the geographic distribution of many substance misusers, those who have been misusing substances in Alice Springs and have attended treatment in Ilpurla may follow up with CAYLUS caseworkers, with Ilpurla and CAYLUS workers maintaining contact with each other.

This chapter has examined the VSAPA and other responses to volatile substance misuse. Unlike other legislative changes that have formalized informal practice between different agencies, the VSAPA revolutionised the approach to substance misuse. It mandated a role for police, and enabled them to have a wide range of responses for dealing with substance misusers. It empowered communities to be able to self-manage what substances are permitted within designated areas, which are then legally enforceable, and deputised everyday citizens with

‘authorised person’ status. It allowed courts to mandate treatment following health assessments, without criminal penalties for those who refused to go. And it also criminalised the supply of substances to minors and those intending to misuse the substances. It is a uniquely innovative response not only to substance misuse, but also drug use, with a multi-faceted approach incorporating health, community workers, police and community members into what appears to be a success story.

For programs responding to drug and alcohol problems, there is a general consensus that community based, culturally appropriate programs, which incorporate a multi-agency response involving family and community members in the treatment process are the most successful (Cunneen 2008). The VSAPA have incorporated these factors into its approach to substance misuse. However, in speaking with community workers, there are areas of the VSAPA that can be improved, and these will be examined in the following chapters.

A previous chapter discussed the historical difficulties that Aboriginal communities have experienced with policing practices, which has notably included a lack of policing by consent (Cunneen 2008). In practice, this has translated to the overpolicing of Aboriginal communities, violent police tactics and ‘racialised constructions of Aboriginality inevitably facilitat[ing] discriminatory intervention’ (Cunneen 2001; Cunneen 2008:3). Other policing tactics which have in practice been detrimental to communities, include the tendency of police to attempt to impose a predetermined policing formula onto Indigenous communities, with little community input (Blagg 2008). This policing method would not necessarily address the pertinent problems faced by communities, and police face a danger of targeting minor infringements which are at the core of a functioning remote community, for example, driving without a license (Blagg 2008).

The 1991 Royal Commission into Aboriginal Deaths in Custody (RCADIC) made several recommendations for addressing the issues underlying the over-representation of Aboriginal people in custody, and made specific reference to

the need for consultation with Aboriginal people and Indigenous agencies. Recommendation 188 stated:

That governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.

(Johnston 1991: v5: 111)

In contrast with various Indigenous policies and legislation before it (for example the MDA 1988), and since (for example, see the Northern Territory Intervention, which lacked community consultation, despite originating from the *Little Children are Sacred* report (Wild and Anderson 2007), which strongly recommended that no action be taken without community consultation, and in which a set of external measures were imposed on communities), the VSAPA was developed with community consultation, support and negotiation. In this way, the VSAPA aligns with recommendations that arose through the 1991 RCADIC, which identified the need for Indigenous policies to be self-deterministic and supported by the community. Previous self-deterministic policies have lacked a 'government-to-government' approach with Aboriginal people, and instead have operated on a 'top-down approach', which is in contrast to self-determinism (Maddison 2009: 486). Although the VSAPA originated from the Northern Territory government, and was in that sense, top-down, the fact that it was driven by Marion Scrymgour, who was raised in a remote Aboriginal community, gives the Act a uniqueness and community grounding that is rare in self-deterministic policies.

Further, although there is no specific reference to community and night patrols in the VSAPA, these community policing tactics are an essential element in the self-deterministic policing practices of Aboriginal communities. Community patrols are designed to intervene when Aboriginal people are in danger of becoming involved with the criminal justice system, or when they are at risk of dangers from alcohol, violence, substance misuse and so on, and their work practices are not dictated by police (Blagg 2008). Community patrols, which in

some areas of the Northern Territory are still referred to as night and day patrols (for example, at Tangentyere Council), have the capacity to improve police and community relations, by performing a minor police function and diverting Aboriginal people away from the justice system.

The 1991 RCIADIC made positive reference to successful Northern Territory community patrols and in recommendation 220 suggested that patrols be:

Examined with a view to introducing similar schemes into Aboriginal communities that are willing to operate them because they have the potential to improve policing and to improve relations between police and Aboriginal people rapidly and to substantially lower crime rates.

(Johnston 1991: 118).

The Australian Law Reform Commission suggested that community-policing initiatives could ensure that communities could 'deal with trouble... in a more flexible manner... more appropriate to circumstances, as well as more in accord with local customary laws... From the police viewpoint, self-policing can reduce the demands made upon them to service remote communities either with a permanent police presence or by regular visits' (Australian Law Reform Commission 1986: vi: 105).

The combination of community patrol initiatives in conjunction with other self-deterministic strategies of the VSAPA - such as community management plans - allow remote communities an element of control over their communities and policing practices that has not been seen in remote areas of Australia before. However, the fact that to some extent, the enforcement of community management plans still relies on good relations between communities and police indicates that the police as an organisation need to move beyond a 'force over' as opposed to a 'service to' Aboriginal people, leaving behind a history of bad faith and moving towards a transformation of police and Aboriginal relations (Blagg 2008: 92)

The Mt Theo program is an example of a program that is community grounded, although it differs from the VSAPA in the sense that it originated in the

community, and is completely community owned and operated. The VSAPA has elements that promote community management and empowerment, but essentially is an external policy set that has been implemented with community support, across the Northern Territory.

As discussed earlier in this chapter, the more traditional process of court mandates and orders differ in the context of the VSAPA. The court may order an individual to attend treatment, for which police warrants can be issued and are enforceable, but once that person is in treatment, they are under no legal obligation to stay. This process is in contrast to Pearson's perceptions of state roles in Indigenous policy areas, which are to control and oppress Aboriginal people, who are perceived as incapable and powerless (Pearson 2009). In fact, the system of court mandates under the VSAPA provides the conditions necessary for Indigenous interventions. In other words, if an individual is at risk of severe harm and is court ordered to attend treatment, the mandated treatment order provides the necessary propulsion for that person to enter an appropriate treatment program. Again, contrary to Pearson's (2009) suggestion that bureaucracy is unable to simply provide services and facilitate decision-making without assuming authority, once an individual has entered treatment, the state withdraws, leaving that person in the care of appropriate treatment facilities. If they choose to leave treatment, they face no adversarial consequences. As such, in this model, the state performs a unique role whereby it provides the conditions necessary for change, and then withdraws, leaving the person in the care of the appropriate treatment program.

The different approaches to substance misuse make different assumptions about their clients' agency and capacity for autonomous action. The VSAPA's process of assessments and mandating treatment through court orders removes an individual's agency, and assumes that, through the process of an assessment, that individual should temporarily forfeit their autonomy and right to self-determination, as they are deemed of being at risk of severe harm. As such, this process compels an individual to involuntarily assign their agency to a professional, who will then make decisions on their behalf. This relates to

whether a user of a public service – in this instance, treatment centres – should have the ultimate power in deciding what treatment, how much, and delivered by whom (Le Grand 2003). However, in the VSAPA, once assessors decide that an individual is at risk, individuals have no power in making of their own decisions, and are passive pawns in the system of mandatory treatments, where others decide what treatment, how much, and by whom is in their best interests.

In this way, an individual may wish to make their own decisions, but is denied the ability to do so, based on subjective assessments of the potential risk they may pose. Arguments in favour of treating individuals as pawns and removing their decision-making powers suggest that substance misusers may have difficulties in making appropriate decisions, due to a weakness of the will (New 1999). This refers to individuals making decisions that are not in their best interests, even though they may know what is the right decision to make, which was examined in a previous chapter as useful for examining possible addictive behaviours (Le Grand 2003). In this way, substance misusers may know that misusing products can be damaging to their health, but choose to do so anyway. As such, through the process of assessments and mandates, the process of making informed, rational decisions is involuntarily deferred to someone who is not affected by a similar desire to misuse volatile substances.

Your patient has no more right to all the truth you know than he has to all the medicine in your saddle bags... He should get only just so much as is good for him.

(Holmes 1871 cited in Le Grand 2003: 73)

It is for the patient, not the doctor, to determine what is in the patient's own best interests. You may wish to recommend a treatment or a course of action, but you must not put pressure on patients to accept your advice.

(General Medical Council 2002 cited in Le Grand 2003: 73)

These two extracts are taken from Le Grand's (2003) work on capacity, autonomy and power – deciding when individuals should be treated as pawns and as queens. They illustrate opposing medical views on how informed patients should be of their own status, and their degree of involvement in their own treatment. Comparing volatile substances with medicine here is useful in order

to demonstrate situations where individuals voluntarily or involuntarily defer to external decision-making influences: medicine relies on the specialised knowledge of trained doctors, and volatile substances on those who can provide treatment. In both cases, subjective assessments are made of subjects' capacities, and there is the capacity for both to be treated as passive pawns or as empowered queens in regards to their treatment.

However, as discussed in a previous chapter, a third party can never be as invested in an individuals' welfare as that individual, and is then faced with the additional burden of making decisions for someone else as well as themselves (Le Grand 2003). There is therefore difficulty in balancing the wellbeing of more than one person. As such, if an assessor decides it necessary, by issuing a court order for mandated treatment, the VSAPA removes an individuals' autonomy, power, capacity for responsibility and self-determination. The court decides what treatment, how much and delivered by who, is best for that individual (Le Grand 2003). Once in treatment, the substance misuser may begin to exert their independence and agency by making everyday rational decisions, but within the constrained situation of imposed, mandated treatment. As such, this process assumes individuals to be passive pawns, whereby policy is imposed upon them.

In contrast with the VSAPA, BushMob does not constrain an individuals' agency and autonomy, but rather seems to restore it, if that individual has been mandated to attend treatment. Once the court process decides who, how much and where a client will receive treatment, BushMob, by not involuntarily confining individuals to the program, restores their voice, by allowing them the choice of leaving, and thus having a say in whether they receive treatment, for how long, and whether they shall receive it from BushMob at all. In this way, individuals are active agents at BushMob, and are assumed to be queens, in charge of their own rehabilitative decision-making, and responsible for being actively involved in their treatment. BushMob clients are therefore empowered to be agents in their own recovery, charged with decision-making powers on the regular bush trips, and if they remain in the program, are forced to overcome the temptation of the sniffing camp across the street. In contrast, the clients of Mt

Theo and Ilpurla are physically incapacitated, at least to some extent, by the geographical isolation. However, although mandated clients may similarly lose elements of their agency and autonomy, individuals at these two treatment centres may still retain some independence and responsibility by participating in small everyday decisions relating to their treatment and recovery process, and as such can be considered as active agents, within their constrained situation.

Similar to BushMob, CAYLUS works to empower communities with a sense of agency, and assists them in lobbying governments, writing letters, campaigning for supply reduction and increased funding for youth workers. In doing so, CAYLUS is actively assisting community members find their voices, and is assisting them as rational, capable queens. In this way, CAYLUS does not assume any individuals are passive regulatory subjects, although they do have the capacity to apply for VSAPA assessments for individuals who may be at risk of severe harm.

The Mt Theo program has two fundamental elements, which have different constructions of subjects' agency. The Mt Theo outstation constrains an individual's agency and power to self-determination, by community coercive powers that compel him or her into treatment. In this way, individuals who sniff, use substances or who are at risk of doing so, forfeit their right to individual capacity and independence, similar to the process of courts deciding who, where and how much treatment is needed under the VSAPA. These individuals are then treated as passive pawns, as they are coerced or mandated into attending treatment. However, although this element of the program assumes individuals lack capacity, individuals who attend treatment can still make rational choices which are constrained within the mandated or coercive situation they are in. This overrides any cultural autonomy that individuals have over their 'right to sniff' or use substances (Stojanovski 2010: 68).

In contrast, the other program elements – Jaru Pirjirrdi, youth programs, mentoring, night club and so on – restore or empower an individuals' agency and autonomy, sense of responsibility to the community and self-determination.

Once an individual has completed the Mt Theo program, they are welcomed back into Yuendumu, and are gradually reinstated with personal authority through the Jaru program, and become powerful queens responsible for the program elements and to the community, through night club and the mentoring of others. In this way, Yuendumu community members are never really independent of their community, as community members watch out for each other, and are compelled into treatment if they are thought to be at risk of sniffing. As such, the sense of collective responsibility and the power of community capacity ensures that those within the community are active agents – queens, regulating queens.

In addition to the collective agency of Yuendumu, the community has the capacity to self-govern. As previously discussed, community groups and community-based controls are essential for the effectiveness of public policy: in this instance, community law aligns with the criminal law of the VSAPA. The close articulation of community and criminal law has implications for the success of the program; as previously discussed, when formal criminalization opposes community law, these differences limit the effectiveness of policy and regulatory strategies (Lacey 2004). However, as elements of the VSAPA support Yuendumu and Mt Theo policy – such as authorized persons status, community management plans, and the formalized capacity to mandate individuals to outstation treatment – there is no such dissonance. Just as the community is able to regulate the strategies that regulate the community, these strategies that align with community interests are reinforced with police support, which have broader implications for its success.

Contrary to Mt Theo and CAYLUS, Ilpurla seems to assume individuals within the program lack capacity, and treats them as passive pawns, at least for the duration of their stay. Based on discipline, hard work and the teaching of new skills, the program allows little room for individual authority, agency and capacity, although there must be a sense of responsibility fostered among clients in order for individuals to be willing to learn. However, within the context of the program, which removes access to substances and a certain amount of individuals' autonomy and agency, a pawn is not without limiters and individuals

at Ilpurla are not completely socially determined. In other words, those at Ilpurla may still make small rational day-to-day decisions that affect their daily living, which are constrained within their situation. The primary authority within the program lies with the program operators and as such, Ilpurla seems to be a case of queens regulating pawns. Once individuals complete the program however, their agency is immediately restored as they find themselves back in Alice Springs with the capacity to reuse volatile substances, or implement their newly learned skills and find new employment, resisting substances altogether.

Aside from considerations of agency and capacity, the VSAPA has had broader implications for the way in which these programs operate. The supply officer from CAYLUS has the capacity to call upon the VSAPA when dealing with recalcitrant retailers of volatile substances, although in practice their approach is based on cooperation and good faith. This is another way in which the informal community process is reinforced by the formalised criminal law. CAYLUS is also involved in supporting those who have been assessed and appear before the courts, as was the case with Jessica.

Police now have an active role in responding to substance misuse, under the umbrella of harm minimisation. Previous approaches to substance misuse have not included a police response, but have focused on restricting and criminalising the supply of volatile substances, as seen in the *Misuse of Drugs Act* (1988) NT. Contrary to other documented accounts of police responses to harm minimisation approaches, the police involved in substance misuse appear to define the problem as a health issue, primarily requiring a health and community response, with police on board to assist with the 'fall out'. The seeming reluctance of police to be involved in the response to substance misuse may in part be due to some police attracting trouble from their superiors for acting prior to the implementation of the VSAPA, as well as police having minimal responsibilities in substance misuse in the past, and a general reluctance to respond to a Northern Territory mandate in the form of the VSAPA.

The VSAPA has had a different effect on BushMob, Ilpurla and Mt Theo, as these are now the receiving programs for those who have been mandated to rehabilitative treatment. Although refusing to comply with treatment orders does not incur a criminal penalty, the coercive nature of some of the communities – Yuendumu for example – means that this is not a practical option. Further, the geographical locations of Mt Theo and Ilpurla make escape virtually impossible, though BushMob has different problems with its location across the street from a notorious petrol sniffing town camp. The successes and failures of these approaches will be examined in the next two chapters.

CHAPTER FIVE: TARGETED RESPONSES: MEASURES OF SUCCESS

The previous chapter examined the different responses to volatile substance misuse under the *Volatile Substance Abuse Prevention Act* (2005) NT (VSAPA), and how these programs made assumptions about individual agency and responsibility in their regulatory approaches. What emerged through this analysis was that programs such as CAYLUS and Mt Theo, which have provisions for community capacity building, and community empowerment, treat clients as rational, responsible queens rather than passive pawns. In contrast, the court mandated aspect of the VSAPA, whilst innovative and responsive, operates under the assumption that individuals lack responsibility for their own welfare, warranting intervention that treats individuals as victims of circumstance – powerless pawns. However, what this element of the VSAPA does, is allow the state to provide substance misusers with the necessary propulsion into appropriate treatment, before withdrawing, leaving duty of care with treatment facilities.

Chapter Two presented Le Grand's (2003) analyses of assumptions of agency and motivation in public policy and regulatory strategies. Different regulatory strategies make fundamentally different assumptions about the capacity of their regulatory subjects, and have different policy motivations, which in turn affect their potential for success. This concept will be further examined in this chapter.

Attempting to determine whether or not any program is successful is difficult, and relies on various indicators of success. In Indigenous settings, with volatile substance misuse, measuring success and developing a set of identifiable objectives within each program is even more difficult. As Stojanovski said, of reviewers who in 2001 came to evaluate the Mt Theo program:

I hoped the government reviewers would immerse themselves in the program... I hoped they would accompany me in the tasks of putting on disco, sharing warm tea with sniffers at midnight, doing out-reach work and running rations to Mt Theo. I was mistaken: that was not their style... 'Where is your sharps policy and

procedures manual?' ... the female reviewer asked. She looked professional, in her neatly pressed clothes, but she had no idea. A sharps policy and procedures manual? What did they think we were? A methadone clinic in Sydney? We dealt with petrol sniffing, not heroin. Our staff were tribal elders who had grown up in pre-contact times. Peggy, Rex and Hooker Creek couldn't have even read a sharps policy or procedures manual. Even if we had one it would have been useless.

(Stojanovski 2010: 259)

The absurdity of attempting to apply traditional western indicators of success in the forms of procedures manuals and mainstream evaluation policy procedures to community volatile substance misuse treatment programs becomes apparent in the above extract, particularly when examining programs that are set in outback Australia, and run by Aboriginal elders. As such, this study developed a different set of indicators for gauging success, that were based on what participants felt were fair measures of how effective their programs or others in the area were at targeting volatile substance misuse. These included factors such as cooperation with different agencies, community capacity building, and more specifically, a decrease in the number of substance misusers. The different responses are involved in each success strategy to varying degrees.

1. REDUCTION IN NUMBERS OF SUBSTANCE MISUSERS

One obvious way of gauging the success of a substance misuse program is in establishing whether the number of misusers has decreased since the program's implementation. However, this method is not necessarily confined to and reflective of the program's operations, due to other factors that may be influencing the numbers of substance misusers.

As discussed in the previous chapter, there has been an overall reduction in the numbers of volatile substance misusers over the past five years or so. At the time of writing, it was estimated that there were approximately 20 substance misusers in Alice Springs and the surrounding areas, at varying levels of activity (ID 202, Community worker), which includes individuals misusing substances in town, as well as those who have been court ordered to attend treatment

programs, such as BushMob, Mt Theo or Ilpurla. One CAYLUS worker felt that the decrease in sniffing combined with an increase in funding for youth programs, the successful rollout of Opal fuel and the VSAPA was indicative of CAYLUS's success.

Part of its success is opportunism, seeing what can be achieved and not setting your impossible goals, but setting goals that you can get to from here and going for them. So yeah, I think we're quite successful at what we do... The number of sniffers has dropped enormously. The amount of money going into youth programs has gone up enormously... So we have been having good success and in our wake are better youth work programs, no sniffing, Opal, VSAP Act, which is another thing which we really pushed for and to some degree created a social necessity for... So, it's legislation, resources, staff, education in the community, Opal.

(ID 205, CAYLUS worker)

Adequate resources, staff, funding and not setting impossible goals brought about these successes. Another CAYLUS worker similarly measured their success by a decrease in the numbers of sniffers, combined with CAYLUS's consultative approach.

It's still by no means 100 per cent successful though. [Q: How would you measure your success?] Some individuals who do okay. The general decrease in sniffing numbers throughout the region. I don't claim particular individual credit for but it's still good to be part of that scene... It really has to be responsive to what - to not only what people want but also to what they have to offer and I think that has probably been the success at CAYLUS compared with a lot of other organisations - is they didn't go out and try and do a blueprint of what you do in a vacuum, they went out and spoke to people about what they wanted to do and helped them do what seemed possible at the time and I think that really is the only approach that'll ever work... When they were talking about a big opal rollout I thought they were mad. I thought the government - no way the government would fund it but they did and it worked.

(ID 206, CAYLUS worker)

The consultative approach is reflective of the more culturally sensitive side to CAYLUS, which assesses what the community wants, and tailors their methods to fit in with their desires.

Similarly, another community worker measured the success of CAYLUS by the number of sniffers, sniffing related deaths, and the availability of good services for young people.

[Q: How do you measure the success?] Numbers of sniffers, numbers of deaths and the availability - yeah the availability of good things for young people. So we've still got a lot to do in terms of having good youth programs available across our region and that sort of base infrastructure there...

(ID 204, CAYLUS worker)

However, in contrast to these performance output indicators of success, which may not be the best measurements of a substance misusing population that is highly mobile and often misuses substances sporadically and opportunistically, one participant pointed to other ways of gauging success.

In terms of what's successful, I think there's been a lot of interaction with government agencies and getting them onboard, we've been able to put youth workers into a number of communities, and it's certainly to my thinking, averted petrol sniffing in those communities. But again, coming back to a number, I can't put numbers to it.

(ID 100, Policy maker)

This participant suggested that 'putting numbers' to success may give a false sense of success, and successful programs must be able to do more than reduce the numbers of substance misusers, which in reality might mean transporting them to remote outstations or other communities temporarily (ID 100, Policy maker). For this participant, as well as other CAYLUS workers as indicated by ID 204, programs that are able to place youth workers in remote communities and interact with other services and agencies might give a better indication of success. Cooperation between agencies will be analyzed later in this chapter.

In practice, Mt Theo is the only program that has managed to effectively 'eradicate' petrol sniffing (ID 204, Community worker), although the program is a constant presence in the Yuendumu community that diverts, trains, mentors and encourages young people to have active, petrol-free lives. In the early 1990s, there were 60-100 petrol sniffers a night in Yuendumu (ID 204, Community worker; Stojanovski 2010). Sniffing was seen as the socially cool thing to do for teenagers. However, a Mt Theo program founder stated:

...we had dealt with the supposedly unsolvable problem of petrol sniffing... by changing youth culture in Yuendumu. We made sniffing such a hassle and created much more attractive youth activities, so young people had something better to do than sniff... sniffing changed from being the dominant cool and groovy activity of Yuendumu's youth, to being uncool and a marginalized activity

that kids no longer wanted to participate in... The secret was the *Jukurrpa* [dreamtime], a trinity of cause, culture and a lack of money.

(Stojanovski 2010: 272)

In the Mt Theo example, the lack of sniffers reflects the success of the program. Although this is not the only successful element of the program, it is one of its primary accomplishments, as preventing petrol sniffing, providing respite, preventing crime and diversion from the criminal justice system were fundamental program goals (Stojanovski 2010). However no program, Mt Theo, CAYLUS, BushMob or Ilpurla had the sole aim of eradicating petrol sniffing; the reduction in prevalence was either part of a larger scope in tackling substance misuse, or was a consequence of other strategies to reduce the harms associated with sniffing.

2. PREVENTATIVE APPROACHES – CAYLUS AND MT THEO

Chapter Two examined the common preventative methods that are associated with proactive social strategies, which target the emergence of harmful behaviours under the umbrella of prevention, including prohibition, product regulation and social control. It is estimated that there are approximately 250 domestic household products in Australia, which can be misused for intoxication purposes (Gray et al 2006), but as previously discussed, prohibition of these substances is not a practical policy option. However, tighter regulation and control of some volatile substances is possible. Regulatory strategies based on situational prevention are intended to avoid the occurrence of particular types of behaviours, by limiting access and opportunities; in this instance substance misuse (Tonry and Farrington 1995). In this way, volatile substance misuse is dependent on the external availability of a substance, as without an intoxicating substance being accessible, the substance misuse cannot occur, regardless of an individual's eagerness to experiment.

In responding to substance misuse in the community, several community agencies have incorporated different measures of supply reduction, product or

social control as preventative approaches in their responses: both CAYLUS and Mt Theo have a strong focus on preventing the emergence of substance misuse. In this way, both agencies have placed an emphasis on the strength of communities in their abilities to control the emergence of the behaviour, using different community strategies. These also point to the different ways both agencies have defined and framed substance misuse within the community context.

2.1 RETAILER NETWORK

Much of the focus of CAYLUS's work is on community development and empowerment: this is evident through the placement of youth workers in remote areas, and the assistance CAYLUS offered to communities in lobbying for Opal fuel. This approach points to CAYLUS defining substance misuse as a symptom of community disruption and dissociation that can be dissipated by collective action and community responsibility. This perspective is reinforced by additional assistance from the CAYLUS caseworkers who are on call to help families and individuals with problems not only related directly to their substance misuse, but also concerning education, housing, family, payments, transport and any other issues they can, in addition to supply reduction around Alice Springs.

In this way, much of CAYLUS's casework is divided into two critical responses: providing individuals with holistic care that addresses many areas of their lives, and also an immediate response to individuals who can take advantage of the fact that CAYLUS is always on hand to provide assistance with money, food and lifts to remote areas and town camps. However, CAYLUS is also involved in enforcing and managing retailers' self-regulatory roles through the responsible retailer's network, which is one of the tasks the supply reduction officer is responsible for. As such, the supply reduction officer makes regular store visits, ensuring that retailers are displaying warnings regarding the misuse of substances, are keeping their spray paints and glues in locked cages and cabinets, and are recording the sales of volatile substances (ID 202, Community

worker). CAYLUS also ensures retailers are aware of their responsibilities regarding the sale of volatile substances – not selling to someone suspected of misusing the substance, for example. It is important to note how CAYLUS's preventative approach to supply management is crucial for the process of responsive regulation.

In this way, CAYLUS negotiates and consults with retailers, and encourages their use of self-regulation, in order to avoid escalation to higher levels of the regulatory enforcement pyramid. In theory, if retailers do not comply with regulatory standards, by selling to those who might misuse substances for example, CAYLUS has the capacity to coerce retailers by threatening to impose upper levels of the pyramid. However, in practice, CAYLUS relies on relationships based on good faith, cooperation, consultation and a non-adversarial approach. The potential damage to community and retailer relationships that could result from threatening retailers within the retailer network would most likely negate the benefits of this strategy (CAYLUS 2009, pers. com.). As such, although retailers are aware of harsher enforcement strategies, CAYLUS is unlikely to impose them.

As examined in Chapter Two, Braithwaite's (1992) regulatory pyramids operate under the assumption that an awareness of the more coercive upper levels of the pyramids will induce individuals to behave cooperatively with non-coercive methods, making fundamentally different assumptions about individuals' capacities and motivations (Lacey 2004). As such, this approach assumes individuals are rational agents, capable of being coerced by the threat of more severe penalties and enforcement techniques. However, this may not always be the case and this presumption may be detrimental to the policy objective. In other words, when regulatory auditing practices over-regulate workers, subjects are treated as knaves, but are expected to act as knights by achieving regulatory standards (Lacey 2004).

Chapter Two also argued that although responsive regulation and the threat of escalating penalties might be enough to coerce compliance from rational agents,

persuasive and coercive techniques remove elements of subjects' autonomy and agency, due to a no-choice-but-to-comply situation, which renders them more pawn-like in their capacity. Despite the flexibility and potential for regulator and subject negotiation, in the majority of situations, responsive regulation is primarily not the product of community-based regulatory strategies and as such, the regulatory power still lies with regulatory agencies – queens, who regulate pawns.

However, in the example of CAYLUS regulating retailers, the retailers are generally the targets of cooperative regulatory techniques, which serve to preserve the good faith basis of working relationships. As such, the regulated retailers are treated as knights and are expected to act as knights, in achieving regulatory standards with the assistance of CAYLUS, rather than in the face of coercion and threats. This has implications for the potential success of CAYLUS, insofar as a respectful working relationship between retailer and regulatory agency is more likely to engender compliance, without the need to impose regulatory sanctions and criminal penalties.

Figure 3: Volatile Substance Secured in Locked Cabinets



Figure 3 illustrates an Alice Springs retailer self-regulating volatile substances, by securing spray paints, glues and toxic pens in a locked cabinet. During the period of my fieldwork, I accompanied the CAYLUS supply reduction officer to

this store, who checked the cabinets were locked, but indicated that this particular retailer had elected to install the cabinets without prompting by CAYLUS, due to the substances being regularly stolen from the store (ID 202, Supply reduction officer).

2.2 CAYLUS'S ROLE IN PRODUCT MODIFICATION

Chapter One examined some of the product modification attempts that have been conducted on volatile substances to remove or alter the chemical hydrocarbons, and reduce their toxicity. The most successful of these have been the introduction and rollout of Opal fuel, and the 'safe-to-spray' reduced aromatic spray paints (White Knight 2005). The proactive nature of CAYLUS has been instrumental in both of these strategies, ensuring that low-toxic product alternatives are available across Alice Springs and Central Australia.

Low-toxicity spray paints have removed toluene and xylene from the propellant, and lead from the paint, which in turn have eliminated the highs associated with chroming (White Knight 2005). The introduction of reduced-toxicity spray paints was initially in order to reduce the negative impact of aerosol propellant on the environment, and was done by several manufacturers including White Knight, Dulux, Plasti-kote, Motor Tech and Export (NIIS 2008). The paints are lead-free, produced in recyclable cans, and do not contribute any CFCs damage to the ozone layer (White Knight 2005). A side effect of these chemical modifications was a reduction in the toxic efficacy of the paint.

In order to maintain as comprehensive a sales record as possible in Alice Springs retailers, and record potential suspicious sales, CAYLUS began approaching stores in 2004, as reduced-toxicity spray paints were becoming available in stores in Alice Springs. CAYLUS provided retailers with forms to record the sales of spray paints, including the date of sale, number and colour of paints purchased, purpose of purchase and the customer's name or identification number taken from a driver's license or some other form of identification card. Data collected from two major Alice Springs spray paint retail stores (A and B)

are presented in Table 8 below, following the introduction of reduced-aromatic spray paints to both stores. In response to increasing reports of chroming in and around Alice Springs, CAYLUS bought out the remaining toxic spray paints at Retailer A in January 2007, allowing low-toxicity spray paints to be the only spray paints sold at this retailer (CAYLUS 2007a). Retailer B continued to sell aromatic and reduced-aromatic spray paints, and both stores continued to maintain records of spray paint sales throughout the introduction of reduced-toxicity paint and removal of aromatic paints.

CAYLUS requested that the retailers note any suspicious sales and not sell any spray paints to customers who were on a compiled ‘banned’ list, of known paint sniffers and suppliers (CAYLUS 2008, pers. com.). The retailers labeled a sale as ‘suspicious’ based on a variety of factors, some of which were the reasons given for purchasing the paints, which was a required element before the sale could be completed. Suspicion was a vague belief that the spray paints may be used for inhalant use, or be supplied to others who may be intending to use them for intoxication purposes. ‘Wheels’, and ‘Car’, were the reasons given for most suspicious purchases. Another factor that aroused suspicion was that the consumer was not certain about what they wanted when they entered the store (fieldnotes 2008).

Table 8: Sales of Spray Paints in Retailers A and B 2004-2008

Year	Number of sales	Retailer A Number of suspicious sales	% of sales	Number of sales	Retailer B Number of suspicious sales	% of sales
2004	1929	17	0.88	182	2	1.1
2005	1570	63	4	482	16	3.3
2006	2856	336	11.8	125	0	0
2007	521	21	4	46	0	0

As indicated in Table 8, by 2006, the year that prompted the reduced-toxicity paint substitution, suspicious sales had increased to more than 11% of all sales in retailer A, from 4% the previous year. Following the introduction of reduced-toxicity spray in 2007, this had reduced to 4%. The number of spray paint sales

in 2007 had also decreased five-fold, from 2,856 in 2006, to just 521, of which only 21 were considered to be suspicious. Overall sales in retailer B similarly increased from 182 sales in 2005 to 482 sales in 2006. In 2007 however, this fell to 125 sales, none of which was recorded as being suspicious. By May 2008, 46 paint sales had been recorded, none of which aroused suspicion.

The decrease in availability of aromatic spray paints at retailer A did not appear to result in a shift to other retailers, suggesting that either the use of spray paint as an inhalant became less popular as the paints became more difficult to access at the major retailer, or substance misusers were able to access spray paints from another undetermined source. The sales records from retailer B suggest that perhaps the use of spray paints became less popular as their accessibility became more difficult, as although retailer B continued to sell aromatic spray paints and did not have a total reduced-toxicity spray paint substitution, there were no suspicious sales recorded in 2007 or 2008. As 2007 was the year in which aromatic spray paints were no longer available at retailer A, it might have been expected that suspicious sales, or overall sales would be significantly increased at retailer B. This however, did not appear to be the case, with general sales in retailer B falling by more than 74%.

Aside from the policy implications arising from these retailer results, this is an example of a way in which retailers are self-regulating the sales of a volatile substance – in this instance, spray paints. In the Northern Territory it is not an offence to use volatile substances for the purposes of personal intoxication, however it is an offence to supply substances to a person suspected of using substances under the VSAPA. The forms CAYLUS provided to several stores around Alice Springs allowed retailers to keep a record of those they suspected of purchasing substances for 'suspicious' purposes, and also allowed CAYLUS to provide retailers with a 'black list' of individuals who were known users of volatile substances (ID 204; 205; 202).

Figure 4: Industry Self-Regulation: Responsible Retailers Network



Figure 4 illustrates a retailer sticker that is given to stores by the CAYLUS supply reduction officer when a store visit is conducted, and the store is reminded of their responsibilities regarding the sales of volatile substances. Displaying the sticker in-store is a way in which a retailer is able to demonstrate their self-regulatory status, by promoting an awareness of their responsibilities regarding the sales of volatile substances. As discussed at various stages throughout this thesis, the overwhelming difficulty in regulating the use of these dangerous substances is their legitimate need by the majority of the population. In many cases therefore, the burden of responsibility for determining whether an individual is going to be using the substances for legitimate use or not falls to the retailer.

However this in turn points to a curious paradox – although retailers kept a record of all suspicious sales of spray paints in two retailers from 2004-2008, which is presented in Table 8, in most cases the sale was completed (fieldnotes 2008). The difficulty for retailers is that in many cases, employees responsible for retailing volatile substances are often untrained, after school teenagers who may lack the confidence to refuse a sale to persons they suspect of misusing substances (ID 202, Supply reduction officer; fieldnotes 2008). Whether retailers

continued with the sale because this was the case, or whether the suspiciousness of the sale itself is questionable is unclear.

As discussed in a previous chapter, the manufacturers of Opal fuel were able to limit the amount of euphoria-inducing hydrocarbons such as benzene, toluene and xylene in their petrol, leading to a less intoxicating fuel (AE 2006; ADAC 2004). As a result, petrol sniffing in Alice Springs and in remote areas has been significantly reduced, due to the inaccessibility of the substance through supply reduction (ID 204; 205; 211; 212). Opal fuel was introduced as a replacement for Avgas under the Federal Government's COMGAS scheme in 2005, and is the most commonly used unleaded fuel across Central Australia (AE 2006; ADAC SA 2004).

Within the variety of restrictive techniques that have been examined here and in previous sections, the substitution and product modification of spray paints and Opal fuel have slightly different implications for their policy motivations. The high cost of manufacturing Opal fuel would pass the cost on to customers if the Federal Government did not subsidize Opal, which would likely result in a failure of anyone to purchase the petrol (AE 2006). As such, this element of product substitution and subsidy appears to be motivated by more altruistic reasons, as the policy benefits others, although limiting their agency and capacity for autonomy in the process, whilst not passing on all the benefits to the government, who suffer the financial loss of fuel subsidization (Le Grand 2003).

Conversely, the fact that the process of fuel subsidization along with other responses targeted towards substance misuse might endear governments to the public and increase their popularity, as they are seen to be actively addressing the problem, may make the process of fuel subsidy appear to be motivated by knavish purposes, as governments seek to pursue their own interests. In this context, it appears as though policy makers are motivated by both knavish and knightly interests to a certain extent, in the sense that they want to pursue their own interests, but have some interest in the public spirit (Le Grand 2003).

It is perfectly possible for someone to be both a knight and a knave: that is, to have altruistic motivations for some of his or her activities and self-interested ones for others.

(Le Grand 2003: 24)

As previously argued, it is likely that the pursuit of political popularity underlies the agenda in the majority of political settings.

As argued throughout this thesis, the broader implications of situational prevention and product control is that they constrain an individual's agency and capacity for responsibility, by imposing regulatory methods on subjects as if they are passive pawn-like recipients. With no accessibility to substances, individuals have little ability to exercise their autonomy and are the subject of restrictive regulatory policy. There is little capacity for individuals to act as self-determining agents with the capacity to make rational, responsible decisions; rather subjects are assumed to be 'at risk' of dangerous behaviour unless access is restricted, and thus their competency is overruled.

2.3 Mt THEO PREVENTATIVE MEASURES

Mt Theo, through the Jaru Pirrjirdi program, prevents the emergence of risky behaviours, by offering diversionary, educative and mentoring youth programs. The program becomes more active during periods where young people may have more free time – for example, on weekends and school holidays, where more diverse programs are offered more frequently (ID 209; 210, Mt Theo workers). Recruiting participants for these activities is simple: Mt Theo workers will ask individuals whether they are coming to the program that day or evening, and prior to the commencement of the activity, will drive a troop carrier four-wheel drive ("troopie") around Yuendumu to various gathering points and houses, in order to collect people.

This was done during the period of my fieldwork, where approximately 20 minutes prior to 'night club', an evening activity group for women only, one of the Mt Theo workers drove around and collected about 15 women for the group,

pulling up outside various houses and honking the horn. Other women met us at the community centre, having made their own way there. The process was repeated at the end of the evening, when dropping everyone off (fieldwork notes, 2008). That night, there were approximately 30 women who came and went to night club, some stayed outside the program centre, smoking and talking together, and some were inside the centre, drawing, painting, playing on the computer, but all joking and talking together. There were two Mt Theo workers who were in charge of night club that night, and they participated by playing with the children who had come along, drew and joined in the joking and conversation (fieldnotes 2008). That was to be the last night club for the term, as the school holidays and new holiday programs were about to begin.

Speaking of the first time Mt Theo was able to remain open for summer in 1998, Stojanovski stated:

Summer had always been the worst time for petrol sniffing in Yuendumu. It was when sniffing numbers escalated and when Mt Theo was usually closed. The kids were often bored during the long school holidays and sniffing flourished among the restless youth. Often Mt Theo would be closed for three or four months as elders were tied up in cultural business... this summer Mt Theo stayed open. Sniffers were kept there all summer long. They were not sent home, unless they promised not to sniff. If anyone was found sniffing in Yuendumu, they were sent straight back out to Mt Theo for four weeks. By January sniffing was nearly gone – it was amazing.

(Stojanovski 2010: 179)

However, once the sniffing had temporarily abated, it was essential that Mt Theo remain open as a preventative deterrent measure against more petrol sniffing (Stojanovski 2010).

The diversionary and deterrent elements of the Mt Theo program seem to be motivated by knightly, altruistic purposes; the only way the outstation was able to remain open that first summer was because one of the Mt Theo elders and program initiators, Johnny Hooker Creek, did not go with the other Yuendumu elders on 'ceremony business', as they did every year (Stojanovski 2010: 179). Johnny Hooker Creek and Peggy Brown, another program initiator:

... used their pension money to feed the sniffers at Mt Theo... no one was in it for personal gain; this was simply because there were no resources to be gained... what Peggy did... she was prepared to look after other people's kids. In the Warlpiri world, this was pretty much unprecedented. If any of those kids had become sick or injured or had died, Peggy and her whole family would have been subject to the tribal laws of payback. By taking on the kids of other clans she placed everyone at risk. Peggy stepped out over the edge of the security of her own culture.

(Stojanovski 2010: 273-274)

This extract illustrates the general benevolent nature of the Mt Theo program founders and operators, and unlike in previous examples of regulatory strategies, these founders do not seem to be seeking political popularity. Rather, they appear to be motivated by a genuine desire to eradicate petrol sniffing in the Yuendumu community, and provide better youth opportunities in the form of careers pathways through the Jaru Pirrjirdi program. As indicated by two Mt Theo workers;

The aim of Jaru Pirrjirdi program is to see young people leading happy, healthy lives and having further education or a career... rather than seeing all these young people depressed on the dole doing nothing with their lives, it's having active lives within this community... we all agree that like part of our job is to try and get ourselves out of a job...

(ID 210, Mt Theo worker)

That's the day we can call it a complete success... do ourselves out of a job - all us, you know, white fella workers.

(ID 209, Mt Theo worker)

The uniqueness of the Mt Theo program becomes evident when the workers of the program indicate that their goal is to work themselves out of a job. Further, the Mt Theo youth workers express a great level of commitment to the success of the program: a typical day sees program workers working from early in the morning until midnight, or sometimes after midnight (ID 210, Mt Theo worker; Sagers and Stearne 2007).

These factors also illustrate the knightly motivation of the program workers and founders. Knights are those who are motivated to assist others:

...For no private reward, and indeed who may undertake such activities to the detriment of their own private interests... those that are motivated to engage in 'other directed' activities. That is, activities which benefit others and which do not positively affect their own material.

(Le Grand 2003: 28)

The fact that Peggy Brown and Johnny Hooker Creek used their own private pension money to support the Mt Theo program and feed petrol sniffers they cared for at the outstation, is strongly indicative of founders who were seeking little private reward, and actively seeking to benefit the whole community, rather than pursuing their own self-interests through the program.

3. AFTERCARE – CAYLUS AND MT THEO

As discussed previously, one of the tiers to CAYLUS's approach in substance misuse is individual and family casework. This liaising with individuals does not necessarily follow a stay in treatment or outstation program, but has the capacity to support those who have completed programs and who are back in Alice Springs. The difficulty with this is that CAYLUS is not responsible for the management of the outstation programs, and although it is ideally placed to offer support and aftercare in terms of individual-based assessments, it may not be aware of the whereabouts of individuals, or be aware of their completed treatment. Further, the practicalities of following up with an individual in a town as large as Alice Springs is not as easy as in a smaller community such as Yuendumu.

In many cases it is family of the substance misuser who has come to CAYLUS for assistance and the caseworkers must negotiate a way in which to work with a difficult client base. Although both of CAYLUS's caseworkers indicated that the best way to help an individual to cease their sniffing was to promote self-determinism and empowerment, when it is the family who approaches CAYLUS for help, this can be a problem.

So I guess the essence of casework for social workers should be client self-determination and because of the nature of our organisation and the nature of our clients that's pretty heavily compromised by the fact we're always trying to stop them doing what they like doing, which is sniffing. So I use the analysis, which I think I've already mentioned of multiple clients to sort of justify that. So the individual client might - their self-determination might be leave me alone I'm happy sniffing here but their family or the broader community will say no, no do something to help them stop. So we work with that larger client.

(ID 206, Caseworker)

This participant indicates that although the wishes of the individual client might be a desire to be left alone, the wishes of the family and broader community outweigh this, and CAYLUS work with them as the larger client base.

Often caseworking with the larger client base means acting with the family's wishes against those of the substance misuser's, which may temporarily stop an individual using substances by removing them from the supply of substances. However, the individual eventually makes their way back into town determined to keep sourcing and using petrol.

There's one particular client family I can think of that we must have given, I don't know, easily a dozen lifts to one particular remote community over the last few years. Other people have given them other lifts. They tend to get back pretty quickly but it tends to be the family saying give us a lift, give us a lift and that'll get them out of town and the young people not sniffing for however long they stay away for.

(ID 206, Caseworker)

During the period of my fieldwork, I was involved in an incident where a caseworker and I collected a young chronic substance misuser (named James for the purpose of this thesis), from the Alice Springs correctional centre, where he had served time for a violent crime whilst he was under the influence of volatile substances. His six-month prison term had been suspended after two months on the agreement that he would attend a remote outstation and receive treatment for his substance misuse, for which he had signed a court order. When we arrived to collect and transport him to the outstation, James flatly refused to go, and demanded that we take him back into town to see his family and that he would make his own way there later.

The caseworker explained that this was no good, and that his 'promise to the court' was that he would go today, however James became extremely agitated, to the point where the caseworker and I did as he asked, despite the court order. After leaving James in town, we reported the incident to the police, and a warrant was issued for his arrest. However the police seem generally reluctant to become involved, as they would then be responsible for driving James the three hours to the outstation (ID 206 Caseworker; ID 204 CAYLUS worker). At the completion of my fieldwork three weeks later, James had not been arrested, although reports from other communities suggested that he was in a remote community with family or friends, and had not been sniffing (fieldnotes 2008).

When the CAYLUS caseworkers are working with individuals in town and following their cases into remote areas, their roles predominantly revolve around providing advice and support in court situations, to the family, and are generally on call monitoring individuals' movements.

The last few times I went to Papunya it was when young people I was trying to support had court there so I went along to try and support them through the court process. When a whole bunch of people left Hoppys and parked at Papunya for quite a while I went out a couple of times to sort of encourage that. Though once you've been places you can often do things by phone and fax but until people know you by face and things it's much harder to do that.

(ID 206, Caseworker)

This caseworker indicates that, generally, traveling to remote areas is not done unless necessary for client support, court reasons or assisting substance misusers leave a remote community, in the case of people who left Hoppys and established themselves in Papunya. Traveling to remote areas also facilitates the process of getting to know local people, who may be able to assist CAYLUS workers in other areas in future and save a trip to remote areas at a later date.

CAYLUS caseworkers also follow the progress of their clients in town camps. One town camp resident recalls seeing the proactive approach taken by CAYLUS in coming into one of the camps looking for their clients and checking up on their progress: 'I see CAYLUS mob going round to Trucking Yards site, going down to look at a few sniffers who was there' (ID 409, Town camp resident). This

resident indicated that she thought that CAYLUS had been 'trying hard to work on them heavy sniffers, get them out of that system', and that she had heard only 'good things' about CAYLUS (ID 409, Town camp resident).

The level of commitment CAYLUS workers express towards supporting town camp residents and remote community members indicates that similar to the workers of the Mt Theo program, they too are motivated by altruistic reasons, and receive no private rewards (Le Grand 2003). The CAYLUS commitment is evident in: the willingness of workers to good-naturedly sacrifice a Saturday to transport James from Alice Springs to Ilpurla, which led to a day spent with other CAYLUS workers and police; regularly drive a troopie full of town camp residents from town camp to town camp, and from town camp to remote community and vice versa; the commitment to lobbying for changes to government policy on communities' behalf; and the general patient nature of CAYLUS workers shown to town camp residents who persistently drop into the CAYLUS office, for food, money, lifts to town or communities or other town camps, to use the phone, or to ask for help with Centrelink payments.

Further, during the period of my fieldwork, I observed CAYLUS workers actively seeking one particular young boy within Alice Springs, who was at risk of sniffing or using other substances, and had just moved to Alice Springs from a remote community. CAYLUS workers were attempting to link up with him, in order to convince him to go to school, to get his family some money to assist in caring for him. Throughout the duration of my fieldwork, I observed one of the caseworkers contacting other agencies daily, driving to his house regularly, in order to ensure that he was adequately cared for (fieldnotes 2008).

The level of commitment to their work is demonstrative of their knightly motivations, and the fact that CAYLUS workers are determined to assist others for no obvious personal gain. Further, the CAYLUS community workers seek to empower communities and town camps residents, and as such, treat them as queens, and not as passive pawns, receiving their assistance.

Although CAYLUS is not the agency responsible for the aftercare of individuals; that is, they are not the organization that has been caring for the individual through treatment, they are well placed and have the capacity to be involved in the aftercare. For this to be the case, effective communication between treatment agencies and CAYLUS is crucial and mandatory to the effective treatment of the individual following their outstation treatment.

3.1 MT THEO AFTERCARE

There are three levels to the Jaru Pirrjirdi program, from 'Training Jaru', which involves the youth program and night school, to 'Jaru Members', which has projects and bush trips as the main activities, and 'Senior Jaru', which consists of a youth committee, mentoring and career and life pathway (Mt Theo 2007). The older 'graduates' of the Jaru program mentor those in the youth program, and are involved in the running of the activities (ID 210, Mt Theo worker). The mentor program is a way in which all community members stay connected as Warlpiri family, and know what everyone in the community is up to.

There's the Jaru Pirrjirdi mentoring structure in place there where young people keep an eye out for each other. That's natural - like it's not something Jaru Pirrjirdi invented but what Jaru Pirrjirdi did with that and that's a natural strength of Warlpiri kinship and family networks - is to use that as a way of caring and reporting, you know? So if somebody's worried about somebody in their family they'll come and let us know in the middle of the night or whatever you know? We hang out and chat if we're worried about somebody or have a suspicion about somebody then we'll go and chat with their friends as well as - and you know even if we're not worried about somebody we'll go and keep our feelers out in these networks.

(ID 209, Mt Theo worker)

In this way, the mentor program seemed to naturally evolve through community and family members watching out for each other, through the community kinship. This is an example of the very proactive way in which the program acts as a preventative measure for individuals who may be at risk of using substances. Anyone can join the Jaru Pirrjirdi program – most begin at the youth program stage and naturally progress as they are old enough to move through the comprehensive programs (Mt Theo 2007; ID 209; 210 Mt Theo workers). It is

essential to note that not everyone who enters the Jaru Pirrjirdi program has completed the Mt Theo outstation program, many are Yuendumu residents who are looking for after school and holiday diversionary activities (ID 208, Mt Theo worker).

There was like a real sense of independency from all the young people - like they kind of felt like they couldn't rely on anyone to like look out for them so created sort of like this family within Jaru Pirrjirdi that look out for each other so that's where kind of mentoring comes - like when someone comes back we assign you know one, two, three people to be that mentor for that young person to watch them and look out for them... Rather than seeing all these young people depressed on the dole doing nothing with their lives, it's having active lives within this community...

(ID 210, Mt Theo worker)

This participant indicates that the mentoring component of Jaru Pirrjirdi gives young people a sense of purpose in the community, and prevents them from becoming depressed and dependant on welfare. For some graduates, there are jobs through the career pathway program, some through Yuendumu media and other employment agencies in the area (fieldnotes 2008; ID 209 Mt Theo worker). One example of a very successful Jaru graduate, is Sebastian Watson, who became an Aboriginal Community Police Officer within his own community (Saggers and Stearne 2007). Young Jaru workers are also instrumental in implementing program activities within Yuendumu (fieldnotes 2008; Saggers and Stearne 2007).

In a 2007 formal evaluation of the Jaru Pirrjirdi program, Saggers and Stearne (2007) suggested that the ways young people in the Yuendumu community have assumed the mentoring positions within Jaru Pirrjirdi program have perhaps the most inspiring, and may make the greatest long-term impact on the community. Issues that Jaru mentors deal with include substance misuse, suicide, domestic and family violence and other crime, and relationship problems (Saggers and Stearne 2007). Similar to all other areas of the Mt Theo / Yuendumu program, this element draws on the Kardiya (white people) Yapa (Aboriginal people) cross-cultural partnership, which will be analyzed further in the following section. Jaru mentors have often experienced many of the issues that they provide advice about, which gives the assistance they offer a genuine, contextual

perspective, and allows the mentors to be more effective (Saggers and Stearne 2007).

Previous discussions with community worker participants about BushMob and CAYLUS have pointed to the lack of adequate treatment and aftercare facilities for substance misuse in Alice Springs and Central Australia Mt Theo and the Jaru Pirrjirdi program appear to be the exception, catering for Warlpiri substance misusers in Yuendumu and the Mt Theo outstation. For the most part, the Mt Theo program has 'a very, very good reputation of doing lots of good stuff' (ID 102, Policy maker). The lack of aftercare for Alice Springs clients will be discussed in the following chapter.

4. COMMUNITY OWNERSHIP, EMPOWERMENT AND PARTNERSHIPS

4.1 COMMUNITY OWNERSHIP AND EMPOWERMENT

As argued earlier in this thesis, community-based forms of control play a crucial role in regulatory strategies, as they form the second half of the reciprocal relationship between the strategy and community regulation (Lacey 2004). In other words, communities and community members are often the 'gatekeepers' between criminality and the process of formal criminalization, meaning that the effectiveness of regulatory strategies will be limited when there is a lack of effective communication between criminal law and communities (Lacey 2004: 149). In this way, wider forms of social control regulate regulatory strategies, just as regulatory strategies regulate or control communities and social groups. This reciprocal relationship is the fundamental backbone for voluntary compliance, which is responsible for the internalization of social norms.

The relationship between communities and criminal law is essential for the establishment of community-managed programs, as social norms can then dictate community law, rather than a more removed process of community norms articulating with and regulating criminal law. This is especially important when examining the Mt Theo program, which is essentially a community driven strategy, which has sought to formalize community law. Aspects of the VSAPA have enabled the criminalization of some areas of community law; for example, the community management plans, which are legally enforceable once established.

However, what is crucial for this chapter and the success of many regulatory strategies is the importance of close articulation of community norms and criminal law (Lacey 2004). When the community is creating criminal or community law, there should be little dissonance, and the potential for success is vastly increased. This is the case with the Mt Theo program, and the community ownership of the program was an indicator of success consistently raised by participants.

Mt Theo Petrol Sniffing Program is an Indigenous program as opposed to being a solution that is imposed by non-Aboriginal outsiders... The whole program that goes on at Mt Theo is controlled and operated by senior Aboriginal people. They engage the young people in traditional activities there such as visiting sacred sites, gathering bush tucker, hunting, ecological land management... the role of non-Aboriginal people in this program is to support Yapa and respect Warlpiri values.

(Stojanovski 2010: 295)

As discussed in the previous chapter, the Mt Theo program was established by a group of Yuendumu community members and elders, with the assistance of Andrew Stojanovski, a young, non-Aboriginal community worker. However, several issues that reappear when examining the program, and appear to be crucial to its operation and success are the community ownership of the program, the fact that the program was designed by the community, for the community, and the strong and respectful partnership between Kardiya and Yapa.

...It was created by the community, for the community without any input at all from non Aboriginals or anyone outside the community and then they as a group

they've got support along the way and now they're well supported. So there's an incredible sense of ownership across the whole community... I think that's essential. At no point did anyone come in and say this is an idea for you to try for petrol sniffing, it wasn't even that. They thought of the idea, they made it work and the young people got well. So that's a big thing...

(ID 211, Mt Theo worker)

Empowering communities in this way enables them to police themselves, declare 'dry' areas, and create strong communities ties (Gray et al 2006). This in turn has implications for the coercive ability of community members as a means of social control for regulating behaviours. This was analyzed in the previous chapter, and is a central tenet in the Yuendumu - Mt Theo response to volatile substance misuse, as substance misusers can be coerced by family and community members to enter treatment.

The fact that Mt Theo and Yuendumu are geographically remote may have facilitated the community establishment of the Mt Theo program, free of external interference. The difficulty with many Indigenous programs is the fact that Aboriginal people lack control over, and the ability to make significant contributions to, policies that directly affect their lives (Maddison 2008). In contrast, the Mt Theo program was developed entirely from the ground up, by community members and elders and as such had the ability to adapt to the community situation until an effective model was established. The community members who were involved in the program's establishment had children who were sniffing petrol, and were personally invested in the success of the program (Stojanovski 2010).

In a broad review of substance misuse interventions in 2008, d'Abbs and MacLean argued that:

... When communities have been successful in doing something about VSM, a number of conditions have been present. **First, there has been sufficiently strong** community resolve for families and community decision-making structures to act cohesively in deciding on and supporting strategies, and community members and key agency representatives have been actively involved in implementing them.

(d'Abbs and MacLean 2008: xxi, emphasis in original)

This strong community resolve is evident in the Mt Theo program, in which the Yuendumu community mobilized, organized, designed and implemented the entire program without external bureaucratic, government, or agency interference. The community ownership of the program also has implications for the way the broader community is policed, as well as the relationships between community workers, members and police within the community.

4.1.1 COMMUNITY MANAGEMENT PLANS AND TRESPASS ORDERS

As we examined in the previous chapter, under the VSAPA, communities can apply to the Minister of Health to declare a community management plan, which is a designated area that allows community control over what substances are allowed within that area. For example, a community may decide that it will declare itself 'dry' and free of alcohol, or any aerosol paint, or have more control over the sale and possession of paints, glues and petrol within that area (DHCS 2007). As discussed the previous chapter, once approved by the Minister, the community management area laws are enforceable by police.

By creating a provision in the Act that allows community control over alcohol and the possession and sale of some volatile substances, the legislative response has ensured that a significant amount of responsibility for the regulation of these substances is that of the community, through self-regulation. When looked at in conjunction with the current top-down imposition of quarantining of welfare payments and the declaration of 'dry' areas with little community consultation under the NT Intervention, the notion of self-empowerment through community management plans is uniquely innovative, empowering, and contradicts Pearson's contention that:

The bureaucracy views people on the ground as incapable – and ... instead of providing resources and facilitating decision-making and action at the ground level (especially concerning social programs), it hoards power.

(Pearson 2009: 151)

Rather, this provision under the VSAPA, as analyzed in the previous chapter, is a way in which communities are given the necessary support and resources to manage their own community areas, without overwhelming external unsolicited interference – under the VSAPA in any case.

From the community management perspective, volatile substance misuse is perceived as a social problem that is best addressed through family support structures, community laws and rules that are reinforced by police, and supply reduction. Although volatile substance misuse is not in itself a crime, violation of community management plans is, and there is the capacity for police to intervene and lay charges against those breaking community rules. In this way, community management areas can be considered ‘community law’, and substance misuse, possession or supply, as a ‘community crime’; a crime committed against the community and family through possession or sale or by violating the terms of the community plan. This has broader implications for the success of the community regulatory strategies, as the closer legislation articulates with community law, the greater the potential for success, due to a lack of dissonance and disagreement with externally imposed regulatory policy (Lacey 2004).

Similar to community management plans are town camp trespass orders. Trespass orders fall under the NT Trespass Act 2004, and give town camp residents the authority to ‘evict’ substance misusers or drinkers from the camp (Tangentyere 2008; ID 204, CAYLUS worker).

People won't often sniff near their families who'll growl at them, they'll go somewhere else where they won't take that responsibility for them. So very often, so often when you see someone sniffing, it's where someone doesn't live... and people don't want visiting sniffers like that. So using the trespassing act to try and warn them off, like the VSAP Act, it does really hang on policing, but sometimes the act of being served with an official looking order, surprisingly often it works.

(ID 204, CAYLUS worker)

If a town camp resident is concerned about the behaviour of others in the camp, he or she can apply for a trespass order with the support of others on the town camp board, and the Tangentyere Housing Association will issue and serve

trespass orders to those considered to be trespassing (ID 204; ID 202; CAYLUS workers; Tangentyere 2008; fieldnotes 2008).

As indicated in previous chapters, substance misuse remains a non-criminal offence, challenging the earlier raised assumption that regulation involves the creation of offences (Lacey 2004). However, under the VSAPA, police have greater regulatory responsibilities, and with new authority comes new duties for police, concerning their dealings with individuals acutely affected by their use of volatile substances, as well as the role of police in assessing, preventing and responding to volatile substance abuse problems at a more strategic level (CDC 2004). Both roles have strong implications for community policing strategies, with central tenets of community support and police performing a variety of public duties, with the objective of empowering communities (Segrave and Ratcliffe 2004). With this empowerment, communities are able to identify and respond to problems, improve the community environment, and increase positive public responses and attitudes towards the police (Delahunty and Putt 2006).

4.2 CROSS-CULTURAL PARTNERSHIPS

Previous research has emphasized the importance of Indigenous ownership over community programs (Kavanagh 2006; d'Abbs and MacLean 2000; d'Abbs and MacLean 2008), and in other programs such as community policing and night patrols (Cunneen 2001; Cunneen 2008; Blagg 2008). However, although Indigenous program ownership and drive is crucial to its success, another element that may be just as important is a working and respectful partnership between Aboriginal and non-Aboriginal people. It is difficult for outsiders to appreciate and understand the complexities of the Aboriginal kinship and family obligation structure, which broadly dictate family lines, cousins, who can be joked around with, who must be deferred to, and who must be avoided (Stojanovski 2010). If an Aboriginal person were in a management position, these kinship obligations would overrule their managerial duties, and create complexities that are difficult for non-Aboriginal people to understand. In

regards to the inability of external agencies to appreciate kinship obligations, Stojanovski argued that:

I find it interesting how governments, policy makers and community workers assume that if only Aboriginal people were trained well enough, then they could take on all the role whitefellas currently perform in communities. I often wonder how many of these policy makers have seriously considered the complexities involved for Yapa to perform these roles when they have no diplomatic immunity. I wonder if any of the policy makers would themselves be prepared to undergo initiation and then perform a neutral role, while also seriously fulfilling their cultural duties of obligation and avoidance... I am amazed at the fine balancing acts many Aboriginal people already achieve.

(Stojanovski 2010: 61-62)

Non-Aboriginal people in the community have 'diplomatic immunity' from kinship obligations, and are seen as neutral in terms of their clan allegiances (Stojanovski 2010: 60). This allows white people to manage community resources without bias, as they are perceived as being committed to the community rather than to one specific family group. Similarly, white people are able to police the community, 'without the accusations that would befall a Yapa person, that one clan interferes in the family business of another clan' (Stojanovski 2010: 60). In this way, non-Aboriginal people play a crucial role in the operation and management of the Mt Theo program, and are important in the management of many Indigenous programs, that are jointly owned. However, the complexities of Aboriginal allegiances have broader implications for public policies, in regards to the governmental assumption that Aboriginal people could perform non-Aboriginal roles within the community if they were trained (Stojanovski 2010). One Mt Theo worker indicated that:

Perhaps the most important factor in the success of the Mt Theo program is the strong cross-cultural partnerships between co-workers... This was noted from the beginnings of the programme in the minutes from the first working party: 'Petrol sniffing is not going to be fixed if Yapa look to Kardiya to fix it, or if Kardiya just say it is family business for the Yapa. We will only fix it if the community decides it is now our problem and that we must work together to fix it now!'

(Preuss and Brown 2006: 191-192)

In fact, due to kinship allegiances and obligations, it is culturally essential that those with neutrality are involved in the management of some Indigenous programs. In this way, the partnership between Aboriginal and non-Aboriginal

people in the Mt Theo program is crucial to its success and operation, and appears to be operating very effectively, with mutual respect and admiration.

One Mt Theo worker spoke of this partnership:

...A key to the success and I've seen it absolutely, is the level of partnership between Kardiya [white people] and Yapa [Aboriginal people] and I'm sure all our team would have told you that because committee keep talking the story, they think its absolutely important. Basically what has developed over the last 14 years is a division of responsibility and trust that means that Kardiya and Yapa can fulfil different roles in the organisation and be quite comfortable with that. I can't provide cultural training and one of my community members can't write reports. Some of them can but they would choose not to, they would chose not to be responsible for the finances because that creates humbug from family. So it's actually quite clear the levels of responsibility but it's that blending of partnership that means that we can work it in both worlds. So we really think they're two key issues.

(ID 211, Mt Theo worker)

The Mt Theo program, being established from the base of the community, is inherently culturally appropriate and accessible. In this way, the community was able to know what was needed and designed a program that addressed these needs. When describing the success of the Mt Theo program, Andrew Stojanovski stated:

It is the love and the relationships that we hold for each other as a co-workers [sic] and for our clients – the petrol sniffers. This is a difficult thing for governments to grasp. A structure like our program is easy to model and reproduce, but the motivation, care and love that holds it together is difficult to duplicate.

(Stojanovski 1999: 28)

In this way, in order to be able to implement, manage and operate the program effectively, the community developed a partnership with white workers, and the program is run by a strong and capable team of white and black community members, who share an equal division of trust and responsibility, for a unique and respectful partnership.

One of the key factors seemed to be the relationship between Yapa and Kardiya in the program – the cross-cultural relationships of mutual obligation. Kardiya involved in the program respected that Yapa did things differently. We recognized that Yapa had made huge personal sacrifices to do the work of caring for sniffers.

(Stojanovski 2010: 159)

Saggers and Stearne (2007) suggested that the cross-cultural partnership between co-workers supported young people in the program, which take advantage of the expertise of both cultural groups. More specifically, Kardiya provide the links between government resources and the Mt Theo program, and are able to manage the program's accountability and other resources. The community kinship and obligation is able to sustain the program long-term (Saggers and Stearne 2007).

The success of the Jaru Pirrjirdi project is due, in large part, to the partnership model between Yapa and Kardiya which ensures that Indigenous young people receive continuing strong support and mentoring at all times of the day and night from non-Indigenous staff, who in turn are supported by community... it cannot be stressed too strongly how important this holistic two-way partnership is to the sustainability of this kind of work. Yuendumu is the only Youth Features project where this level of support has been provided and the results speak for themselves. It is not realistic, nor desirable, in our view, to expect Indigenous young people in any community to take responsibility for initiating and implementing significant youth leadership projects without such support.

(Saggers and Stearne 2007: 14-15)

In these ways, the Mt Theo program is totally unique.

Too often articles in the media or analyses of remote communities portray them as passive entities, in need of 'intervention', because of a lack of commitment, leadership or responsibility from the local community. Beyond its specific success with petrol sniffing and other remote youth issues, the Mt Theo Program stands in clear contrast to negative and passive portrayals of Indigenous communities. It is a testament to the value of grass roots solutions, the importance of local ownership, authority and engagement in decision-making.

(Badger 2010 cited in Stojanovski 2010: 287)

This extract illustrates the singularity of the Mt Theo program in common portrayals of Indigenous policy, by emphasizing the community control, authority and empowerment that accompanies ground-up policy. As this program was established by the community, for the community, it was able to manipulate elements of social control to its advantage. The implications of social control and community empowerment are very different from the regulatory strategies that have been examined in other areas of this thesis.

Unlike some regulatory strategies which may take little account of subjects' agency and independence for rational action and responsibility, and rather impose policy upon passive pawn-like regulatory recipients, social control is a

strategy in which subjects are empowered, self-determined agents, responsible and capable for making decisions about their community and how it is policed and managed. It is likely therefore, that these regulatory policies are altruistically motivated; as it is the communities who will be most benefited by these strategies, rather than the policy makers. In some cases, such as the Mt Theo program, the policy makers may be the community members themselves, who are motivated to improve their own community's circumstances.

The broader implications for designing policy that assumes its subjects are queens and is designed by knights means that unlike in previous examples of regulatory techniques, regulatory policy is not fostered upon its subjects and does not make assumptions about their lack of capacity, which can lead to demoralizing and discouraging individuals, or risks turning knights into knaves (Le Grand 2003). Empowering communities to work together means that rational agents are in a position to take responsibility for those who may be in a more vulnerable position, as opposed to policies that simply apply blanket strategies based on inaccurate assumptions of subjects' capacities.

However, as discussed in Chapter Two, although many preventative approaches to regulation are focused on controlling behaviours, not all aspects of social behaviour are easily predicted or controlled. Side effects and unintended consequences of regulatory interventions can occur, leading to unforeseen outcomes. For example, during the period of my fieldwork, one participant spoke of an incident involving a police officer and a petrol sniffer. A police officer began approaching a sniffer who was sniffing petrol from a can, and asked her to put the can down. Frightened, the petrol sniffer asked him to stop, or she would drink the petrol. The officer continued to approach her and she again asked him to stop, telling him that she would drink the petrol. He again asked her to put the petrol can down. She panicked and quickly drank the petrol in the can she was holding, to remove any evidence that she had been sniffing (fieldnotes 2008). The officer rang for an ambulance to take her to hospital.

This incident is very similar to reported cases of intense policing of Cabramatta's heroin market leading to unsafe drug storage practices (Maher and Dixon 2001). As discussed in a previous chapter, heroin dealers would store small amounts of heroin in balloons or foil, and hide them in their noses or mouths in order to avoid detection, and spit them out to complete a drug transaction (Maher and Dixon 2001). If police approached, they would swallow them. The identifiable consequences are threefold: the harm to the user from swallowing substances; the dangers associated with the transfer of drugs from oral and nasal storage from one person to another; and the dangers to police once they became aware of this practice and attempted to retrieve drugs from inside people's mouths (Maher and Dixon 2001).

This is not to say that these policing interventions are criminogenic, but the example emphasizes the regulatory and legislative complexities that arise from unintended, unpredictable consequences (Morgan and Clarke 2006). However, understanding the risk factors for unintended consequences may assist policy makers, police and community workers on the ground in taking steps to establishing preventative mechanisms when attempting to regulate through prevention and deterrence with legislative techniques. In the previous example, had the petrol sniffer known she would not be criminally penalized for sniffing petrol, she may not have panicked. Similarly, the officer could have attempted a different strategy other than continuing to approach a frightened, intoxicated woman.

5. THE 'AUTHORIZED PERSON'

As previously stated in an earlier chapter, the legislative responses to substance misuse under the VSAPA have challenged typical regulatory assumptions as well as the usual government approach to regulation that uses the creation of new criminal laws as a 'quick fix' for the majority of social problems (Lacey 2004: 154), by creating greater police powers rather than by reconstructing volatile

substance misuse as a criminal offence. In this way, the Act has provided police with a broader spectrum of options to choose from when presented with substance misuse. When examining this in greater depth, it is imperative to reconsider the regulatory pyramid models of responsive regulation (Ayres and Braithwaite 1992).

This thesis has emphasized the importance of considering the assumptions made by regulatory programs about subjects' capacities, which have broader implications for their success. The process of responsive regulation not only assumes that regulatory subjects are rational actors, capable of being coerced by the upper levels of the regulatory pyramids, but also that there can be an interactive process between different regulatory strategies, which make different assumptions about regulatory subjects' agency (Lacey 2004).

Rather than attempting to control behaviours outright, responsive regulation is a method that attempts to breach the divide between punishment and persuasion, with the ability to escalate or de-escalate if threats of persuasion are effective or ineffective (Ayres and Braithwaite 1992). In this way, responsive regulation is really a regulatory method based on the potential for coercion – the level of receptiveness regulatory subjects are to threats of coercion will affect the ability of this model to be effective.

Although the process of responsive regulation views regulation as a malleable tool that can be applied according to the degree of regulation necessary and the regulatory context, I suggested in an earlier chapter that perhaps the most important regulatory level lies below the first layer on the regulatory pyramid (Lacey 2004). This layer is concerned with securing the voluntary compliance of subjects, by seeking to internalize social and behavioural norms. If the internalization of these norms is successful in criminalization contexts, escalation to even the first level of the pyramid may be unnecessary (Lacey 2004). This in turn points to the persuasive power community and peer groups have over controlling and setting the standards of behaviours, as opposed to

responsive regulation, which lacks the capacity to set standards of behaviour, and is perhaps more suited to monitoring and enforcement.

Within the community context, the VSAPA has not only extended police powers, but has created a new regulatory body with low-level police authority, known as 'authorized persons'. These are lay people who are given search and seize powers, powers to apprehend and remove a person to a place of safety, and are able to make an application to the Minister of Health and Community Services for a mandatory treatment order. Authorized persons are given an identity card, which they are instructed to carry with them at all times (DHCS 2007). In this way, the VSAPA has created a new body of enforced self-regulators, who have the authority to act as community police.

If your community wants an authorised person to be able to take petrol away and put the people in a safe place they can do this training... All these people have been trained in what to do when the kids sniff and what not to do - like you know run after them and go boo and frighten them and stuff like that... Any person that has got to do with a volatile substance user can apply to become an authorised person and do the training. What it was intended to do is in communities that don't have a police presence that these people could be sort of like you know a big community policeman.

(ID 102, Policy maker)

The implication that an authorized person becomes a community policeman points to the construction of a layperson as an authority figure and the community responsibility passed onto an unprofessional member of the public. Despite having completed training, this individual is responsible for regulating the use of volatile substances without having the safety of police authority backup – because he or she is considered to be the community authority.

One community worker discussed an incident at a town camp where a resident requested that a can of petrol be removed.

It was designed so that people predominantly living in remote communities... because of the lack of police – could actually do something. So for example one time, and I go back to Namatjira [town camp] because this happened there, we had eight people, they were in the back of the car and one of the young women who had been sniffing came up and went you know, a ten litre drum of fuel, could you get rid of it? No, sorry, can't do that and phoned the cops and the cops went oh maybe in an hour... Someone would do you in big time... The stuff about

search and seize and all that, no way in your right mind would you even go there. First of all, they're not even sure about the legality of that and secondly, as a family and youth type worker, I wouldn't go there anyway. There are other ways to deal with things... Give me your can and they'd go boof! Forget it, you know?

(ID 203, Community worker)

This participant refused to take the can of petrol, despite the fact that the substance misuser requested it and the fact that the participant had the capacity to do so, as an authorized person. Other community workers have indicated that given the opportunity, they will remove an individual's petrol or volatile substance without worrying about whether they have the authority of an authorized person status to do so.

My first thought is self-preservation in a big way. I've never tried to remove anyone's petrol or paint or whatever from them. I know [name] quite often does, cheerfully and politely. [Q: Do they let him?] Yeah, yeah. He doesn't take it. He says how about you give it to me... he gives them the chance to say no. I have tipped out people's petrol when they weren't there. That's easier.

(ID 206, Caseworker)

This participant illustrates how some community workers will take whatever temporary measures they can to remove a person's volatile substance. Whether or not this participant is an authorized person, allowing the community worker the authority to search and seize any volatile substances that are being misused, this quotation indicates how self-preservation is at the forefront of many community workers' minds.

The creation of authorized persons was a way in which the regulatory responsibility could be shared between authority bodies and community members, recognizing the strong influence community members and authority figures may have within a community, and the element of control community groups has over regulating standards of behaviour (Lacey 2004). However, this participant indicated that they felt more comfortable tipping out a person's petrol when they were not there, rather than risk facing the confrontation of removing an individual's volatile substances and the inherent threats to their personal safety. The VSAPA has introduced authorized persons as a way of integrating authority figures into the community and establishing individuals with low-level police like authority in town, giving laymen responsibilities never

before seen in regards to volatile substance misuse. Although the broadening of the definition of 'authority' figures has implications for remote areas that may lack police numbers, it has also placed an unfair burden of regulatory responsibility on community workers who in some cases are uncomfortable with this level of responsibility and may feel that there are 'other ways to do things' (ID 203, Community worker).

Authorised persons within the community work in conjunction with police and community patrol strategies; that is, night and day patrols, to tackle volatile substance misuse. In some instances, community patrol workers might be authorized persons, which would give them additional authority to remove and destroy substances under the VSAPA, and apply for health assessments if they see a person who might be at risk. However, the creation of authorized persons is another way in which the VSAPA is attempting to involve community members and workers as empowered agents in the response to volatile substance misuse, and another way in which communities and other agencies can consult and negotiate on a best-practice approach.

The previous chapter examined some community policing initiatives, and discussed the importance of Indigenous ownership over night and day patrol strategies (Cunneen 2001). As discussed in Chapter Four, in 1991 The Royal Commission into Aboriginal Deaths in Custody (RCIADC) recommended that Aboriginal self-determination, ownership and empowerment underlie any policies to address any areas of disadvantage. Specifically, recommendation 188 stated that:

Governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.

(Johnson 1991: vol 5: 111)

Community management plans and authorized persons are ways in which Aboriginal communities and community members are involved in the VSAPA,

making these elements at least, consultative, empowering and self-deterministic in their approach.

6. COORDINATION BETWEEN AGENCIES

This chapter has so far presented different measures of success and has analyzed how assumptions of agency and policy motivations affect the potential success of the different responding programs. However, it is also crucial to consider the level of interagency cooperation and the degree to which the various responses are coordinated into a cohesive response across Alice Springs. It is unlikely that four separate responding groups working to tackle volatile substance misuse within a discrete area will be vastly effective if they work in independence of each other. Although each program response receives separate funding and is managed and operated differently, a cohesive effort and program coordination will be the most effective in affecting substance misuse.

In general, the majority of program workers indicated that they had at least some level of interaction with other community workers and agencies, although there was a concern expressed about a need to maintain a balance of coordinating between agencies, and fulfilling the role of community worker, avoiding the pitfalls of coordinating rather than working with communities.

One CAYLUS worker discussed the difficulty involved in maintaining this equilibrium, with the need for coordination meetings between different agencies, particularly at crucial times. This participant indicated that when CAYLUS and other substance misuse programs were being initiated, coordination meetings were very important, as 'you could find out what was going on' (ID 205, Community worker). At these meetings, each agency would be given five minutes to talk about what was happening 'in relation to sniffing in their agency and what they knew of in the region' (ID 205, Community worker).

However, the obvious difficulty in coordination meetings such as these as discussed by this participant, is that sometimes the content of the meeting became irrelevant as different agencies 'battled each other for dominance' (ID 205, Community worker). This highlights the danger of coordination between agencies, and the fact that time that could be spent working with substances and communities can easily be spent consulting with agencies and formulating future plans.

There's an endless amount of coordination you can do. If everybody in every organisation talks to everybody else in every other organisation and that takes five minutes, then there's probably 1,000 years' worth of coordination that can happen for every one week of life. So, that level of coordination... what people sometimes call coordination, it isn't really at all. It's just endless meetings with no real outcomes, particularly because of the high turnover of staff. Some people come into town, they go to meeting after meeting after meeting and then they leave town and they take any corporate knowledge that they've accumulated from the meetings with them and leave nothing in their wake, except the job that hasn't been done because they've been going off coordinating everything. It's a real issue in the public service...

(ID 205, Community worker)

Conversely however, agencies cannot be working in complete independence of each other, without some form of consultation and cooperation. One way of reconciling the need to remain informed without becoming overwhelmed by coordination meetings, which can easily lead to discussing work that is not being done, is by agencies 'dealing with each other through the clients' (ID 204, Community worker). This is possible when both agencies are working on the ground, and when the agencies have common interests and are able to work together (ID 204, Community worker).

As such, CAYLUS is able to work with BushMob, Alcohol and Other Drugs Services Central Australia (ADSCA), and the police by maintaining close contact with their clients and client follow-up. However, there is an importance to maintaining distance from coordination meetings and forums, which may seek to develop a comprehensive and cooperative approach to dealing with substance misuse, but does not approach the problem from an 'on-the-ground' perspective, and can lead to endless forums and meetings with little practical outcome or applicability (ID 204, Community worker).

Other participants emphasized the need for a cohesive, holistic approach to substance misuse, involving multiple well-coordinated agencies.

Golly I reckon it requires a contribution from everybody and then working together on the issues. I don't think that you can lump it into any one person like community workers or you could lump it with just the police because police have a way of working - they work under the law. Sometimes when you're dealing with issues of substance abuse you need to look at the wider issues of why these people are abusing substances and the police don't offer that service - you know they just look at the law... Health. Yeah they're important.

(ID 103, Key informant)

This is particularly important when remembering some of the police responses that were examined in the previous chapter, which indicated that police should defer to health workers in the response to substance misuse, and that it is not a policing issue, but a health issue (ID 300, Police officer). Surprisingly, this police attitude towards substance misuse seems to be the minority, with the majority of other participants either advocating for police to take a primary role in the response (see ID 103, Health worker), or at least be fully functioning and cooperative members of the coordinated response (see ID 204 Community worker).

Due to the fact that many of the community agencies in Alice Springs work with the same group of substance misusers from the same town camps, it is natural that some level of everyday interaction and communication should occur so that each agency is aware of what the others are doing.

Because we are working with a lot of the same people so it makes sense that we each know what each other's doing in terms of working with particular individuals. Yeah I don't know, I think we're pretty good from what I can see anyway at sort of communicating and keeping in touch... Some of our clients end up in court so we're often just assisting them through the court system. So CAALAS - like the Aboriginal Legal Aid Service - is another one that we'd be in contact with and there's like a youth justice part of CAALAS as well which is [name's] role so - like I've been talking to her lots over the last couple of weeks, yeah and again, I guess when young people who have been sniffing are in trouble one option is to mandate them to a treatment facility.

(ID 202, Community worker)

Much of this is done through client contact and following up individual substance misusers with other agencies. In some cases, particularly for voluntary treatment

centres such as BushMob where leaving care is fairly simple, contact between agencies is about 'keep[ing] each other informed about movements and whatever' (ID 203, Community worker). From this perspective, if an individual enters and leaves BushMob against staff advice, contact between the agencies will be made so others working in the field are made aware of clients in town who may be at risk of misusing substances. This echoes an earlier CAYLUS worker, who indicated that much of the contact between agencies was made because of clients (ID 205, Community worker).

Similarly, a Mt Theo worker discussed how contact between organisations is maintained by liaising with each other about particular clients (ID 208, Community worker). In this way, the Mt Theo caseworker may contact the CAYLUS or BushMob caseworker about a particular individual who has been sent to Mt Theo, or vice versa.

Further, a different Mt Theo worker indicated that more informal contact with BushMob was made when Mt Theo workers were in town (Alice Springs), mainly to discuss 'mutual clients who might be popping into their place in town - you know coming out here - that kind of thing. It's more of an information sharing kind of thing than any strict procedure about referring clients' (ID 209, Community worker).

This participant also indicated that there was a similar 'information sharing' procedure with CAYLUS however, as CAYLUS are more proactive in the direct referral of clients to Mt Theo, CAYLUS seem to be more involved in:

...Keep[ing] an eye out for kids in town or coming into court or through the mental health system - can sometimes, you know, really - in a really hands on way - going as far as driving them out here kind of thing - refer them to us.

(ID 209, Community worker).

In addition to these relationships, Mt Theo is also in contact with the Central Australian Aboriginal Legal Aid Service (CAALAS), due to their involvement in the representation of clients being mandated to the Mt Theo outstation.

Similarly, another Mt Theo worker indicated a stronger link with the CAYLUS workers than other community workers in the field, however this was attributed to the close friendship that had been established between the two community agencies over the years.

Yeah CAYLUS we've had quite a lot of contact with. We always keep in touch with them like even if there's nothing that we need from them or they need from us - like we're quite good friends with like [name] and [name] so we keep in contact with them and so we usually know what's going on with them and they know what's going on with us.

(ID 210, Community worker)

A participant working in the policy area of the community discussed the importance of establishing solid working relationships between community agencies. This participant spoke of the strong relationship that had been developed with the Mt Theo program manager and staff, which assisted the building of 'community capacity' in more remote areas (ID 100, Policy maker).

One Mt Theo worker described the working relationship between Mt Theo and CAYLUS as a 'team' connection, where CAYLUS was depicted as the 'Alice Springs office' of the Mt Theo program.

For example if we're worried about a client we know who has left the community and we're worried about them, they will look for them around here and keep us updated. They then ring us if they have a client they want to go out there. We work a lot together on strategies and advocacy and they're better placed to do that... so having a part of the team in here that do that, I find that very valuable and I also find the fact that they have a link into the other substance abuse services and other communities, we get a better feel of what's going on regionally, they can keep us informed strategically and that's really helpful as well. So yeah we'd be lost without them.

(ID 211, Community worker)

In contrast however, a CAYLUS supported youth worker indicated that there was a lack of contact with external agencies, which was a hindrance to the youth programs that were in place within the community. This participant felt it quite 'isolating' and would have benefited from 'other ways of approaching issues and different strategies would be quite helpful' (ID 200, Youth worker). However, this participant was not central to Alice Springs, and was therefore not based out

of the CAYLUS offices, which is central to their operations, and where much of the contact with other agencies is initiated.

Conversely, another CAYLUS supported youth worker in a similar position indicated a positive relationship with external agencies, and stated that contact would be made with CAYLUS first in the event of a problem. However, this participant also indicated that:

BushMob is also pretty good. We don't have much contact with them and they definitely access some families more than others, so I know that if there was issues with one particular family that I would go to BushMob first before CAYLUS. It depends on who we know actually services that family really well. And other than that, that's about it. So it's really hard, because there's just not that kind of case management around in town.

(ID 213, Youth worker)

Another community worker spoke of the many agencies involved in the coordination process, and the 'huge' amount of reports and client follow up involved in coordinating with each agency.

Oh there's mental health, there's family interim support services, there's a lot of non-government agencies, there's local councils... it just goes on and on... all these have input where necessary for each client. So it's - yeah huge. There's also the legal system - the Aboriginal legal system and then the Department of Justice - you have to do reports on all of the people who are referred for treatment... It just goes on and on and you think, why do I have to talk to this one? You do because it's just part of it and just keeps rolling on, yeah.

(ID 201, Community worker)

This participant echoes the ideas that were discussed by an earlier CAYLUS participant, who spoke of the endless coordination meetings, and the ease in which the community worker's role can become sidetracked into solely attending meetings rather than working with communities.

During the period of my fieldwork, I accompanied a CAYLUS caseworker to Ilpurla, in order to transport a young man who was attending treatment. For the purpose of this thesis, I will refer to him as John. John, the CAYLUS caseworker, a young woman whose husband was at Ilpurla, her infant son, her sister-in-law and I all travelled to Ilpurla in the CAYLUS troopie, one very hot day. The women were going to visit one of the residents at Ilpurla, and the caseworker was giving

them a lift, whilst delivering John, who was considered to be at risk of severe harm, and had been mandated to attend treatment.

Once we arrived, the Ilpurla program operators met us, and gave the CAYLUS worker and I a tour of the newly built facilities. We then sat down to discuss those who were still misusing substances in the area, and talked about how best to approach them. The Ilpurla worker also asked the CAYLUS worker to organise some money for the boys who were receiving treatment in Ilpurla, and also to help her organise their driving licenses (fieldnotes 2008). In this way, the CAYLUS worker acted as a kind of Alice Springs base for the Ilpurla program, liaising with the Ilpurla workers, and assisting them access resources when they were not in Alice Springs. This is similar to how Mt Theo viewed CAYLUS, as their Alice Springs office (ID 211, Mt Theo worker).

As such, it is evident that there is a high degree of informal cooperation and coordination between community agencies and treatment programs, although these bodies expressed a desire to avoid the more formal process of coordination meetings, where progress appears to be limited to round table discussions (ID 205, Community worker). However, there does not seem to be a high degree of informal coordination with police or policy makers; this interaction seems to occur on a more formalized level, through the process of seeking warrants or formal support.

7. COORDINATING WITH POLICE

As discussed in previous chapters, the construction of harm minimization by police has had an impact on the way in which substance misuse is approached. In these discussions, some police suggested that responding to substance misuse was primarily a health issue, and police should mainly be involved in the 'fallout' (ID 300, Police officer), which is in contrast to previous police attitudes to harm

minimisation techniques, which seem to show a commitment to law enforcement strategies (Maher and Dixon 2001).

One policy maker indicated that the police attitude towards substance misuse was shared across several community agencies:

We still have lots of problems with some agencies that think that petrol sniffing - or you know volatile substance use - is a health problem and the police should not be involved and that's quite a widespread attitude... Yeah police want health workers involved and I think that's reasonable yeah... in some communities there are really lots of problems in regards to the link between the police and the health and community volatile substance users. And in other places they just seem to have it sorted yeah.

(ID 102, Policy maker)

For this participant, the breakdown between police and health cooperation is due in part to the community context in which they are situated, which is not necessarily universal to all communities. However from this extract, it is indicated that although some agencies consider substance misuse to be an issue that does not warrant police intervention, the police do not necessarily view the matter as a dichotomy between police and health workers, but are simply advocating for an increase in health worker involvement.

One community worker indicated that the police construction of substance misuse as primarily a health issue was an 'old school' interpretation.

That's the old school, and that's what we heard for years and years, and the VSA act clearly- it's the law, and if there's one fundamental achievement of implementation of the act is that it clearly mandates police to be involved in sniffing. So that's the law. So. But that was certainly the line that we heard for years and years, but there were certainly good examples of cops that didn't see it that way at all.

(ID 204, CAYLUS worker)

As indicated by this community worker, the construction of substance misuse by police as a health issue and one that does not warrant police involvement is a remnant of the older generation of police officers. This participant believes that there are examples of active police in the field who are willing to be involved in dealing with substance misusers.

It does hang still on cooperative police. So we work with trying to maintain a level of policy dialogue with them, like talking to the bosses of the police, and having them onside, because the operational stuff, change over really quickly and we need to keep identifying cooperative police and we're in a phase at the moment where don't really have that. But more often than not over the five years we've been around, or I've been around, we've had a few individuals who have been trying hard in Alice... When we have those individuals in place we can do joint- coordinate our efforts and attend sites of concern at the same time at times. We've really been able to you know, go to a site go, 'Ok, get that one! Get that one! Put them in the car!' And yes, we've had police who've for instance, using the trespass act have bent the- ultimately I guess have bent the rules, or have interpreted the rules how we'd like them interpret them, and have said to people who are there in breach in trespass orders, 'ok I'm going to arrest you if you don't get in this car now'. And that car then goes to Papunya. And that works. Ultimately, most of these guys, if a magistrate or a copper tells them to do something, it has a lot more effect than family or me.

(ID 204, CAYLUS worker)

This community worker earlier suggested that the older generation of police considered substance misuse to be a health issue, and the above extract illustrates that a cohesive police and community agency response largely depends upon cooperative police. This suggests that in some cases, a successful approach between agencies depends on the extent to which one or both parties is willing to bend the rules, or interpret the rules in order to achieve desirable outcomes. The implications for police and community worker coordination and cooperation in these instances therefore, depends on compliant operational staff, who have a high level of understanding about the methods of best practice for all community agencies in Alice Springs, and can see the broader picture. With an organization such as the police force, which experiences a high level of mobility and staff change over, effective communication with upper levels of management is essential.

Another community worker spoke highly of the police involvement in substance misuse, and of the effective communication and strong relationship with police.

I have nothing but praise for them and my relationship with all the police has been fantastic and because they are out there all the time seeing it, sure it is a health problem - these kids have got health consequences - but they can't step back from the fact that there is an Act in place and they have - they're written into the Act... They have an obligation to place that person in a safe environment ... they do have a responsibility as with anybody if they could see them at risk with any drug. Yeah it's the same in the city. If there was a young kid walking along who was off his face with amphetamines the police would have a

responsibility. They would be contacted. Sure it's a health issue but the immediate response is to get that person to a safe environment and away from harming others. So sure they've got a lot to do but yeah- health and policing overlap. You can't go to a road accident without the police - you know there's no way they cannot be part of the equation.

(ID 201, Health worker)

Although commenting positively on the police role in substance misuse, this community worker also emphasizes that despite the fact that substance misuse may be constructed as a health issue, police cannot withdraw from their mandated role in the VSAPA. The fact that this participant feels compelled to articulate this point may illustrate that there have been incidents in the past where relationships with police have not been so positive, and where the level of police involvement not as forthcoming as was indicated at the time of the interview.

One area that seemed to lack effective police and community worker communication and cooperation was a community on the outskirts of Alice Springs, which was the home of CAYLUS youth workers and four male, non-Indigenous police officers.

I actually think the police here are a bit heavy handed and they're a bit gruff and they're not around all that much. So I wouldn't really see them as that reliable, and ... I don't think the police have the capacity to work in the supportive kind of role... and certainly people don't have a lot of respect for them. They don't take part in community so they're really kind of seen as an outside authoritative... if they ... just play a game of football once in a while just to do something so people will see that they're here... I think that would - there would be a more positive response around them... I would like to see them kind of take more of a role - well, getting involved in community. If there is a problem with someone, certainly, you know, it is their job to detain them so they don't hurt themselves while they're high, that kind of thing. But, certainly, you know, maybe afterwards have a chat to their family. Don't just drop them off and say, look, I locked them up for the last six hours because they were high. All right, that might be true but maybe just have a bit of a chat and say to them, you know, you can come to me or you can come to this person or go to them... There does have to be some sort of separation there but I just feel like it's so extreme that they're not supportive at all and they're just a bit bully-ish here.

(ID 200, Remote community worker)

This community worker illustrates how a youth worker and police working together in a community can lack effective cooperation and communication skills. Although this participant feels that police do take an active role in

responding to substance misuse in the community, the fact that the only communication between both bodies must come from the community agency side is not demonstrative of a cohesive and coordinated front united against substance misuse. This participant also indicated that:

...If I have actual questions they'll try to answer them but they make no effort to - you know, if they do lock someone up they won't readily call me. I usually only hear about it through the grapevine that something's been going on and then I'll, you know, go question them about it and then they're quite forthcoming. But that first step seems to have to come from me.

(ID 200, Remote community worker)

From this perspective, whereas a coordinated response might see police advocating for an increase in youth worker involvement in family matters and coordinating with the substance misuser, this participant feels that there is little cooperation between bodies. Interaction is predominantly initiated by the community worker's side, which means that there are two independent agencies responding to the problem, in a fairly small community that would benefit from a tightly coordinated response.

In speaking to another police officer about the officers stationed in these types of communities, the realities about the lack of effective relationships between community workers and police were discussed. This participant indicated that 'the reality of policing and the reality of social work don't sort of - they don't gel too well' (ID 301, Police officer), which was attributed to the different attitudes of the Northern Territory police. This participant spoke of the evolution of the role of the remote bush policeman from a 'one-stop shop', to a role that is largely shared by health agencies (ID 301, Police officer).

However, this officer attributed the breakdown in community worker and police officer cooperation and communication to the increased workload of police.

The reality is probably, in most cases, not very well. But that's more to do with the workload of police than actually getting out and getting down and getting dirty with those people. The evolution of policing in the bush has been quite interesting as well where now the expectation from our executive is that police officers will involve themselves proactively in the community. So that's -and people are seeing the benefits of that. I mean, you're preaching to the converted with me. I mean, I spent all of the mid to late 80s and early 90s in remote

communities and, you know, doing the footy thing and doing those things intuitively. So I don't have a problem with it and I never have but recently where even our training is geared towards proactive policing and community policing rather than straight reacting.

(ID 301, Police officer)

This officer emphasizes the importance of the community policing role that officers have in the bush, calling for an increased level of police integration in community life through activities such as footy and so on. However, this was in contrast to the community worker above, who felt that police officers in her community were not participating in community life, and were seen by the majority of the community as authoritative outsiders, rather than community policemen. In remote areas, or even areas that are not centrally urbanized, it is easy to see how police officers who are not fully participating in community activities will lack community respect and will therefore not be able to form a part of a cohesive, cooperative response to substance misuse.

Within Alice Springs, police are involved in responding to substance misuse in coordination with community agencies such as CAYLUS and BushMob. One CAYLUS worker spoke of the cross over roles that both agencies have in their response, through their ability to serve treatment and trespass orders, as well as seize substance in the case of authorized persons. However, this participant also commented on the advantages of coordinating with cooperative police in the execution of these orders and seizures.

And there are definite advantages in having police serve orders. It's a bit more of a serious thing if a person in uniform turns up and serves you with an order rather than a hippy youth worker turns up and does it. And yeah, but I guess it begins with crime, like they're responsible for enforcing the Act and the Act delineates a bit more the actions they can take and I guess that's the answer of where their legal responsibilities begin and we try to keep a good understanding of those and remind the police of those as well. But I think police generally would say that they have a good working relationship with CAYLUS and we would say the same about the police.

(ID 204, CAYLUS worker)

This positive working relationship with police was repeated by a BushMob worker, who stated that 'there are a lot of good cops around who will let us know if they see someone or make them try and come here or say the right thing in

court' (ID 203, Mt Theo worker). This quote echoes what was mentioned by an earlier CAYLUS participant, who indicated that much of the effective relationship and cooperation between community workers and police depends on how police will interpret and bend the rules to help substance misusers.

Similarly and in contrast to the community policing roles that are problematic in practice, the relationships between Mt Theo workers and Yuendumu police officers were discussed in a positive light, as 'community policing in action' (ID 209, Mt Theo worker).

The police will pick someone up for something and often the opportunity of diversion to Mt Theo - sort of liaison that way, as well as you know sort of more informally being able to share information as well. We have quite a good working relationship with them where they would have - worry for people together you know?... They're really, really good about it - like I think that's sort of community policing in action when you kind of like - look this house here in particular there seems to be heaps of dope there at the moment or they're running grog every day or- not in order to go and get them arrested or anything but just you know trying to keep people safe.

(ID 209, Mt Theo worker)

The cooperation between community workers and police in Yuendumu was attributed to a communal care and collective concern for people. As discussed in an earlier chapter, this community perceives substance misuse as a problem that requires a holistic, coordinated response between agencies.

When considering the different assumptions made by police about regulatory subjects' agency and capacity, it is evident that there are two primary beliefs. Firstly, the police who are willing to interpret and bend the rules in order to effectively achieve the broader picture of community campaigns, and who were involved in informally intimidating petrol sniffers to go to Mt Theo prior to the introduction of the VSAPA, are more motivated by knightly purposes, who are risking trouble for themselves and their careers by their informal actions (ID 205, Community worker). When coercive techniques are invoked in the approach to volatile substances, constraining an individuals' ability to exercise his or her self-determination and agency, police are most likely operating under the assumption that subjects are passive pawns, recipients of a policy approach

which compels them into treatment. As such, these officers will take action with other community workers to ensure they receive the necessary treatment.

In contrast, police officers that perceive substance misuse as primarily a health issue that requires less of a police response operate under the assumption that substance misuse requires a harm minimization response, with minimal police involvement. On one hand, this viewpoint is most likely motivated by knavish purposes: police do not want to be involved in something that is not a law enforcement issue, and do not want to risk their careers by interpreting legislation and other rules in different ways. From this perspective, these police would only assist others if doing so would not jeopardize their own career advancement, or if doing so may benefit them in other ways (Le Grand 2003).

On the other hand, these police seem to assume that under a harm minimization approach, individuals have limited capacity, warranting interventions that manage the consequences. In other words, police assume that individuals lack rational choice and will thus make choices that result in harms that need to be limited and controlled and as such, although the police in this instance appear to respect the active choices made by subjects, assuming individuals are queens, they respond as though subjects are pawns, and victims of their own circumstances.

The implications of these assumptions are in regards to the degree of police involvement with community agencies and health workers. Police who are motivated by knightly reasons will most likely remain involved in substance misuse responses, even to the detriment of their own circumstances, providing community agencies and health workers with police authority, cooperation and flexibility. These coordinated approaches are more likely to be successful than those involving police who are motivated by knavish reasons, and who are incapable or unwilling to be flexible and interpret legislation or other rules to best serve substance misusers and the broader community.

CONCLUSION

This chapter has developed a set of indicators of success, which were discussed with interview participants. These indicators have been analyzed within the context of the policy motivations and assumptions of subject agency and capacity, which have broader implications for the potential success of each program response. What has emerged throughout this analysis is the importance of community ownership and empowerment, and cross-cultural relationships for program success.

As argued throughout this thesis, community-based forms of control play a crucial role in regulatory strategies, as they form the second half of the reciprocal relationship between the regulatory strategy and community regulation (Lacey 2004). Put another way, community members are often the last discerning factor between community criminality and the process of formal criminalization, by deciding when a behaviour is more than informally deviant (Lacey 2004). In this way, the effectiveness of regulatory strategies will be severely limited when there is a lack of communication between the criminal law and communities (Lacey 2004). As such, community and social forms of control monitor regulatory strategies, just as regulatory strategies regulate or control communities and social groups. This is a reciprocal relationship that is fundamental for the process of voluntary compliance, which is responsible for the internalization of social norms, which protects against future criminality (Lacey 2004).

Community based forms of control are essential for the analysis of this thesis, as Aboriginal social norms can dictate community law, which is legally formalized by the VSAPA, rather than an abstracted process of community norms articulating with and regulating criminal law. These community controls are especially important when examining the Mt Theo program, and community management plans. These are excellent examples of community owned strategies, or elements of the VSAPA which are community controlled. This has

great implications for the success of the Mt Theo program and the community management plan element of the VSAPA, which is in regards to a need for a close articulation of community norms and criminal law (Lacey 2004). In other words, when the community is involved in the creation of criminal or community law, the potential for success is vastly increased, because of the reduced likelihood of dissonance.

This is also the case with the Mt Theo program, and the community ownership of the program was an indicator of success consistently raised by participants. The Mt Theo program was established by community elders and is a responsive, grounded program, motivated by altruistic policy and community workers, who aim to work themselves out of a job (ID 209; ID 210; Mt Theo workers). However, in practice, the cross-cultural working relationship between white and Aboriginal workers in the program are integral elements to the program's success. This is not only because the kinship and family obligations would make management positions difficult for Aboriginal workers, but also that the partnership is able to take advantage of the different benefits of both cultural groups. In other words, non-Aboriginal workers are able to manage and operate the accountability and funding application aspects of the program, whilst the kinship and family obligations of Aboriginal people hold the program together (Saggers and Stearne 2007).

Other indicators of success that were discussed by participants included coordinated responses to substance misuse, which appear to be having a positive affect, particularly if measured by a reduction in the numbers of substance misusers. The prevalence of volatile substance misusers has seen an estimated 94 per cent reduction, following the introduction of Opal fuel (d'Abbs and Shaw 2008). What is not discussed by d'Abbs and Shaw (2008) is the additional ammunition provided by the near simultaneous introduction of the VSAPA, which provided police, community and health workers with immediate, viable legislative tools for dealing with substance misusers: something that was severely lacking from the substance misuse approach before the introduction of this legislation. It is likely that the combination of the VSAPA in conjunction with

the introduction of Opal fuel, contributed to this reduction in substance misuse prevalence. In quantifiable terms, in 2004, it was estimated that there were approximately 350 chronic substance misusers across Central Australia (LANT 2004), which in 2008 was estimated to be approximately 20 (CAYLUS pers. comm.). However, it would be imprudent to rely on this measure of success alone.

Other participants highlighted the extent to which the different responding programs are involved in preventing the emergence of the problem, rather than responding to acute cases in treatment. Both CAYLUS and the Mt Theo program have elements that can prevent the emergence of substance misuse, through community capacity building, lobbying for legislative changes, and client casework management on the part of CAYLUS, who are also responsible for the management of the responsible retailer network. CAYLUS, Mt Theo and to a lesser extent, BushMob are involved in aftercare, although CAYLUS does not provide its own rehabilitative treatment program and BushMob's aftercare seems to be limited to checking up with former clients in town camps every so often.

The Mt Theo aftercare program is an example of a fully cohesive program, that not only integrates ex-substance misusers back into the community once they have returned from the outstation, but gives them the opportunity to pass on their knowledge to others, through the Jaru mentoring program. In a formal evaluation, Saggars and Stearne (2007) identified this element as one of the main strengths of the Jaru Pirrjirdi program, which also assists individuals in developing career and life opportunities within the Yuendumu community. As discussed throughout this chapter, the program appears to be motivated and operated by altruistic knights, who are dedicated to the program without expecting their own personal circumstances to be benefited (Le Grand 2003).

However, one tension that emerged throughout this analysis was the blurring of the line of distinction and responsibility between health agencies and the police. In speaking to the police, there was evident frustration that much of the burden

of caring for substance misusers has passed onto police under the VSAPA, including transportation to places of safety, which one participant felt should involve health agencies. In speaking to health and other community agencies, this perspective was attributed to the 'old school' of policing, and the majority of participants referred me back to the VSAPA, which clearly mandates a police role in the response to volatile substance misuse. However, when probing this issue further with community workers, it became clear that the ideal utopian police and community working relationship, would be one where the police are willing to interpret the law in order to achieve results. As discussed however, this depended on the particular police involved, and relied on good working relationships.

For the first time, police are now involved in the response to substance misuse, through their mandated role in the VSAPA, as well as authorized persons as low-level community policemen. However, much of the success with police and community worker relations depends upon the extent to which police are willing to interpret the rules, and go beyond the traditional role of policing in order to achieve the community agency objective. There appears to have been a tendency in the past for police to defer to the health sector as the primary agencies responsible for responding to substance misuse, which seemingly contradicts other police attitudes towards harm minimization policies. However, as suggested by participants in this study, improved police and community worker relationships serve to provide a better response to substance misuse. When these relationships are ineffective, as illustrated by one youth worker, the response lacks cohesion and solidarity.

The different approaches have various measurable indicators of success, ranging from a reduction in the number of substance misusers, to increased interagency cooperation. Preventative and aftercare approaches are elements of the responding bodies, but not all treatment agencies are involved in both prevention and aftercare. As discussed in this chapter, Mt Theo and to a lesser extent, CAYLUS are involved in prevention, treatment and aftercare, whereas Ilpurla and BushMob are primarily involved in treatment only. Similarly, CAYLUS

is the main agency involved in community capacity building and being involved in assisting communities with management plans and obtaining trespass orders. This chapter has examined the responses that are targeted towards substance misuse in the Alice Springs town camps and surrounding areas, in order to gauge some measure of success of the programs. The following chapter will analyze why the responses might not be effective, and discuss possible solutions.

CHAPTER SIX: WHAT WORKS AND DOES NOT WORK

These young people, many of who had been sniffers, were working together to make Yuendumu a better place. Young people identified as being part of the 'Jaru mob', saying it gave them something to live for.

(Stojanovski 2010: 270)

The previous chapter examined responses to substance misuse, and considered the success of these programs based on measures of success as raised by participants. What emerged through this analysis is the importance of community ownership, contribution and cross-cultural partnerships in successful programs. The introduction of the VSAPA in conjunction with the rollout of Opal fuel across Central Australia has seen an overall reduction in volatile substance misuse, although relying on this measure alone as a measure of success is unwise. Thus far, this thesis has been concerned with the importance of community groups, assumptions of agency and motivation in regulatory policy, and how these contribute to the success of regulatory responses to volatile substance misuse. However, it is equally important to examine how the responses are not working, and whether these considerations of agency and policy motivation are contributing factors. This chapter will examine these issues, with a view to contributing to regulatory policy on volatile substance misuse. Participants in this study identified the elements discussed in this chapter as problems in the response to substance misuse.

1. ASSESSMENT AND TREATMENT ORDERS UNDER THE VOLATILE SUBSTANCE ABUSE PREVENTION ACT (VSAPA) 2005 (NT)

Since the implementation of the VSAPA in the response to substance misuse in 2006, there has been a myriad of responses to the assessment process. Many of these are positive, and suggest that the VSAPA is successfully navigating the complexities associated with responding to substance misuse, by incorporating a

broader multi-agency response in its approach. These views were analyzed in the previous chapter. However, as with any newly implemented legislation or policy tools, not all elements are immediately successful. One of the factors that was discussed by participants as a less successful aspect of the VSAPA, is the length of time between applications for treatments, assessments, and final treatment orders, as issued by courts. The first cases of health assessments and treatment recommendations were unaccountably protracted, and at the time of writing, were still taking many months (ID 204; ID 201, Community workers; ID 102, Policy maker).

In relation to the VSAP Act, which has the capacity to mandate individuals to rehabilitation in approved centres, we have been working with the NTG to improve on it's [sic] enactment of this legislation, which has lengthy and inexplicable delays in it's [sic] operation: the first cases referred to this process took more than a year to be acted on. This has improved somewhat, but the delays are still unacceptable: people identified as chronic inhalant abusers are allowed to continue sniffing petrol while legal systems move with glacial slowness, endangering the inhalant abusers and those around them.

(CAYLUS submission to the Senate Select Committee on Regional and Remote Communities 2008)

From this submission, it is evident that the first cases of recommendations for assessments submitted to the Health Minister were taking at least a year to be acted on. It appears that the prolonged delay was associated with a holdup in the initial health assessment.

Treatment orders were considered to take too long - like there's a process where a person is considered to be at risk of severe harm from volatile substance use and then a request can be made for that person to be ordered into treatment if they don't voluntarily want to go into treatment... and because of many, many different reasons this process can take from four weeks to 10 months... what we're mainly concerned in the policy area is the process from the request to the court.

(ID 102, Policy maker)

This policy maker echoed the sentiments of CAYLUS, as indicated in their submission to the Senate Select Committee on Regional and Remote Communities, expressing frustration at the delay in the assessment and recommendation process. However, another community worker indicated that

processes under the VSAPA were still being established, and that when working with people it was easy for things to take time.

I try not to share my colleagues' frustration with how slow that process is, mainly I think because - because I do case work I'm probably responsible for as many things not happening as the people that they're criticising are. It's easy for them in the more rarefied policy atmosphere to complain about people not getting around to things about individuals. But as someone who works with individuals I noticed how easy it is for things to just stay on the backburner for a few weeks.

(ID 206, Caseworker)

At the time of writing, the delay in the assessment process in Alice Springs was attributed to the difficulty in having only one qualified health assessor (ID 206, Community worker). In 2009, an amendment to the VSAPA was added, which responded to the reported delays in the assessment and treatment application process, by stating:

The Bill proposes to streamline the treatment order process... by collapsing several steps into a single procedure of evidence based reporting and professional assessments that are submitted to the Chief Health Officer and the Courts... Other changes include extension of treatment options and duration of treatment, clarification of some Court processes and addressing confidentiality issues...

(LANT 2009, October sitting)

This amendment to the VSAPA is in part targeted towards reducing the delays in the assessment and treatment process. Further, treatment orders have been extended from two months to four months.

Another issue that was raised as a possible problem with the assessment and treatment process is the temptation to defer responsibility to a health worker, by requesting an assessment.

Whereas we used to do a lot without legislation, we have to work a lot more with families and a lot more with police who are willing to go outside of the rules and so forth, like because there were none, the temptation would now be to sign an order and to say, well we've done what we can, we just have to wait, it's their problem. And if we wait, we have waited you know, more than a year and a half for some order to happen initially.

(ID 204, Community worker)

The previous two chapters examined a cohesive approach to substance misuse that involved health and community workers, as well as police. In this approach, community workers spoke of the increased effectiveness of a combined approach that sometimes benefited from police interpreting and bending the rules in order to coerce individuals into treatment programs. However, this extract illustrates the concern felt by some community workers over the temptation not to do everything possible for a substance misuser in working with family and police, but instead take the easy option in requesting a treatment order and assessment, passing the onus of responsibility for care onto someone else.

This in turn raises the question of delineations of duties between involved agencies, and the possibility that no one body will be willing to take responsibility for individuals who are involved in assessments, treatments across several programs.

I think what we haven't got so far is an exact line of responsibility - like when the request comes in, this is when, you know, the VSA nurse is starting to be involved in the client case and starts negotiating - like risk plans and those kinds of things. That needs to be really clarified. Also when does the involvement of the Department cease - does it cease when the person goes into treatment or after - you know when treatment is completed or is there an after care being added to this? At the moment we're also drafting clinical practise guidelines just to make sure that all these steps and - virtually that the client is - the risk is reduced for that client as soon as the Department becomes aware that there is a risk.

(ID 102, Policy maker)

As indicated in an earlier chapter, one of the main advantages of the court mandated process is that it is a way in which the state can initiate the treatment process by propelling people into appropriate care, and then withdrawing, as to avoid unnecessary interference. As such, perhaps the onus of responsibility for primary care should follow an individual to treatment centres, which are then accountable for the substance misuser. However, the difficulty when there is a lack of clear lines of delineation between involved agencies, is the danger that none will step up and assume responsibility, and the individual will suffer due to lack of follow up care, in order to preserve a working relationship and diplomacy between departments and involved agencies. In a report examining the policing

implications of substance misuse, Gray et al (2006) also articulated this view, arguing that there is a need for:

Clear definition of the roles and responsibilities, not only of police, but also of other agencies, in particular health and welfare agencies, and for mechanisms to ensure that these agencies and procedures are utilized to address the medium and longer-term needs of inhalant users.

(Gray et al 2006: ix)

Another concern that was raised by some participants is the lack of compulsory treatment programs for substance misusers. As discussed in Chapter Four, this may be particularly relevant to treatment centres located within Alice Springs; specifically BushMob, which is across the street from a notorious petrol sniffing town camp. The broader implications of the locations of treatment programs will be examined further in a following section, but it is crucial to note the emphasis voluntary treatment centres, such as BushMob, place on individual commitment to the recovery process. In other words, substance misusers must be invested in their treatment, and want to change their behaviour. As BushMob promotes active participation through the voluntary nature of the program, there may be a greater likelihood of success (DiClemente, Schlundt and Gemmell 2004, DiClemente, Bellino and Neavins 1999). Nevertheless, participants in this study expressed concerns that substance misusers could voluntarily leave treatment.

I think we've had concerns... once a person is mandated into treatment that they can actually open the door and walk away and they're gone. So there's no provision to, you know, shackle them to the bed and stuff like that. Sometimes people complain about that - that they just run away as soon as they're in the treatment. It has happened. Things happen that a person that is at high risk of harm can't be found... Whatever we seem to do there's always some people that do not want to be helped or cannot be helped for so many different reasons. We do get backlash from communities and from agencies if things don't go right.

(ID 102, Policy maker)

What is also evident in the above extract is that there may be people who do not wish to be helped. This perspective was discussed earlier as in line with Cowlshaw's (2003: 108-111) provocative assertion that the failure of some policies is 'indicative of a cultural alterity that baffles the nation when confronted by it', and is a way in which Indigenous people can assert 'their independence from the state's suffocating solicitude'. In other words, as discussed in an earlier chapter, the disadvantage of Aboriginal Australians as

evident in almost all socio-economic areas, might indicate an apparent resistance to external assistance and interference (Cowlshaw 2003). However, this refusal to be helped may in some ways be overcome by the fact that the VSAPA is primarily about providing a vast array of choices, rather than narrowing the definitions of substance misuse to make it a criminal offence: 'it's an Act that provides you with additional options to what is already out there' (ID 102, Policy maker).

Previous chapters analyzed the difficulty in responding to substance misuse among a population that has very strong notions of autonomy and independence; substance misuse in Indigenous communities is often difficult to control due to individuals believing they have a 'right to sniff' (Stojanovski 2010: 68) and do what they wish with their own bodies. This aspect of Aboriginal culture:

... Makes it hard for families to stop their teenage children from sniffing... Non-Aboriginal people can find avenues to control their children's behaviour through sanctions such as grounding or imposing curfews... such sanctions are so foreign to Aboriginal child-rearing practices that they are considered inappropriate and unworkable in the context of most Aboriginal families. The young people know they have a right to personal autonomy in their own culture. They know their parents feel uncomfortable forcing them to do things against their will.
(Stojanovski 2010: 69)

The VSAPA implemented various strategies for overcoming these possible cultural stalemates, including the use of policing intimidation methods and mandated treatment orders through courts. Individual communities have also introduced their own methods, such as the use of cross-cultural program workers, as in the Mt Theo program, where individuals may be more likely to respect the authority of non-family or Aboriginal community members; as well as community coercion methods. However, from a collective community perspective, decades of unsolicited external interference may have provoked a desire in Aboriginal people to exert autonomy, independence, and self-governance, and resisting help is a clear way in which this can be done (Cowlshaw 2003). Given that accepting assistance has historically provided little relief, it is unclear as to whether refusing assistance on the grounds of autonomy is likely to make much difference in terms of socio-economic improvement.

However, treatment orders under the VSAPA provide the last resort in a range of options that can be applied in the response to substance misuse. As such, if issues of personal autonomy and independence are providing significant obstacles to obtaining treatment for individuals, court orders can be obtained. This section has discussed the various problems with the treatment order process of the VSAPA that were raised by participants, which were primarily associated with the initial delays in obtaining assessments and treatment orders as well as difficulties with the involuntary nature of some programs. This concept will be revisited later in this chapter in the context of its contribution towards the potential for program success, however it is crucial to note that the VSAPA and non-adversarial court orders are providing the most comprehensive and cohesive response to substance misuse across Central Australia to date. As CAYLUS indicated in their submission to the Inquiry into Opal fuel:

The original promise of the legislation proved hard to realize, with numerous bureaucratic obstacles to it's [sic] effectiveness. It is currently under review, and we hope it will become more streamlined in it's [sic] application. It is still the best hope for protecting the community from inhalant addicts, whilst not criminalizing these people for their addictions.

(CAYLUS Submission to the Standing Affairs Committee Inquiry into Opal Fuel 2009)

The review into the VSAPA, which at the time of writing was not completed, will presumably address the delays in the assessment process.

Previous chapters considered assumptions of agency made by the assessment and mandated treatment process, and argued that individuals lack the capacity for rationality and self-determination, as they are made the subjects of assessments, subjective opinions on their levels of risk, which then affect their entry into treatment programs. In this way, it seems as though individual substance misusers are assumed to be queens, insofar as they are responsible for their own substance misuse. As analyzed in previous chapters, queens are the most powerful piece in public policy, and are those who are considered to be capable agents, making active decisions on their own behalf (Le Grand 2003). In contrast, pawns are assumed to be passive policy recipients, victims of circumstance, and less capable of agency and rationality (Le Grand 2003). The

assessment process, although making the assumption that individuals are queens, treat substance misusers as pawns, as they passively submit to assessments, court sittings and treatment orders.

Similarly, this process is most likely initiated by knightly motivations: this section has argued that one of the primary strengths of this strategy is in the ability for the state to initiate the treatment process, by propelling an individual into appropriate care, before withdrawing and avoiding further interference. In this way, although the courts and assessors are benefited by their unnecessary involvement in follow up care, and thus avoid more responsibility for an already overstressed system, the difficulty in limiting government interference to mere propulsion indicates that those involved may have altruistic motivations, by attempting to benefit the collective community, rather than merely their own situations or political popularities.

2. BANDAID' SOLUTIONS AND ACUTE RESPONSES

Although the focus of this thesis is not to examine the contributing factors to substance misuse, chapter one briefly reviewed literature that has examined some of these issues. Several recurring themes underlying substance misuse emerged through this analysis, such as poverty, boredom, lack of life opportunities, the cultural disruption as a long-standing result from colonization and dispossession, as well as opportunity for misuse (d'Abbs and MacLean 2000; Phillips 2003; LANT 2004; Cavanaugh 2005). There was also some contention as to whether volatile substance misuse responses should address these underlying factors (Spooner and Hetherington 2004), or primarily be agencies that are focused on alleviating the immediate behaviour (Brady 1995). In other words, whether interventions should be focused on social revolution, or address volatile substance misuse as it occurs.

For instance, the 2008 Review of the First Phase of the Petrol Sniffing Strategy stated that:

Despite the impact of Opal in reducing petrol sniffing, 'you still have all the underlying problems' in communities. Accordingly, a great deal depends on how governments and communities use the current 'window of opportunity' to tackle entrenched social, educational and economic disadvantage and dysfunction.

(FaHCSIA 2008)

This extract indicates a need for a combination of brief and long term strategies: brief interventions such as the substitution of unleaded fuel for Opal fuel across Central Australia has reduced the overall supply of intoxicating petrol, allowing other long-term demand reduction strategies, such as diversionary activities, to be implemented. However, there appears to be an increased focus on product modification, restriction and other strategies that limit the access to substances, which can result in the unintended consequence of diversion to other substances, such as cannabis (FaHCSIA 2008). In fact, the use of cannabis in remote communities has reportedly increased since the introduction of Opal fuel and general decrease in petrol sniffing (FaHCSIA 2008). A more recent review of the volatile substance use among Indigenous people argued that this may in part be due to:

... The focus of current responses to 'proximal factors that increase use rather than on the more distal social determinants of VSU [volatile substance use] and other health behaviours. There is little point in assisting someone to cease VSU if this is quickly replaced by other harmful practices such as use of cannabis. In the long term the most effective strategies for combating VSU, are those that improve young people's lives and the health and wellbeing of their families and communities.

(Midford, MacLean, Catto and Debuyst 2010: 15)

In practice, it is difficult for the programs that are focused on the immediacy of the problem, such as Ilpurla and BushMob, to address the underlying issues of socio-economic disparity and disadvantage. However, some of these acute response programs have attempted to place an additional focus on these issues, such as CAYLUS and Mt Theo.

As discussed in Chapters Four and Five, CAYLUS has various tiers to its approach to substance misuse, from supply reduction to case management and community

development strategies. In speaking to other workers in the field, there were mixed responses to CAYLUS's methods, with one participant critical of CAYLUS's entire approach, feeling that the way in which CAYLUS operates offers little more than a temporary 'bandaid' solution to the problem.

We keep dick arsing around with CAYLUS and Mt Theo and all that stuff and we've been doing that for years and what's happened? The answer is, not a lot. It's not that they don't work - they offer some temporary respite and it's another avenue but at the end of the day it's just putting a bandaid on the problem ... What do you do when you get stressed out and you arrive home and you've got - you're studying for your doctorate or whatever... You go home and there's a bottle of red wine sitting on the counter... you have a couple of bottles of wine and you have a relaxing night... you put the troubles of the world behind you. They can't do that. They live in the middle of their trouble and we wonder why they self-medicate by sniffing and smoking dope and drinking... They just do what you and I do it's just that when they do it they do it at far greater levels and they drink at hazardous and harmful levels. Why wouldn't you - why wouldn't you do what they do? ...We can jump up and down and yell and scream about it but until we want to address some of the fundamental root causes instead of coming up with bullshit legislation that says we're going to force them into mandated treatment.

(ID 300, Senior police officer)

This quotation does not address the remote community support that CAYLUS is involved in, which includes the placement and support of youth workers in remote communities. Through youth workers and youth programs, CAYLUS is responsible for many diversionary programs that are also targeted towards strengthening communities (ID 200, Community worker). However, the above quotation suggests that CAYLUS has a primary focus on acute responses, which does not address the fundamental contributing factors to substance misuse.

Whether or not any program that has the capacity to be an acute response program can also address the fundamental contributing factors is not discussed by this participant, who asserted that much of the substance use is at least in part due to a desire to relax and check out from whatever troubles are faced during the day. The problem for much of the substance use in remote and town camp areas is that the people using the substances are living their problems, and until these problems are addressed through housing, employment and other socio-economic areas, there is little motivation for substance misusers to stop using.

One community worker echoed these sentiments, indicating that due to the limited resources that CAYLUS was allocated, their work was largely focused around a crisis-based response, rather than a long-term case-management approach.

I absolutely 100 per cent respect the work that CAYLUS do, however, they can only case manage to a certain degree so it's a fairly crisis response to case management, it's not long term case management, so the crisis response being placing somebody at Barry's [Ilpurla Outstation] or supporting through that process, assisting with Centrelink - you know maybe transport - so it's a crisis response, it's not a long term case management strategy and as I say, they're just doing what they can do on that level, yeah... if they had extra funding and that was mapped out a bit and you know- I do think, I mean I think in CAYLUS's role they are a fantastic organization... we have to start as agencies highlighting that there are no proper treatment facilities and that needs to be taken to a national level...

(ID 212, Community worker)

This extract emphasises the work CAYLUS does in acute response management, by transporting individuals to outstations, or assisting them with Centrelink payments, but this participant felt that due to resource limitations, they did not have the capacity to provide long term case management and treatment.

Consistently, scholarly research indicates that successful responses will be a combination of long-term and acute response management (d'Abbs and Brady 2004; MacLean and d'Abbs 2002; d'Abbs and MacLean 2008; Gray et al 2006), and a range of interventions (LANT 2004; d'Abbs and MacLean 2000; Shaw, Armstrong and San Roque 2005). More specifically, d'Abbs and MacLean (2008) indicated that substance misuse was best addressed through a combination of strategies that are targeted towards product restriction, diversionary programs and imposing community based sanctions for continued misuse. Although these strategies are a combination of long and short-term responses, they do not appear to be specifically addressing the underlying contributing factors to substance misuse. However, it is also argued that the most successful strategies will have the capacity to 'redress social and economic disadvantage and enhance the opportunities, capacities and confidence of young people' (d'Abbs and MacLean 2008: xxi).

In practice, programs that have the capacity to respond to the immediacy of the problem may not have the necessary resources to respond long-term. The exceptions to this may be CAYLUS, who have the capacity to support individuals in a long-term case management context, as well as supporting at least 19 remote communities in terms of youth workers, youth programs and diversionary activities. This approach takes advantage of the lack of supply of unleaded petrol and other volatile substances through the introduction of Opal fuel and other supply restriction strategies, by implementing programs that are targeted at strengthening communities. In this way, CAYLUS appears to be addressing the measures for successful strategies as discussed by d'Abbs and MacLean (2008). However, other workers in the field do not seem to recognise the proactive demand reduction approach that is part of CAYLUS's response, as they are considered to be primarily focused on strategies that are short-term and temporary.

Similarly, Mt Theo is an example of a cohesive program that addresses the demand of substance misuse, and in fact was the only program that successfully tackled petrol sniffing before the introduction of Opal fuel and supply restriction that accompanied it. Through the Jaru Pirrjirdi program, individuals are supported in the community, and diverted away from the opportunity to use volatile substances. The Mt Theo program is illustrative of a program that successfully strengthened the community, which is now a cohesive, collective community, proactively united against volatile substances. Andrew Stojanovski, a program founder stated:

It almost became an unwritten law in Yuendumu that if you sniff, you go to Mt Theo. After four years, the program had almost universal acceptance and support in the community and was run very much by consensus. We were rightly proud of this... Mt Theo is only one outstation, it is not a country that belongs to every clan and family group.

(Stojanovski 2010: 240)

As such, although Mt Theo has the capacity to be a program that can respond to the immediacy of the problem by sending or receiving people into the outstation, it is also able to address the symptoms of the problem through prevention and diversion.

As discussed throughout this thesis, community-based controls are essential in successful regulatory strategies, as they are one side of the reciprocal regulatory relationship that monitors regulatory strategies. Further, community groups are essential for ensuring that the process of formalized criminal law is upheld, insofar as regulatory strategies and legislation are less likely to be effective when there is an absence of consensus between criminal law and communities (Lacey 2004). This relationship is critical for the establishment of community-managed programs by communities, and in the way that community norms dictate criminal law. The strength of cohesive communities is illustrated by the Mt Theo program, which formalized community laws with the use of aspects of the VSAPA. The program is also contingent on the cohesive strength and collective action of communities, which Yuendumu developed over a number of years (Stojanovski 2010). In this way, the Mt Theo program is an example of an approach to substance misuse that has incorporated various strategies and has the capacity to address the long and short-term effects of volatile substance misuse.

3. PREVENTATIVE APPROACHES

As examined in chapter two, preventative regulatory strategies are commonly associated with proactive social control approaches, product restriction, and modification.

Some strategies that attempt to control the occurrence of the behaviour have applied situational prevention approaches, through the substitution of toxic products for non-toxic alternatives, as well as locking up and restricting access to substances. As analyzed in previous chapters, the broader implications of these strategies are that an individual's agency and capacity for autonomy is restricted, as regulatory methods are imposed on passive, pawn like recipients. With restricted access to substances, individuals have little ability to exercise their capacity for rational choice and self-determination; rather, they are assumed to

be at risk of misusing substances and thus have limited access to them. However, prevention through social control has different implications for the potential success of regulatory strategies: as discussed previously, they are crucial in the reciprocal relationship between strategies and community regulation (Lacey 2004). In this way, for strategies to be successful, there must be effective articulation between community control and criminal law. This has the additional advantage of empowering communities, which in turn gives communities increased coercive authority for dealing with substance misuse and misusers.

As such, social control, as opposed to product restriction strategies, empowers regulatory subjects to act as queens, responsible and capable of exercising self-determination, rational choice, and agents who are capable of making decisions about how their communities are policed and managed. In this way, these policies are more likely to be instigated by altruistic knightly motivations, which benefit the community more than the policy makers responsible for their initial design. In this way, regulatory policy is not fostered upon its subjects and does not make assumptions about their lack of capacity, which can lead to demoralizing and discouraging individuals, or risk turning knights into knaves (Le Grand 2003). Empowering communities to work together means that capable agents are in a position to take responsibility for those who might be in a more vulnerable position, rather than policies that apply blanket strategies based on uniform and inaccurate presumptions of subjects' capacities.

CAYLUS is a community based organisation that empowers individuals through casework management, placing youth workers in remote communities, and assisting these communities lobby for resources, such as Opal fuel. These are the other aspects to CAYLUS's response, aside from supply reduction management, which was examined in the previous two chapters. CAYLUS's close support of communities represents the definite proactive responses to substance misuse, which also serves to empower communities in Central Australia. Although the offices of CAYLUS are based in Alice Springs and CAYLUS had a staff of five full-time employees at the time of writing, they support the Alice Springs town

camps and 19 remote communities. The danger in this is in CAYLUS taking on too much responsibility, and stretching their resources and manpower too thin. In response to this observation, one CAYLUS participant indicated that:

I guess, you know, we're careful about what we take on and we say no to some stuff. And we yeah, we take on what we can reasonably achieve and we're careful not to take on what we can't. Otherwise we risk you know, sort of, losing our good will from funding bodies and the community. If you kind of take on delivery of services that you don't deliver, communities have a right to be cranky at you.
(ID 204, CAYLUS worker)

Other community workers who are involved with volatile substances in Central Australia and Alice Springs have come into contact with CAYLUS, and the majority emphasized the positive proactive approach that CAYLUS take in responding to substance misuse.

There was a good campaign and CAYLUS have been really proactive around that response of the sale of volatile substance and it's been I think - obviously with the Opal it's been hugely effective and it's just fantastic, but, you know, it still falls down in some areas and that's just due to communities' response really - raising community awareness.
(ID 212, Community worker)

This community worker commented on the great work that CAYLUS had done with their approach to obtaining Opal fuel for Central Australia, but worried that a weakness of CAYLUS was in the difficulty of generating widespread community awareness.

One Mt Theo worker disagreed and emphasised the positive influence of CAYLUS in town camps, indicating that CAYLUS was another team capable of advocating and lobbying in town, well placed to keep an eye on clients travelling between Yuendumu and Alice Springs.

They're just amazing to work with. For example if we're worried about a client we know who has left the community [Yuendumu] and we're worried about them, they will look for them around here [Alice Springs] and keep us updated. They then ring us if they have a client they want to go out there. We work a lot together on strategies and advocacy and they're better placed to do that because they're not providing a hands on service so often they will just write an advocacy paper and I can put my name to it because we're all on the same street. And people expect places like Mt Theo to do a lot of lobbying and advocacy because we're well respected and the time that that takes is just sort of out of the ballpark for me. So having a part of the team in here that do that, I find that very

valuable and I also find the fact that they have a link into the other substance abuse services and other communities, we get a better feel of what's going on regionally, they can keep us informed strategically and that's really helpful as well. So yeah we'd be lost without them... There is little aftercare. CAYLUS have their number of clients but they're actually good on aftercare but everybody else, we might get FACS clients or even just family referrals and we send them back to Alice Springs and I feel like I'm throwing them straight back in the fire. It breaks my heart.

(ID 211, Mt Theo worker)

This participant felt that CAYLUS is one of the few services in Alice Springs with the capacity to provide some measure of invaluable aftercare for substance misusers who have completed an outstation program. CAYLUS, as an on-the-ground agency, are also well placed to link Mt Theo with other substance abuse services in town and in other communities, and are connected with Government agencies due to their location in town.

However, this extract also illustrates a major limitation in the Mt Theo response to substance misuse, which is associated with Alice Springs clients attending treatment in Yuendumu, who then return to a town that lacks the cohesive follow up care and support of the Yuendumu community. This participant likened this process with being thrown 'back into the fire', indicating that individuals will be returned to the conditions that contributed to their substance misuse, without adequate support and cohesive care. Further implications of this statement will be analyzed in detail later in this chapter, in the context of location of treatment centres and outstations.

Another less positive analogy of CAYLUS's proactive approach likened CAYLUS's to a 'bunch of cowboys', who aggressively lobby state and federal Government for changes to legislation, and consistently submit to senate inquiries on substance misuse (ID 206, Community worker). This participant indicated that although CAYUS can often be very sensitive and receptive towards its clients, it can also be overly antagonistic towards government and non-government agencies. When questioned further about this analogy, this participant admitted that despite the unpopularity CAYLUS may generate for itself, its success with strategies such as the rollout of Opal fuel and gaining funding for the continued

operation of the organization, may have been limited had their approach been dampened or less assertive.

As discussed in the previous chapter, CAYLUS also works with retailers in attempting to control the volatile substances that appear on the shelves, the sales of substances to those who might misuse them and also educates retailers about their responsibilities. However, although CAYLUS has the capacity to invoke elements of the VSAPA for in compliant retailers, in general, the retailers are generally the targets of cooperative regulatory techniques, serving to preserve the good faith basis of working relationships between agencies. As such, retailers are treated as knights and are expected to act as knights, in achieving regulatory standards with the assistance of CAYLUS, rather than face coercive tactics and threats. This has broader implications for the potential of regulatory success of CAYLUS, insofar as a civil working relationship between retailer and regulatory agency is more likely to engender compliance, without a need to resort to invoking regulatory sanctions and criminal penalties. However, this approach also operates under the assumption that retailers are rational agents, aware of the potential trouble that may result from non-compliance. In this way, they are capable of being gently coerced by the threat of more severe penalties and enforcement techniques.

In this way, although substance misuse remains a non-criminal offence, in some contexts, CAYLUS has the capacity to respond as a private policing agency, with greater regulatory authority as some workers have been deputized under the VSAPA as authorized persons. This gives private policing agencies, such as CAYLUS, greater power for responding to volatile substance misuse, which challenges the earlier raised assumption that regulation involves the creation of offences (Lacey 2004). Further, CAYLUS workers appear to be knights motivated by altruism, as they prioritise communities and commitment to their work. In this way, CAYLUS workers are not working to benefit their own positions, but appear to be committed to improving remote communities and town camps, even if this commitment may be detrimental to CAYLUS and its workers. During the period of my observation, I also witnessed CAYLUS workers at work on

weekends, transporting community and two camp residents from town to outstation, or to remote communities (fieldnotes 2008). This further illustrates the commitment of CAYLUS workers to their community worker roles, and suggests that they are not motivated by self-serving reasons (Le Grand 2003).

4. OPAL FUEL

Previous chapters examined the introduction of Opal fuel as a measure for reducing the supply and availability of unleaded petrol. In fact Opal fuel, as a method of situational prevention, has been credited with much of the success of an overall reduction in petrol sniffing across Central Australia (d'Abbs and Shaw 2008). However, since the introduction of Opal fuel in 2005, there have been various problems associated with the rollout and use of the fuel, which may have implications for its long-term success.

In the initial roll out of Opal fuel throughout Alice Springs in 2006, there was a dearth of effective communication strategies, which lead to false information about Opal's effect on motor efficiencies being widely circulated (Senate Standing Affairs Reference Committee 2009). This in turn led to many petrol stations choosing not to continue sales of Opal fuel, which was only resolved by independent research which associated every suspected Opal fuel car break down with another causal factor (Senate Standing Affairs Reference Committee 2009). Following this, an effective communication campaign was developed and Opal was rolled out in Alice Springs for a second time in early 2007 (Senate Standing Affairs Reference Committee 2009).

The substitution of unleaded with Opal fuel in petrol stations is on a voluntary basis, which relies upon petrol station retailers voluntarily replacing unleaded with Opal fuel. However, there are several 'strategically located retailers' that refuse to stock Opal fuel (Senate Standing Affairs Reference Committee 2009:

46). In a submission to the 2009 Senate Inquiry into the impact of Opal fuel, CAYLUS asserted that:

There are however a number of sites that 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.

(CAYLUS 2008c: 6)

These retailers; ten in total at the time of writing, which included seven in the Northern Territory, and three in fairly close proximity to Alice Springs, have been approached by community members and workers, including Commonwealth government representatives, and asked to stock Opal fuel. These retailers have refused, which contributes to one of the major limitations of Opal fuel (Senate Standing Affairs Reference Committee 2009). In response to these steadfast refusals, a 2009 Senate inquiry into the impact of Opal fuel argued that:

...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 [of] Opal fuel appears to be the only way to achieve a comprehensive rollout of Opal fuel in central Australia.

(Senate Standing Affairs Reference Committee 2009: 50)

As such, a formal recommendation through the Senate inquiry was made, which stated:

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.

(Senate Standing Affairs Reference Committee 2009: Recommendation 5; p.51)

Following this recommendation, the Department of Health and Ageing undertook a cost-benefit analysis of legislation that would mandate the supply of Opal fuel in regions of Central Australia. This evaluation concluded that the benefits to the community outweighed the costs, but fuel storage and distribution practices needed to be addressed in order to allow a more comprehensive rollout of Opal (DoHA 2010). The report also suggested that retailers be provided with more information that might address their reasons for

not supplying Opal fuel, which further Australian Government funding of \$38.5 million over four years, will also address (DoHA 2010).

Another major limitation of the Opal fuel campaign is that although Opal has largely replaced unleaded fuel in Alice Springs and across Central Australia, Alice Springs and some roadhouses are still sources for aromatic premium fuel, which has not been substituted for a low-aromatic alternative. CAYLUS has argued that:

Government information campaigns on Opal fuel have been poorly timed and targeted and there has been a growth in Premium unleaded usage in the region from 10 per cent prior to Opal to 50 per cent currently... We hope the campaign significantly improves, this strategy is crucial to keeping the community informed and committed to Opal, especially as it is a voluntary program that could be discontinued at any time by the retailers in Alice Springs.

(CAYLUS 2008c: 6)

The increase in sales of premium fuel may suggest that the Alice Springs community remain suspicious of Opal fuel and purchase premium unleaded in its place (Senate Standing Affairs Reference Committee 2009), or may be the result of a high turnover of tourist population, who are unfamiliar with Opal fuel and its purpose, and its ability to be used in regular vehicles. Further, premium unleaded is necessary for some high performance vehicles and vehicles manufactured prior to 1986, for which there is no low-toxic or aromatic alternative (Senate Standing Affairs Reference Committee 2009).

The availability of premium unleaded fuel was also addressed in the Senate Inquiry into the impact of Opal fuel, which recommended that should the retailer guidelines for selling premium unleaded fuel be ineffective, serious consideration be given to the government subsidy of a Opal fuel equivalent (Senate Standing Affairs Reference Committee 2009). However, in the response to this inquiry, the Australian Government indicated that it was not:

... considering the option to fund the development of low aromatic premium unleaded petrol. In the event that a suitable substitute is developed and presented to the government, options to subsidize this product's production and distribution may be considered. No fuel supplier has indicated an ability to produce a low aromatic premium substitute to date. Information from BP Australia suggests that the low volume of premium unleaded fuel sold in the designated petrol sniffing zones means that any premium substitute would have

to be heavily subsidized by the Australian Government. This subsidy is likely to be considerably higher than the subsidy currently paid to BP for Opal fuel.

(Australian Government's Response 2010: 38)

This extract suggests that it is unlikely that an alternative to premium unleaded will be developed and subsidized in the near future. BP Australia are the current manufacturers of Opal fuel, and when asked whether a low aromatic fuel alternative was being considered for premium fuel, they responded:

Our focus so far has been on addressing 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.

(Standing Committee on Community Affairs 2009: 60)

Due to the high costs involved in producing a premium alternative, it does not appear at the time of writing that any development by Government or manufacturers is being considered. The cost benefit analysis of legislating Opal fuel (2010) suggested that in some regions, controlling premium fuel is unnecessary, whereas in others comprehensive controls may be needed. For instance, premium unleaded fuel is still widely available across Alice Springs. During the period of my fieldwork, I witnessed several chronic substance misusers who were not regular residents of Alice Springs, traveling to town from remote areas. Whilst in Alice Springs, these individuals would sniff premium-unleaded petrol (fieldnotes 2008).

There has been a limited amount of data collected across Central Australia, illustrating the effect Opal fuel has on the prevalence of petrol sniffing. In 2006, it was estimated that there were approximately 600 chronic petrol sniffers across Central Australia (Senate Community Affairs Committee 2006). In October 2006, CAYLUS estimated that there were approximately 75 petrol sniffers residing or visiting the Alice Springs town camps. Following the introduction of Opal fuel in February 2007, they estimated there were 29 petrol sniffers in the Alice Springs town camps in October 2007 (CAYLUS cited in DoHA 2008: 24). In 2008, another study estimated the decline in petrol sniffing to be approximately 94 per cent across Central Australia (d'Abbs and Shaw 2008). This study found a statistically

significant relationship between community distance to an unleaded fuel source and the size of the decline in sniffing in communities, which indicated the significance of Opal fuel in the reduction of sniffing (d'Abbs and Shaw 2008). Further, much anecdotal and qualitative information associates Opal with the decrease in petrol sniffing. For example, one CAYLUS worker indicated:

There used to be hundreds and hundreds of sniffers in the remote communities. When you went to Papunya, people there were talking about when there were 100 petrol sniffers in that community, and now there is zero. That is very consistently the story through the remote communities we work with. By a combination of Opal and community action, the number has been reduced to zero in pretty much all the communities we work with.

(CAYLUS 2008)

However, although Opal has played an integral role in the overall reduction of sniffing, the substitution is only one element in addressing substance misuse (Senate Standing Affairs Reference Committee 2009), and is not an infallible or absolute solution to the problem.

Previous chapters have argued that due to the community benefits associated with the introduction and government subsidy of Opal fuel, this policy approach seems to be likely motivated by knightly aspirations, with the added benefits of political popularity. However, this element of product substitution seems to restrain individuals' agency and capacity for autonomy through restricting access to substances.

5. LOCATION OF TREATMENT PROGRAMS

Previous chapters have alluded to some of the problems raised by participants in regards to the location of treatment programs. This was particularly evident in relation to BushMob, which as discussed earlier in this chapter, is located across the street from a notorious petrol sniffing camp. The fact that BushMob does not involuntarily restrain patients, and that it lacks the capacity to provide community coercion to those receiving treatment, indicates that individuals must be actively engaged in their own treatment and recovery process.

In 2009, following the 2008 implementation of community management plans in some Alice Springs town camps, the Inquiry into Petrol Sniffing and Substance Abuse in Central Australia found that although Opal fuel was widely available, petrol sniffing and other volatile substance misuse was still occurring in Hoppy's and Trucking Yards town camps. However, as indicated in the previous section, the presence of Opal fuel in the area does not infer there is no access to aromatic petrol, as premium unleaded is still available in Alice Springs. Participant concerns discussed in this section refer to BushMob being located across the street from an active petrol sniffing town camp.

The location of treatment programs has broader implications for the potential success of the programs. As examined in previous chapters, Mt Theo and Ilpurla are outstations located in isolated geographical sites, which not only affects the day-to-day operations of the program, but also limits the opportunity of substance misusers leaving the program. Also previously analyzed was the strong influence of community coercion in some areas, such as Yuendumu, which can drive individuals into the outstation to receive treatment. Outstation and program sites are particularly important when considering the fact that once mandated into treatment, individuals are not held against their will. However, in locations such as Mt Theo and Ilpurla, substance misusers have little option but to complete treatment to the satisfaction of the program elders.

However, in contrast, as BushMob lacks the coercive power of Mt Theo, and the geographical isolation of both Mt Theo and Ilpurla, if someone is eager to leave they may. This is in stark contrast to the NSW Drug Treatment Correctional Centre, which restrains patients against their will. The obvious differences between programs that respond to volatile substance misuse and the Drug Treatment Correctional Centre are primary twofold.

Firstly, volatile substance misuse is not a crime, and volatile substances are not in themselves restricted substances. For the purpose of this argument therefore, volatile substance misuse may be considered licit drug use. In contrast, the NSW

Drug Treatment Correctional Centre provides treatment for users of illicit substances and therefore illicit drug use. These include substances such as non-prescribed prescription drugs, cannabis and the opioid buprenorphine (Dekker, O'Brien and Smith 2010). The program considers non-prescribed prescription drugs as 'illicit' drugs, although this definition may not be consistent across all scholarly research or in other treatment facilities (Dekker et al 2010). Secondly, those receiving treatment at the NSW Drug Treatment Correctional Centre have committed crime in order to support their drug dependency. Residents of BushMob and other treatment facilities have not. It is unclear therefore, whether individuals at the Drug Treatment Correctional Centre are involuntarily incarcerated due to their drug rehabilitation and treatment program, because of their drug related crimes, or a combination of both.

However, what was also discussed in an earlier chapter was the importance of individual participation in recovery processes. In other words, people must be willing and ready to change their own substance abuse behaviour, which may make the process of involuntary treatment centres less effective (see for example DiClemente et al 2004; Diclemente et al 1999). Nevertheless, participants discussed the location of BushMob as a limitation in the overall response to substance misuse, as they were concerned that misusers could leave the program and walk across the street to Hoppy's town camp. Many community workers in the cohort felt that the location of BushMob as a voluntary treatment facility was inappropriate for those attempting to overcome problems with substance misuse. These participants indicated that the location of BushMob placed unfair pressure on an individual whose family may be across the street.

And it is located in one of the most inappropriate places I can think of and we banged on about this for years. I was very proactive in saying do not place that there, it is unfair and if you can show me another treatment service in the country that operates right outside where young people would be engaging in VSA - good job because it's unfair. It's assuming that a young person would not have the strength not to follow where - in particular cultural aspects - not to follow where family are. So it's every time setting them up for failure, you know.
(ID 212, Community worker)

As indicated by this participant, having a voluntary substance misuse treatment facility located in very close proximity to where volatile substance misuse is a

regular occurrence is placing an unfair burden on those attempting recovery. Other community workers agreed that BushMob should not be located where it is, but felt that the benefits of having a town-based treatment centre was worth putting up with the unfortunate location. One community worker stated:

I think that BushMob would agree that they would want to be- they'd prefer to be located elsewhere. But like, if it's all you've got, it's all you've got and it's better than nothing. And I think that BushMob have got clients like that, who at least show up every two or three days and have a shower and someone looks at them and says how bad are you today? But there is some basic monitoring and participation and monitoring of health and well being there...

(ID 204, CAYLUS worker)

However, despite the necessity of having a treatment facility located in town, other community workers expressed frustration at the voluntary nature of the treatment, and the freedom of substance misusers to be able to walk out of BushMob and cross the street back to volatile substances. In many cases, this follows the sometimes protracted process of assessments, treatment applications and court treatment orders as well as numerous meetings between agencies and court visits. In this way, the effort on the part of community workers, criminal justice employees and health workers is undone, by the ease in which substance misusers can leave town-based treatment.

We are now in a position where magistrates won't bail to BushMob... because there is no structure and because we can't ascertain what the treatment program is. So for example I had a young woman a couple of weeks ago... and she was being mandated to treatment at BushMob. She's a very clever young woman. Her mother's a very clever person and she's very supportive. They asked the question what's that look like? What will we be doing? What would she be doing when she's there?... I contacted the agency and... was told that it's a flexible program, we cater to the individual needs, it's fairly fluid. I said well you know I need to know what that looks - she wants to know how her day is structured here. Oh well we sort of do a bush trip on Wednesday and we do - no, that just is not working and as a result of that we're having young people breached left, right and centre which is why now magistrates are going, I'm not bailing to BushMob which is very problematic. Now if you want to name it and call it something else, for example, the BushMob safety house or, you know, where whilst at BushMob we can talk about your drug and alcohol or ganja or volatile substance misuse that's fine, but if you're calling that treatment centre it is absolutely unfair to young people in central Australia.

(ID 212, Community worker)

This participant indicated that BushMob was no longer a treatment centre of choice by magistrates when ordering mandatory treatment, partly due to the

location of the program, combined with difficulty in ascertaining the exact treatment and rehabilitative programs in place at the centre. The frustration with the voluntary residency of BushMob was echoed by other participants, who spoke of individuals being able to 'just walk out and it's just across from Hoppy's camp, so if there's people sniffing at Hoppy's camp they get to jolly walk across the road and join them' (ID 202, CAYLUS worker).

However, restraining individuals against their will, similar to the NSW Compulsory Drug Treatment Program assumes that individuals lack the necessary agency and capacity to be involved in their recovery. In this way, individuals are involuntarily treated in a drug program, which assumes they are constrained pawns, passively receiving treatment.

In contrast, although the VSAPA process of court mandates appears to operate under the same assumption, by compelling substance misusers into treatment, the nature of the mandate is very different. That is, although the courts have the capacity to mandate individuals to appropriate treatment facilities, once a person is in a treatment centre, the court and criminal justice system then withdraws. Therefore, this process gives substance misusers the necessary propulsion to enter treatment, after which it is the responsibility of the program to assume care and attempt to engage individuals in their recovery and treatment. As discussed in previous chapters, this process is in stark contrast to Pearson's (2009) notion of government bureaucratic procedures, which only seek to assume control of all operations, without interest in communities or community members.

However, other community workers praised elements of the BushMob facility, specifically the flexibility that is offered through the program. One participant indicated that he would contact BushMob for their:

... incredibly understanding and flexible sort of approach. I'll even try and ring them about people who are probably the age range that I should be ringing ASSYAS about because I'm just used to BushMob saying yes.

(ID 206, CAYLUS worker)

Another Mt Theo worker expressed how happy they were with BushMob, and the importance of having a town based centre.

Really happy with BushMob's house, that was just so late coming, it's fantastic. But and I will say a but, is that I would like to see a facility where people can be restrained and kept there, you know that is voluntary and a lot of substance abusers will not volunteer to stay in care and some really need to be. And if it's not that, if anything, if worst come to the worst it's the mental health unit and nobody wants that. So I would like to see a facility where they could actually be court ordered to remain there for a certain period of time or family referred or whatever, a bit like Mt Theo but in Alice Springs.

(ID 211, Mt Theo worker)

However, this participant felt that BushMob should have a period of mandatory treatment, in which individuals would not be permitted to leave. This concern was attributed to the fact that substance misusers may be unlikely candidates to voluntarily attend treatment facilities.

Other community workers felt that although the treatment centre should be voluntary, it should be located in a place where leaving treatment is not an option, for example, Mt Theo and Ilpurla. This would allow substance misusers to complete treatment programs and fully detoxify their systems.

A lot of clients that I've worked with in this area do have a lot of trauma and a history of, you know, really full on things happening in their lives that they could really benefit from going through a program of sort of counselling and learning new skills to feel stronger in themselves, yeah. Not that I'm saying that everyone who sniffs feels that way, but yeah... I think Barry's [Ilpurla] is still great because it gives people a chance to really get away and detox, and be away from distractions for a while... but you do just hear of people, you know, coming back into town and then taking up sniffing straight away again. So yeah, it just doesn't take it that extra step, yeah.

(ID 202, CAYLUS worker)

This community worker felt that the best place for a treatment centre was out of town, where a substance misuser would have the opportunity to escape from distractions and everyday difficulties, and also have the chance to completely detoxify their systems. However, the difficulty associated with this is that out of town-based programs often do not have support structures in town, and therefore lack any client followup. In these instances, individuals who have

successfully completed treatment programs out of town in remote areas have returned to town, but faced with the same daily problems that contributed to their substance misuse, have returned to using volatile substances. ID 202 has illustrated how these remote programs do not have the capacity to take the extra step to ensure that people do not start sniffing again when they return to town.

As discussed in a previous chapter, contrary to the NSW Compulsory Drug Treatment Program, there is no capacity to order involuntary treatment at the Mt Theo outstation. However, the geographical location of the Mt Theo outstation and the pressure exerted upon an individual by community and family members virtually ensures that treatment is involuntary for some individuals, whose agency and capacity to exert independence is constrained. The coercive power of communities should not be underestimated, as family and community members shame and cajole individuals to comply. In this way, the involvement of an authoritative community seems to lessen the complexities surrounding issues of autonomy and cultural independence, which were obstacles for family members in attempting to address substance misuse with their own children (Stojanovski 2010). This element, and the 'tyranny of distance' (Stojanovski 2010: 165), are some of the Mt Theo program strengths.

As such, the different elements of the Mt Theo program make varied assumptions about subjects' capacity. The Jaru Pirrjirdi program based in Yuendumu appears to operate under the assumption that individuals are capable agents with self-determination, and as such, assigns them various roles of responsibility within the community. However, the Mt Theo outstation element seems to assume the opposite. This is in part due to the fact that the Mt Theo program often relies on court orders or community and family coercion to compel individuals to attend treatment, which assumes that these individuals lack the capacity for autonomy and rational decision-making, warranting the intervention of external courts as well as community and health support. In this way, these individuals are assumed to be pawns, with constrained power and responsibility. However, once outstation treatment is completed and they return

to Yuendumu, their individual agency is restored, as they become involved with the community and the Jaru Pirrjirdi program, assuming more responsibility.

The strength of community coercion, and the reintegrative follow up support of Yuendumu illustrates the strength of close-knit communities in controlling and regulating behaviour. As discussed in previous chapters, some techniques of social control are able to empower communities with the capacity to determine socially acceptable forms of behaviour, as well regulating the strategies that are focused on regulating community behaviour. In this way, because the Mt Theo program is owned and managed by the Yuendumu community, the collective community is empowered to ensure that community members play active roles within the program. The program is thus an example of empowered queens regulating queens.

As previously discussed, the VSAPA is a unique approach to substance misuse that does not legally coerce individuals into treatment. Similarly, although treatment is made mandatory through court orders and assessments, there are no criminal penalties for those who do not complete treatment. In practice, this does not significantly affect those at Ilpurla or Mt Theo, due to their remote locations. As BushMob is a town-based treatment centre, the non-mandatory treatment affects individuals and the program differently, particularly as it is located across the street from Hoppy's town camp.

However, a critical point to consider is the fact that there is little alternative in Alice Springs and although there are obvious shortcomings in regards to the location and voluntary nature of the centre, as well as the treatment and rehabilitative services offered by the staff that were examined in the previous chapter, there are virtually no other options for substance misusers in Alice Springs. For those who are not of Warlpiri decent who cannot go to Mt Theo, and who do not want to go to Ilpurla, or for those who have attended those outstations and need follow up care within the town centre, BushMob is virtually the only place that is equipped with staff and medical services that has the ability to cater for substance misusers.

What is perhaps needed is a more integrative framework for dealing with substance misusers in Alice Springs, with the capabilities of a case-by-case management and follow-up care for those who have completed treatment in remote outstations such as Mt Theo and Ilpurla. It would be ideal for BushMob to liaise with CAYLUS and develop a system that can provide after care in town. It is not feasible to design a Jaru Pirrjirdi model in Alice Springs due to the different culture and community context, however perhaps some method of peer mentoring or career pathways can be developed with the involvement of both programs, to ensure that a better method of follow up and preventative care is established in town.

6. CULTURALLY APPROPRIATE TREATMENT

Previous discussion in this thesis has addressed one of the main advantages of the VSAPA in empowering communities, through community management plans, which allows the controlling of substances within community designated areas. This element of the VSAPA was examined in relation to the self-deterministic policy approach in having communities manage and control their own areas, which has been highlighted by various Indigenous inquiries as a necessity in successful community strategies (for example, see the 1991 RCIADIC).

In speaking with participants of the current study, it appears that community management plans have had some success, although one policy maker suggested that the success was limited to more remote areas.

Some the remote areas have reportedly good outcomes and some of the urban areas have not good outcomes because it is very easy to just cross the road and go into the next shop and buy the paint or whatever.

(ID 102, Policy maker)

Chapter One suggested that cultural disruption and colonization are increasingly cited as explanations for substance misuse, indicating that the etiology is linked to weakening of cultural connections (Brady 1995). As such, there are

implications for treatment and rehabilitation programs, which must incorporate a cultural reconnection element in order to address this breakdown. Designing culturally appropriate treatment programs can be difficult, as argued earlier, there is no widespread definition of cultural appropriateness. It was also suggested that the idea of cultural appropriateness is constructed in the social and political arena, enacted in order to allow Indigenous people contribution and control over various community programs, depending on political motivations (Cowlshaw 2009 pers. com). In this way, cultural appropriateness can be wielded either as a political 'comfort' concept, or as an assertion of authority (Cowlshaw 2009 pers. com).

Culture is a dynamic and mercurial concept, which can be manipulated and drawn upon in different conditions to fulfill certain political and social agendas. In this way, culture is representative of the past, but embedded in current social and political contexts. As such, cultural appropriateness is a crucial concept for this thesis, as what it means to responding bodies and how they define culture has implications for their potential success. However, a difficulty that has been discussed in this chapters well as preceding ones, is the cultural autonomy and independence of Indigenous people, which makes external interference, particularly from parents and other community members, unwelcome and unlikely to occur (Stojanovski 2010; Brady 1995). This has three main implications for responding agencies.

Firstly, it warrants the inclusion of non-Indigenous, uninitiated community workers, who are free from kinship obligations. As is the case in Mt Theo, a cross-cultural partnership means that these workers are able to coerce and have some additional element of authority over substance misusers, which is lacking from family and community members alone. Secondly, the court mandate process under the VSAPA is a crucial element in overcoming notions of independence and autonomy, as substance misusers defer to an external authoritative voice. Thirdly, any treatment or rehabilitation program needs to address issues with cultural reconnection as well as be aware of issues with traditional culture and personal autonomy.

These elements highlight the importance of accessible treatment, not only in regards to cultural appropriateness, which has implications for the potential success of responding agencies. One key informant indicated that individuals felt comfortable going to BushMob because it is readily accessible, functional and responsive, and attracts other clients that have not only been referred to the facility through the court system.

They're responsive and... those units function well because they're out on the ground and people, you know, know them and they're comfortable using those services... But I know the people respond to those services and I know that - just recently what's his name from BushMob went to this meeting and he read out the figures of people that had just gone to BushMob themselves, you know and that was quite interesting you know? A huge amount of people that weren't actually directed there... People respond to them and they're responsive organisations so that's quite effective when working with Aboriginal people I think.

(ID 103, Key informant)

This participant felt that BushMob's cultural awareness was particularly effective for working with Aboriginal people. As indicated in previous chapters, BushMob accepts voluntary and mandated substance misusers, from all Aboriginal family groups. In contrast, the Mt Theo program is specific for the Warlpiri family group. As such, those who are mandated or who are coerced into attending treatment at Mt Theo are being accepted into a truly culturally and community grounded program, specific for their family group. In this way, there is limited capacity for Mt Theo clients to feel that the program is culturally inaccessible or unresponsive. However, for those non-Warlpiri substance misusers who live in Alice Springs or in other areas of Central Australia, there are limited places to go for treatment. One policy maker stated:

... There are some treatment places that Indigenous people do not like to go, so they run away. But if we had a place or programs where Indigenous people would be happy to go it would be much better. I'm quite aware that we don't have the culturally appropriate places for lots of those people. For some it's fine. For some it's not good... that's probably why lots of people can't be found because they don't want to be found... The only thing that we can do at the moment to get a person to participate is to issue a warrant but only if we can actually see the person and say come for an assessment and if the person says no I don't want to then we can issue a warrant which is then also not a good thing because we do something against the person's will. I don't think we have issued a warrant unless it was absolutely necessary and everybody around considered the person to be at severe risk.

(ID 102, Policy maker)

This participant indicates that there are difficulties in finding culturally appropriate treatment facilities that substance misusers will not attempt to run away from. From the police and government perspective, this can result in warrants being issued for arrests for individuals who do not wish to attend their mandated treatment order. The cultural inappropriateness of issuing warrants is clear, however this participant believes that a warrant would not be issued unless considered necessary by all involved.

As indicated throughout this thesis, the success of the Mt Theo program is largely due to the community ownership and accessibility of the program within Yuendumu. One Mt Theo worker echoed the importance of the community in discussing the success of the program, and the fact that substance misuse in the community was eradicated before Opal fuel was introduced, indicating the strong community responsibility and determination.

When the crisis response aspects have gone - well they're going to be gone - but that you know more and more of those young people are able to deal with those things and they're running youth programs and they're running, you know, workshops and that kind of thing. That's the day we can call it a complete success and we're - do ourselves out of a job - all us, you know, white fella workers. But look the Mt Theo program stopped petrol sniffing in this community before the introduction of Opal which is something that nowhere else has been able to do and they did it through community - grass roots community action and commitment and it's a program that was owned by the community, run by the community and I think that's been the key really to that success. Just an amazing achievement I think and, you know, most of it voluntary.

(ID 209, Mt Theo worker)

This Mt Theo worker attributes the success of the program to solid community commitment. This participant also commented on the cultural appropriateness of the program, and its importance for success. This notion of strong community bonds and dedication was echoed by another participant, who also attributed the success of the Mt Theo program to the strong cultural ties and community ownership of the program.

They've got to agree with the program. And that's why Mt Theo has been so successful - it started from the ground up, it's still run by- run from the ground up, and elders in that community actually run the program. They consult along the line with all those elders, so it's been successful.

(ID 100, Policy maker)

For this participant, community ownership is the key to the success of Mt Theo; that it was conceptualized, initiated, owned and operated by Mt Theo community members and elders. Another factor that was raised by many of the participants in the study was that in Yuendumu, the Mt Theo workers are considered to be a part of the community and family life, are assigned family names and are very familiar with cultural and family ties.

I guess it's about making it easier for people to access and feel comfortable being a part of it. So I mean in Yuendumu... they get to stay in that community where their family already is so then - I mean they get taken out of it to Mt Theo but then when they do come back they're sort of supported to reintegrate into the community. But the workers ... they know their families and they know the language and they know their skin names ... all that important stuff. So they kind of support them to go about their - to keep going about their own lives in the way that they choose, but also enable them to sort of learn new things as well, yeah.

(ID 202, CAYLUS worker)

This participant also felt that this allowed the workers at the Mt Theo program assist those who had completed the program reintegrate back into the community, with the appropriate support. One of the Mt Theo program founders summed up the cultural importance of the program:

The Mt Theo Program is also about acknowledging and honouring Yapa culture, and reconnecting young people with land and *Jukurrpa* [dreaming]. Through the bush experience, Mt Theo strengthened each person's cultural identity.

(Stojanovski 2010: 274)

As indicated by these extracts, program accessibility and cultural connection is essential to its operation, and can be used to indicate its success within a community. One BushMob worker measured the success of BushMob simply by its existence, and that fact that it is accessed by clients. In a previous chapter, the month to month statistics of BushMob were presented, and although other community workers have expressed concern in this section about the location of BushMob and its programs, BushMob still has voluntary substance misusers present themselves at the centre for assistance, and BushMob is one of the only treatment centres in Alice Springs.

If it [BushMob] wasn't doing what they wanted it to do, we wouldn't be here. Like nobody would walk through the door and go right great go home, shut up shop. You know if people stop coming, that's it, end of story... They might still be

sniffing and whatever, but obviously the way that we're doing business it doesn't fit them.

(ID 203, BushMob worker)

This participant indicates that if BushMob was not successful, people would not be mandated for treatment there, and individuals would not voluntarily present themselves for treatment and assistance, or ask to come along on bush trips. This echoes the definitions of successful culturally appropriate programs that one participant raised earlier in regards to Indigenous services, however there are obvious flaws associated with this definition of success. Although individuals may voluntarily arrive at BushMob seeking assistance with their substance misuse, whether the treatment programs offered by BushMob have any sustainable effect on long-term, chronic substance misuse is unclear. There is also little aftercare offered to those who are temporarily removed from their everyday problems and then reintroduced to them.

7. AFTERCARE

What has emerged from discussions with community workers and police is that there is a lack of cohesive aftercare in Alice Springs, particularly when viewed in comparison to the Jaru Pirrjirdi program in Yuendumu. One major drawback to the Mt Theo program, is that it accepts Warlpiri clients from Alice Springs and other communities, which does not have the capacity to offer the same level of follow up care as exists in Yuendumu. One Mt Theo worker stated:

But in town as a general comment, that's what I'd say, that we are really worried if anybody comes back in here. We're worried, very worried and its about the lack of aftercare. You can't assume that people have families who care number one, or families who have any power over them number two, even if they do care. Whereas out there [Yuendumu] there's a community power, if something is unacceptable, community shows its unacceptable and there's zero tolerance on various things, much, much harder in Alice Springs.

(ID 211, Mt Theo worker)

This participant raised the lack of cohesive aftercare supported through community cohesion as a significant concern. Yuendumu community members who attend treatment at Mt Theo, have the opportunity of participating in the Jaru Pirrjirdi program, which provides monitoring, support, diversionary activities as well as career opportunities. However, although substance misusers external to the Yuendumu community can participate in Jaru Pirrjirdi program elements, the individual will eventually have to return to Alice Springs to his or her daily lives and the problems that initially contributed to substance misuse. This is one of the major shortcomings of a program that is widely considered to be one of the most successful substance misuse and preventative programs in Central Australia.

Although the Mt Theo program is a wonderful program and works really well for some young people, there are particular young people, predominantly sort of I suppose maybe Arrrente [traditional owners of Alice Springs] young people that I've worked for, that that program hasn't worked for. So when they disengage from Mt Theo and return back to community they have mostly, by my stats reengaged in substance misuse - volatile substance misuse - or reengaged in high ganja and alcohol use.

(ID 212, Community worker)

This community worker highlights the concern felt by workers in the area who are faced with individuals reengaging with substance misuse once they have completed a treatment program, even with a program with follow up care such as the Jaru Pirrjirdi program. This is mainly due to the fact that although the community power of Yuendumu is highly effective when in Yuendumu, once back in Alice Springs, there is little or no aftercare.

This same concern was echoed by a police officer working in the area, who argued that the majority of the time, non-Yuendumu youth reengage with substances when they are back in their old environments.

Mt Theo has been hailed as the greatest thing since sliced bread and it's also been damned as a complete and utter farce - you know so it just depends on what bit of the continuum that Mt Theo exists in at this point in time because it has seriously been a rollercoaster ride... What's the point in sending a kid to Mt Theo if the moment he comes back into town he can go straight back to his sniffing and that's exactly what happens 90 per cent of the time. You then have to question whether the Mt Theo option is good or bad. In one aspect it's probably good because it offers the community some respite from the kids'

activities - their sniffing activities and the mischief and mayhem that that causes - and on the other hand you think well you know so what? Yes it offers the community some respite but in the long term is it really helping the kid? The answer is probably not apart from five or six weeks of not sniffing.

(ID 300, Police Officer)

This participant indicated that although Mt Theo has been widely hailed as a successful program, the benefits to the individual and community are predominantly short-term, as the Yuendumu follow up care can only cater to those who are in Yuendumu. Once an individual has completed the program, left the community and has returned to Alice Springs, there is virtually no follow up care, which leaves individuals to return to their original patterns of behaviour. However, as has been indicated in previous chapters, for those in Yuendumu, the success of the Mt Theo program has effectively reduced the numbers of petrol sniffers from about 70 to zero across the time the program has been operational (Stojanovski 2010). Further, the program has changed the culture associated with sniffing, which was once the popular pastime in Yuendumu, making it now a marginalized activity (Stojanovski 2010). As a result of this culture shift, the new cool thing to do in Yuendumu is to be involved in the Jaru Pirrjirdi program (ID 210, Mt Theo worker). As one of the program founder stated:

The youth heroes were no longer the king sniffers; they were now the football heroes or the young people running the disco or mixing the music at Warlpiri media.

(Stojanovski 2010: 273)

In this way, within Yuendumu, it appears that there has been a long-term change in culture and behaviour towards petrol sniffing and other volatile substance misuse. However, outside the Yuendumu community, the success seems to be less absolute, as substance misusers lack access to cohesive follow up care programs and support. Further, the Mt Theo and Jaru Pirrjirdi programs do not have the capacity to change the sniffing culture outside Yuendumu: in Alice Springs or in the surrounding town camps for example.

7.1. AFTERCARE IN YUENDUMU

Previous chapters have highlighted the importance of program aftercare and support, particularly for individuals who have completed treatment at remote outstations. This is especially evident in the Mt Theo program, which has a cohesive reintegrative program for those who have completed treatment. Since the initial inception of the Mt Theo program, it has grown to be able to cater not only for those who have been misusing volatile substances, but also those who have been using marijuana, have been involved with domestic violence, or who may be at risk of engaging in these behaviours. The Jaru Pirrjirdi program not only caters for those who have completed treatment, providing mentors and support services whilst individuals settle back into community life, but offers diversionary activities for non-substance misusers, and has the capacity to assist community members find employment opportunities.

One community worker reflected on the various tiers to the Mt Theo program, and indicated that it is a very successful program, in that it provides detoxification, aftercare, and a chance for young people to learn new skills.

I think Mt Theo is a great program. I think they do a really good job, but that's only for Warlpiri people or people with connections - family connections - out that way... They no longer take people away and give them a chance to kind of detox from sniffing but they also have a program in Yuendumu which provides mainly young people but anyone who's sniffed a chance to learn new skills and feel strong about themselves as individuals and as young Aboriginal people. I think that Jaru Pirrjirdi program is a really good one - like it's mentoring and it's about getting people who've stopped sniffing and learnt new skills teaching them then to be mentors for other people coming through... yeah it's hard to get out of because it's physically removed - it's like Mt Theo I guess, yeah.

(ID 202, CAYLUS worker)

This quotation highlights the main program strengths of Mt Theo: its geographical remoteness, its ability to teach new skills and provide support and mentors to those who have completed treatment, as well as its ability to empower Aboriginal people within the Yuendumu community. Another participant also spoke of the youth development side to Mt Theo, as well as the diverse range of clients the program is able to cater for in addition to misusers of volatile substances.

I think, yeah, yeah, just really good youth development – like if there was a Mt Theo in every community, that would be great. It would be great for sniffing, alcohol, marijuana, domestic violence, education, training, satisfying people's needs for useful things, you know, appropriate levels of engagement without being unrealistic and expecting stuff of Aboriginal people that they're not really ready to partake of. That sort of – if there was a Mt Theo in every community, that would be great. And when I say a Mt Theo, it's not like you can impose a Mt Theo model on each community, each community doesn't necessarily need a rehab outstation, but a really good responsive, well resourced youth development program in every community and with an overarching regional support to make sure it all stays on track and stays working. That would be great.

(ID 205, CAYLUS worker)

This participant emphasizes the potential benefits of having a Mt Theo program in every community in terms of its capacity to be responsive and reactive to relevant issues within each community. However, what is also highlighted is the need for each program to be community grounded and appropriate, and the necessity of avoiding imposing Mt Theo models on other communities.

As previously discussed, one of the Mt Theo program strengths is in its ability to provide informal and formal community observation of those at risk of misusing substances, through the mentoring program and strong community bonds. This was illustrated by an event that occurred during the period of my fieldwork, when I travelled to Yuendumu and organized to meet up with the Mt Theo workers. One participant introduced me around the Yuendumu community and as we settled down to conduct a formal interview, the participant received several mobile phone calls from a community member who was concerned about another community member.

The interview was put on hold, and the participant took off in a troop carrier, pausing for other non-Mt Theo concerned community members to jump in, to look for a community member, known in this story as Matt. Matt had been acting strangely for a couple of days and was considered to be at risk of using substances, or 'doing something stupid' (ID 208, Mt Theo worker; fieldnotes 2008). A second troop carrier with more Mt Theo staff members was also out looking for Matt. The issue was resolved when he was located several hours later

and cared for by Mt Theo staff and community members, before anything significant happened (fieldnotes 2008). This event illustrated the proactive response to individuals considered to be at the slightest risk of harm, and the aftercare shown to Matt by Mt Theo workers and other very concerned community members. The community strength of Yuendumu is a very powerful weapon against substance misuse, and incites collective action.

When analyzing participants' responses and perceptions of the Mt Theo-Yuendumu program, it is clear that it is a unique program that appears to be very effective for those who live in Yuendumu. What is also clear is that one of the major shortcomings of the program is that it accepts substance misusers and individuals with other problems from outside the Yuendumu community. Whilst these individuals are cared for by the Mt Theo and Jaru Pirrjirdi program at the outstation facility and within the Yuendumu community, they are part of a program that provides follow up care within a community that has a very strong support network and watches out for each other. Although they are cared for whilst within Yuendumu, once these individuals leave the community, these strong community support networks no longer exist.

Once an individual has completed the Mt Theo and Jaru Pirrjirdi programs, he or she returns to Alice Springs. As examined in earlier chapters, CAYLUS and BushMob are programs in town that are capable of providing limited follow up care. However, although they regularly liaise with Mt Theo workers to discuss particular individuals (ID 209; ID 211 Mt Theo Workers), they must also manage individuals from the town camps or remote communities who are not suitable for the Mt Theo program due to their lack of Warlpiri connections.

There are two possible solutions to the lack of aftercare offered to Alice Springs clients who complete the Mt Theo program, and are then 'throw[n] back into the fire' (ID 211, Mt Theo worker). The first is for the Mt Theo program to stop treating those who are not from the Yuendumu community. Given that the Jaru Pirrjirdi program is one of the strongest elements of the Mt Theo program (Saggers and Stearne 2007) and is based in Yuendumu, it does not seem entirely

fair to treat Warlpiri youth for a few months, and then send them back to Alice Springs where the full impact of Jaru Pirrjirdi program will be diluted, without the power of a cohesive community.

Alternatively, given that there has been one case of community substance misuse in Yuendumu in the past three years (Mt Theo 2009), and therefore the majority of Mt Theo outstation clients come from outside the community, perhaps the Mt Theo program should look to establish an Alice Springs based office. This office would be better placed to liaise with BushMob, CAYLUS and the court system, be better suited to assess potential clients for the Mt Theo outstation, and able to provide a more comprehensive follow up service with clients who have completed the program. This service would also be able to extend the current career pathways section of Jaru Pirrjirdi, whose mentors could potentially be involved in the running of the program and the supervision of clients who had recently exited the program, as well as entering meaningful employment in town.

This thesis has discussed the importance of community-based forms of control in regulating and setting behavioural standards. In addition, social controls form one half of the reciprocal relationship between communities and regulatory strategies, insofar as community groups or social norms regulate formal criminal and regulatory strategies (Lacey 2004). The necessity of considering this argument when examining the Mt Theo - Yuendumu program is associated with the close articulation community control must have with effective regulatory strategies. In other words, as the Mt Theo program is community grounded, owned and operated, there is little room for community dissonance with its regulatory strategies. In contrast, if the program were externally imposed on the community, as has been the case in many other Indigenous policies that were examined in the first chapter, the very standards underlying regulatory strategies may be contested, limiting the regulatory effectiveness (Lacey 2004).

This also highlights the power of compliance manifested through social pressure and community-based controls (Lacey 2004). In practice, this translates to the

coercive power of the Yuendumu community in encouraging substance misusers to attend treatment at the Mt Theo outstation, which is one of the many elements linked to the program's success (Stojanovski 2010). If the Yuendumu community lacked cohesion, the community pressure, control and coercive power would be limited, meaning that individuals could not be effectively coerced into attending treatment. In this way, the social cohesion and community articulation have implications for the potential success of community programs. In contrast, Alice Springs and the surrounding town camps lack the capacity or the necessary cohesion to coerce individuals into attending treatment, and they then rely on external support from agencies such as CAYLUS, who are in a position to request assessments, initiating the VSAPA court mandate process.

8. PAPUNYA

One important issue for consideration for this thesis within the wider context of Indigenous issues, is the remote community of Papunya. During the period of my fieldwork, I had scheduled a visit to Papunya to liaise with and interview the two CAYLUS supported youth workers who, at the time of writing, were living in Papunya. However, the day before my scheduled visit, the youth workers were forced to return to Alice Springs due to incidents within the community that endangered their safety. I was initially eager to visit Papunya because although there is no community-driven outstation program as exists in Yuendumu with the Mt Theo program, I had heard that substance misusers from Alice Springs were often sent there, to work with the youth workers, 'dry out', and have a break from Alice Springs (ID 204, Community worker). Although Papunya was therefore not included in this project, it is well worth a brief examination.

Papunya lies approximately 270 kilometers west of Alice Springs, along the MacDonnell Ranges. Importantly, Papunya was the initial site of the Papunya Tula Western Desert painting movement, through the work of George Barden in the 1970s, which brought the community international recognition, although

Papunya Tula disappeared in the 1980s (Skelton 2010). Prior to the rollout of Opal fuel in 2005, Papunya experienced problems with petrol sniffing, which left the community in disarray. In 2003 Alison Anderson, the Commissioner of the Aboriginal and Torres Strait Islander Commission (ATSIC), who was raised in Papunya and later became the MP for MacDonnell, estimated that half the population of Papunya was sniffing petrol (ABC News 2003).

Whereas the Yuendumu community, led by Peggy Brown, Johnny Hooker Creek and Andrew Stojanovski, had the capacity and collective strength to form the Mt Theo outstation and youth program, Papunya seemed to lack the organizational structure to cohesively implement a community-grown intervention. Instead, Papunya experimented with public shaming, to which the response was attempted suicides (Skelton 2010). In 2005, one community resident estimated there were up to forty attempted suicides per year (cited in Skelton 2010), which indicates the level of community dysfunction and destruction to which substance misuse contributes. There also appeared to be community contention about the best way to respond. Whilst the Yuendumu community had been able to come together and agree that the way forward was in community strength and community solutions, only some in Papunya seemed to view the problem this way.

These residents seemed to recognise that 'life in Papunya would not improve until Aboriginal people themselves found a way forward' (Papunya resident cited in Skelton 2010: 11), whilst others seemed to blame the Territory and Federal Government for their ineptitude in dealing with the 'sniffing crisis' (Skelton 2010: 94). In addition to the problems caused by inadequate housing, lack of education and health, it later appeared that there was lack of community solidarity at best and mismanagement of community funds at the worst (Skelton 2010). This is particularly in regards to the community driven night patrols, which had government funding but rarely operated. According to Russell Skelton, a journalist who has spent time in the Papunya community and investigated the funding of absent programs, Papunya:

...had received funds to operate a night patrol, but for the most part it had been a phantom activity conducted only on paper. The disconnect between paid-for programs and reality on township streets was well known in and outside the community, but authorities looked the other way. In 2002 the council spent... \$35,000 on a new four-wheel-drive vehicle complete with a cage (one of several purchased for the 'night patrol' over the years). The vehicle was used briefly before being commandeered for another purpose... eventually it became the personal vehicle for one prominent member of the community who was supposed to run the patrol but never did.

(Skelton 2010: 96-97)

Although some Papunya elders wanted cohesive community action, they and the community council lacked the collective capacity to deliver or develop a comprehensive strategy. Skelton (2010) suggests that over the years there has been a gross mismanagement of funds, corruption, and a lack of community care and governance by Papunya's council.

Regardless of whether these factors may have existed in Papunya prior to the rollout of Opal fuel, the crucial point for this project is again the importance of community empowerment and collective capacity, which was lacking in Papunya. In contrast, it is evident from the previous few chapters that Yuendumu, although being similarly affected by petrol sniffing, lack of adequate housing, education and health, had the community strength and solidarity required to initiate effective community action.

Following the introduction of Opal, petrol sniffing in Papunya declined and is now almost non-existent (ID 206, Caseworker; fieldnotes 2008). As a result, CAYLUS often liaises with their Papunya placed youth workers and has the capacity to encourage petrol sniffers in Alice Springs to go to Papunya (ID 204, Community worker). This seems to be an alternative to seeking formal assessments and mandated treatment orders, and is a way in which petrol sniffers can 'go bush' without being court ordered to do so. In this way, sending individuals to Papunya is useful as a step before seeking formal intervention, and is a way in which the community is included in the wider approach to volatile substance misuse.

9. THE NORTHERN TERRITORY INTERVENTION

Another issue that needs to be considered for the potential impact it may have on volatile substance misuse programs is the Northern Territory Intervention. As mentioned in a previous chapter, in 2007 as a response to Wild and Anderson's 2006 report *Ampe Akelyernemane Meke Mekarle (Little Children Are Sacred)*, the Federal Government initiated a 'Northern Territory National Emergency Response', informally referred to as the 'Intervention'. Under this Intervention, supposedly to address child sexual abuse in some remote Northern Territory communities, was the provision to quarantine Indigenous welfare payments, increase law enforcement and scrutinize land agreements. Although initiated by Wild and Anderson's 2006 report, and widely publicized to be addressing the complex issues raised in the report, the Intervention only implemented two out of ninety-seven recommendations made by Wild and Anderson.

The current research began in 2007, and the impact of the Intervention on the research process has been discussed in Chapter Three. However, it is important to examine whether the Intervention had any effect on the volatile substance misuse programs.

One participant indicated that due to the increase in Government funding to the Northern Territory, there might be the opportunity to divert some funds to substance misuse strategies. This participant stated:

... there's so many resources there it's actually our one opportunity to roll out those services that are really needed and so it could affect the levels of sniffing by implementing the measures that will keep it permanently away. It hasn't done that so far but it's probably the one political opportunity we will have - like we're not going to see a \$1 billion - \$1.5 billion wash through our communities again and so far it's just sloshed in one door and out the other, yep.

(ID 204, Community worker)

Another community worker indicated that the Intervention might have positive ramifications due to the possibility of increased rehabilitation services and availability of outreach programs (ID 209, Community worker). Another youth worker agreed with this perspective, and discussed the increased number of

sexual assault counselors available (ID 213, Community worker). One Mt Theo worker discussed how the Intervention had significantly increased the workload for Mt Theo. This participant stated:

It did increase our level of services exponentially... because there was such a sense of unrest and confusion in the community and people were really hurting... We required more people to do counselling for teenagers just because they were acting up because they were so upset. And perhaps it wouldn't have been unusual to spend half of every day just sitting in our office talking to community members about what it all meant. Because we didn't know, they didn't know, nobody knew... the only positive that came out of it was some funding for infrastructure for youth programs in Nyirrpri and Willowra that we'd been waiting on for a long time and that seemed to be the catalyst... that overall sense of community disempowerment impacted on our program... they know they can do this stuff you know and you know they have answers; they solved petrol sniffing for heavens sake. And then these people come in and try and tell them what to do.

(ID 211, Mt Theo worker)

This participant highlighted how the Intervention had undermined community empowerment and autonomy, which is particularly devastating for a community that had the capacity and collective strength to eradicate petrol sniffing. However, the potential for increased funding for Central Australian programs was also discussed as a possible positive of the Intervention.

Another issue that was discussed as a potential positive of the Intervention was that it might have the capacity to interrupt sniffing patterns, by dispersing local populations (ID 100, Policy maker). However, one police officer felt that this was not a strength of the Intervention, but a potentially harmful aspect, which has increased the instability of petrol sniffing populations and could lead to more damage through dispersal (ID 300, Police officer). Another police officer spoke of the increased numbers of police across Central Australia, which should have the effect of mitigating the misuse of volatile substances (ID 301, Police officer).

There were also several participants who did not think that the Intervention would have any significant impact on volatile substance misuse at all (ID 200; ID 209; ID 212, Community workers).

In discussing the Intervention, Cowlshaw argues:

Naming shameful conditions, and publicly displaying the problems of 'dysfunctional communities' led to great pain and embarrassment, as Indigenous people everywhere were tarred with the same brush. Objections were dubbed whitewashing as the simplistic glare of moralizing, politicized public discourses prevailed.

(Cowlshaw 2009: 240)

This quotation illustrates the hurt associated with the Intervention, which was also highlighted by a participant in this study. The hurt and betrayal associated with the Intervention was not limited to participants, but was also felt by Wild and Anderson, with their report being used to justify the Intervention (Maddison 2009).

In sum, participants felt that the NT Intervention would be associated with both positive and negative aspects, which could potentially affect volatile substance misuse through increased funding and support workers in the area, but disempowered community members through the restriction of their personal autonomy and application of blanket policy strategies to a broad and complex population. Perhaps the best summary of the Intervention and its effect on volatile substance misuse is given by one participant, who stated: '... there's a lot of good and there's a lot of crap' (ID 203 Community worker).

CONCLUSION

This chapter has examined the different elements that contribute to the successful operation of programs or appear to be limiting their success. Previous chapters have discussed the difficulty associated with responding to substance misuse among a population that has very strong notions of autonomy and independence. Controlling substance misuse in Indigenous communities can be problematic for this reason, which has four main implications important for this thesis.

Firstly, that parental and family control of substance misuse is unlikely to be effective among this population, due to their reluctance to impose external views on an individuals' autonomy and right to do with his or her body what they wish (Stojanovski 2010; Brady 1995). Secondly, the use of cross-cultural community workers, who are free from kinship obligations and are uninitiated, as in the case of Mt Theo, is an effective way of overcoming these barriers. Thirdly, the process of court mandates is another way in which an external authoritative voice can overrule notions of independence and autonomy, compelling individuals into court ordered treatment. Finally, all treatment and rehabilitation programs need to be aware of these cultural issues when approaching substance misuse within this population. These factors point to the Mt Theo program as a program that has incorporated these elements into its approach.

This thesis has argued that the process of court mandates and treatment orders is a way in which the state is able to limit its interference in substance misuse by initiating the treatment process, and then withdrawing. In this way, court mandates give substance misusers the necessary propulsion to enter treatment, after which it is the responsibility of the program to assume care and engage individuals in their recovery and treatment. As previously discussed, this process is in stark contrast to Pearson's (2009) assertion that government bureaucracies only seek to assume control of all operations.

Although the court mandate process appears to operate under the assumption that individuals lack the capacity for rationality and self-determination as they are made the subject of assessments and subjective opinions on their levels of risk, which then affects their entry into treatment programs, this process is most likely initiated by knightly motivations. In other words, although the courts and assessors are benefited by their lack of unnecessary involvement in follow up care, and thus avoid more responsibility in an already overstressed system, the difficulty in limiting government interference to mere propulsion indicates that those involved may have altruistic motivations, by attempting to benefit the collective community, rather than merely their own situations or political popularities.

This chapter has also argued that a combination of long and short-term responses is the best approach to volatile substance misuse, although in practice, programs that have the capacity to respond to the immediacy of the problem may not have the necessary resources to respond long-term. CAYLUS was examined as a possible exception, which has the capacity to support individuals in a long-term case management context, as well as supporting at least 19 remote communities in terms of youth workers, youth programs and diversionary activities. Similarly, Mt Theo was analyzed as a program that has the capacity to address acute and long-term responses, through the outstation and Jaru Pirrjirdi program. The key to the success of the Mt Theo program appears to be the community commitment, empowerment and ownership of the program.

As discussed throughout this thesis, community-based controls are essential in successful regulatory strategies, as they form one half of the reciprocal regulatory monitoring relationship. Further, regulatory strategies that have a close articulation with community groups are likely to have increased potential for success (Lacey 2004). In regards to Mt Theo therefore, a community that has designed its own response, there is collective commitment to the project, indicating a strong potential for success as evidenced by the measures of success discussed in the previous chapter. The Mt Theo program is an example of an approach to substance misuse that has incorporated various strategies and has the capacity to address the long and short-term effects of volatile substance misuse.

Although Mt Theo has the capacity to incorporate supply and demand reduction responses, Opal fuel has also played an integral role in the response to substance misuse. However, this chapter has examined several factors that are limitations to its complete implementation. These included a lack of premium substitution for a low-aromatic alternative, availability of premium unleaded intoxicating fuel in Alice Springs, as well as the availability of regular unleaded aromatic fuel in some areas across Central Australia. These elements highlighted the fact that Opal cannot address volatile substance misuse alone, and needs to be

implemented within a range of other strategies, which in the majority of areas it has been.

Further, this thesis has also argued that the implementation of Opal fuel appears to be initiated by more altruistic motives, as the policy has greater benefits for the community rather than policy makers and government, who suffer the financial loss of subsidization. However, there is the possible seduction of the benefits associated with political popularity, which may underlie this subsidization. In this way, the fuel subsidy may be driven by both knightly and knavish motivations (Le Grand 2003). Further, this element of product substitution seems to constrain individuals' agency and capacity for independence through restricting access to substances.

Another element that was examined in this chapter as a factor that possibly contributes to the potential success of a program is the location of treatment centres. This has emerged in participants' responses throughout the thesis, particularly in regards to BushMob, contentiously located in the centre of town, opposite a notorious petrol sniffing town camp. In this way, the location of treatment programs has broader implications for the potential success of the programs, particularly when some treatment facilities are remotely located, which not only affects the day-to-day operations of the program, but also limits the opportunity of substance misusers leaving the program even though there is technically no involuntary treatment. This points to the strength of remote communities in having the capacity to coerce community members into attending treatment, which is particularly important when considering that the process of court mandates does not require individuals to be held against their will. In this way, the strength of a united community coercing an individual to attend treatment, such as Mt Theo for example, has greater influence over a substance misuser than the process of a court mandate and lack of involuntary treatment, such as BushMob.

Although individuals coerced or mandated into Mt Theo have little option but to complete treatment to the satisfaction of the program elders, those who attend

treatment at BushMob as a centrally located facility must make a commitment to the program for it to be successful. Individual commitment to rehabilitation has been highlighted as a contributing factor in overcoming drug dependency in previous scholarly research (for example see DiClemente et al 2004). In this way, although BushMob lacks the coercive power of a cohesive community as exists in the Yuendumu community, the fact that individuals must be committed to their rehabilitation has implications for the success of the program, insofar as those committed to their treatment are more likely to recover than those coerced into attending treatment. However, this study did not have the scope to collect data from BushMob to illustrate whether this is the case.

Another issue that has been highlighted throughout this thesis is the importance of cultural appropriateness of programs. Increasingly, cultural disruption and colonization are cited as explanations for substance misuse, indicating that a weakening of cultural connections is linked to the etiology of misuse (Brady 1995). This has broader implications for treatment facilities, which must address these weakening bonds in rehabilitation programs. The difficulty as discussed throughout this thesis, is that there is no easily definable concept of cultural appropriateness: this thesis argues that culture is a malleable concept that can be applied in political and social situations to represent different constructs. As such, it is essential to have culturally accessible treatment facilities, which has broader implications for the potential success of responding agencies. For example, Mt Theo is inherently culturally accessible because it was designed by community members in response to the problems that were most important.

Another issue that was addressed in this chapter was the lack of aftercare facilities in Alice Springs, particularly in comparison to the Jaru Pirrjirdi program in Yuendumu. This is particularly important as the Mt Theo program accepts Warlpiri clients from Alice Springs and other communities, but returns them back to these communities which lack the capacity to offer the same level of follow up care as exists in Yuendumu. This is one of the major limitations of a program that is widely considered to be one of the most successful substance misuse and preventative programs in Central Australia.

Although Mt Theo has a cohesive reintegrative program for those who have completed treatment in Yuendumu, providing mentors and support services whilst individuals settle back into community life and offering diversionary activities and career opportunities, there is no capacity to extend this aftercare and support to clients who live in Alice Springs or other communities.

This chapter discussed another advantage of community monitoring within Yuendumu, which is a strength of the Jaru Pirjirrdi program. In this way, the community has the ability to provide informal and formal community observation of those at risk of misusing substances, through the mentoring program and strong community bonds. The strength of a community united against risky behaviours is a very powerful weapon against substance misuse, and incites collective action. However, this is lacking in Alice Springs.

The lack of cohesive follow-up care in Alice Springs could be addressed in three ways. Firstly, this chapter has argued that due to the fact that there is little alternative in Alice Springs, BushMob is the best option for substance misusers who are not of Warlpiri descent, who cannot go to Ilpurla. In this way, it would be ideal for BushMob to liaise with CAYLUS and develop a system that can provide aftercare in town, which is severely lacking from the urban approach to volatile substances. There is a lack of community cohesion in Alice Springs due to town size and the differences in community and cultural contexts, and as such, it is not feasible to design a Jaru Pirrjirdi model in town. However, perhaps some method of peer mentoring or career pathways can be developed with the involvement of both BushMob and CAYLUS, to ensure that a better method of follow up and preventative care is established.

Secondly, the Mt Theo program could stop treating those who are not from the Yuendumu community. Given that the Jaru Pirrjirdi program is one of the primary advantages of Mt Theo program (Saggers and Stearne 2007) based in Yuendumu, clients from Alice Springs are not able to realize the full benefits when they do not reside in the Yuendumu community. Thirdly, there is the possibility that Mt Theo can establish an Alice Spring based office. This office

would be better placed to liaise with BushMob, CAYLUS and the court system, be better suited to assess potential clients for the Mt Theo outstation, and be able to provide a more comprehensive follow up service with clients who have completed the program. This service would also be able to extend the current career pathways section of Jaru Pirrjirdi, whose mentors could potentially be involved in the running of the program and the supervision of clients who had recently completed the program, as well as finding meaningful employment in town, and establishing other useful contacts.

This chapter has presented a cohesive analysis of successful and unsuccessful elements of the responses to volatile substance misuse. The following chapter will make concluding comments and provide a direction for future policy and research.

CONCLUSIONS

This thesis details the findings of an empirical study, which has examined the current responses to volatile substance misuse in the Alice Springs town camps and surrounding areas. In doing so, this thesis has analyzed the programs and services that are an on-the-ground response to substance misuse, as well as the broader *Volatile Substance Misuse Prevention Act* (VSAPA) 2005 (NT), which is a coordinated, legislative response to substance misuse. This thesis has examined the relationships between the different responding bodies, including police, policy makers, community members and community workers, and has identified areas in which the current response to substance misuse is working well, and where it could be improved. Crucially, this thesis has also examined how assumptions of agency and motivation affect the potential success of substance misuse programs. In this way, this thesis has extended the current theoretical understanding by approaching the problem from a regulatory perspective, in a culturally informed way.

This final chapter will provide some concluding remarks as well as identify insights for possible future research directions, and will begin by reconsidering the aims and research questions that were proposed at the beginning of this thesis.

1. AIMS AND RESEARCH QUESTIONS

The purpose of this project was to empirically examine the current responses to volatile substance misuse in an Aboriginal community and determine their levels of success. This broad research aim was directed by three specific research questions:

- Is volatile substance misuse a problem at the town camps / community?
What is the extent of the problem?

- What interventions are in place at the town camps / community? Are these interventions successful in regulating volatile substance misuse? What are the measures of success for the interventions?
- How do assumptions of subject agency and policy motivation affect the potential effectiveness of the programs?

The following discussion will address these questions.

2. APPROACHING THE PROBLEM IN CENTRAL AUSTRALIA

Previous chapters have examined the way in which legislative changes in the Northern Territory were brought about through the *Misuse of Drugs Act* (1988) NT and the *Volatile Substance Abuse Prevention Act* (2005) NT. As previously analyzed, a petrol sniffing inquiry in 1985 stated that volatile substance misuse had assumed ‘epidemic proportions’, which required immediate attention (Senate Committee 1985: 231). At the time, there was a general lack of public awareness about volatile substance misuse, due to a ‘policy of silence’ that governments had adopted in response to international reports about the widespread effects of publicly disseminating drug-related information being linked to the initial spread of substance misuse in America (Senate Committee 1985: 81). This public censure was strongly contested in the 1985 Senate Inquiry.

Other recommendations made by the 1985 Senate Inquiry led to the development of section 18 in the *Misuse of Drugs Act* (1988) NT, although under a conservative Northern Territory Government, this legislative change took three years from the Senate Inquiry to come into effect, and did not implement the other cohesive and community consultative recommendations as suggested by the Inquiry. Section 18 addressed the criminalization of the supply of volatile substances, and in practice, did not seem to have a significant effect on substance

misuse across Central Australia, which continued unabated. Further, under the MDA, police and community workers lacked the necessary authority to intervene when they witnessed individuals misusing substances. Therefore, the MDA was useful only when individuals were found to be supplying petrol to those who would misuse it, and community workers relied heavily on cooperative police to coerce substance misusers into treatment through the use of bail bonds and court orders (Stojanovski 2010), although these police risked trouble for themselves by becoming involved (ID 205, Community worker).

In 2001 the Northern Territory had its first change of state government since its separation from Federal Government in 1974. Since the 1970s, the Northern Territory had been under an elected conservative Country Liberal Party, which held the majority of seats until 2001, when Clare Martin was elected with the Australian Labor Party. This change in government, moving the Northern Territory away from its more conservative past, most likely contributed to the increase in reports and inquiries into volatile substance misuse, and in particular to the implementation of the *Volatile Substance Abuse Prevention Act* (2005) NT. The VSAPA not only addressed the supply of substances, but was also a coordinated, multi-agency response to substance misuse, involving the empowerment of communities, involving police, health and community workers.

The VSAPA was implemented in 2005 following a 2004 Select Committee Inquiry into Substance Abuse in the Community, pointing to the relative efficiency of its development, particularly in contrast with the three year delay in the development of section 18 of the MDA following the 1985 Senate inquiry. Following the 2001 change in NT government, the newly elected ALP provided the different political climate necessary to facilitate a Senate Inquiry, and efficiently implement innovative policy recommendations and legislation. Another factor crucial to the development of the VSAPA was in its conception, which was by Marion Scrymgour, a member of the Northern Territory Legislative Assembly and Deputy Chief Minister of the ALP from 2007 to 2009. Scrymgour was raised in a remote community and witnessed firsthand the extent of the community disruption brought about by volatile substance misuse.

Through chairing the 2004 Senate Inquiry, Scrymgour brought personal practicality and applicability to the VSAPA that would have been impossible had she not been involved in its design. This personal policy motivation gave the VSAPA a uniquely innovative quality, as well as elements such as community ownership and management, and a cohesive role for police, health workers and policy makers that have not been seen in other areas of drug policy.

This concluding chapter will now comment on the specific themes that were discussed and analyzed throughout this thesis that are crucial for the development and implementation of successful strategies that address volatile substance misuse in Central Australia. Although the thesis makes a valuable contribution to volatile substance misuse policy in this area, the chapter will also consider the broader implications of this approach, in particular the applicability and contribution to broader issues of Indigenous policy and justice.

3. ASSUMPTIONS

This thesis has examined various regulatory techniques that have been applied to volatile substance misuse in different ways, depending on the regulatory objective and motivation of policy makers. What has emerged from an analysis of these methods is that the majority of the approaches make assumptions about the regulatory capacity of agents, presuming they are rational and responsible, with the capacity to make informed decisions. In other words, they are presumed queens, who are held accountable for their actions, particularly in areas of criminalization (Lacey 2004). However, although in many regulatory settings individuals are assumed to be queens, they are treated and regulated as pawns; that is, those who lack consultation and contributive, self-deterministic power, regulatory subjects who are passive and assumed to be detached from the regulatory process. Regulatory policy that operates under these assumptions runs the risk of inspiring individuals to behave as knaves, in order to avoid

regulatory penalties and restrictions, as well as being demoralizing and frustrating for those who have the capacity for agency and independent autonomy (Le Grand 2003).

In responding to substance misuse, assumptions are made by the different programs about subjects' regulatory capacity. As argued in this thesis, the VSAPA's process of assessments and mandating treatment through court orders removes an individual's agency, and assumes that through the process of an assessment, that individual should temporarily forfeit their autonomy and right to self-determination, as they are deemed of being at risk of severe harm. In this way, this process forces an individual to involuntarily assign their agency to a third party, who will then make decisions on their behalf. As such, under the VSAPA, once assessors decide that an individual is at risk, individuals have little authority to make their own decisions, and are passive pawns in the system of mandatory treatments, where others decide what treatment, how much, and delivered by who, is in their best interests (Le Grand 2003).

Although this process of court mandates and treatment orders seems to operate under the assumption that individuals lack the capacity for rationality and self-determination, as they are the subject of assessments and subjective opinions on their levels of risk, this process is most likely initiated by knightly motivations. In other words, although the courts and assessors are benefited by their lack of unnecessary involvement in follow up care, the difficulty in limiting government interference to mere propulsion indicates that those involved may have altruistic motivations, by attempting to benefit the collective community, rather than merely their own situations or political popularities.

In contrast with the VSAPA, if an individual has been mandated to attend treatment, BushMob does not restrain an individuals' agency and autonomy, but rather seems to restore it. Once the court has initiated the treatment process and mandated an individual to BushMob, by not involuntarily confining individuals to the program, BushMob seems to restore their voice, by allowing substance misusers the choice of leaving, and thus having a say in whether they receive

treatment, for how long, and whether they shall receive it from BushMob at all. This empowers individuals to be active agents at BushMob, who are assumed to be queens, in charge of their own rehabilitative decision-making, and responsible for being actively involved in their treatment. BushMob clients are also forced to overcome the temptation of the sniffing camp across the street, and in this way, must actively participate in their own recovery. In contrast, the clients of Mt Theo and Ilpurla are physically incapacitated, at least to some extent, by the geographical isolation. However, although mandated clients may similarly lose elements of their agency and autonomy, individuals at these two treatment centres may still retain some independence and responsibility by participating in small everyday decisions relating to their recovery process, and as such can be considered as agents within their constrained situation.

Similar to BushMob, CAYLUS actively assists the empowerment of communities, and helps community members find their voices by assisting them in lobbying governments, writing letters, campaigning for supply reduction and increased funding for youth workers. In this way, CAYLUS does not assume any individuals are passive regulatory subjects, although they do have the capacity to apply for VSAPA assessments for individuals who may be at risk of severe harm.

The Mt Theo program has two fundamental elements, which have different constructions of subjects' agency. The Mt Theo outstation constrains an individual's agency and ability to be self-deterministic, through community coercive powers that compel him or her into treatment. In this way, for those individuals who sniff, use substances or who are at risk of doing so, have limited their right to individual capacity and independence, similar to the process of courts deciding who, where and how much treatment should be delivered under the VSAPA. These individuals are then treated as passive pawns, as they are coerced or mandated into attending treatment. However, although this element of the program assumes individuals lack capacity, individuals who attend treatment can still make rational choices which are constrained within the mandated or coercive situation they are in. This overrides any cultural autonomy

that individuals have over their 'right to sniff' or use substances (Stojanovski 2010: 68; Brady 1995).

In contrast, the other Mt Theo program elements – Jaru Pirjirrdi, youth programs, mentoring, night club and so on – restore or empower an individuals' agency and autonomy, sense of responsibility to the community. Once an individual has completed the Mt Theo program, they are welcomed back into Yuendumu, and are gradually restored with personal authority and agency through the Jaru program, and become powerful queens responsible for the program elements and to the community, through night club and the mentoring of others. In this way, Yuendumu community members are never really independent of their community, as community members watch out for each other, and are compelled into treatment if they are perceived to be at risk of misusing substances. As such, the sense of collective responsibility and the power of community capacity ensures that those within the community are active agents – queens, regulating queens.

However, contrary to Mt Theo and CAYLUS, Ilpurla seems to assume individuals within the program lack capacity, and treats them as passive pawns, at least for the duration of their stay. However, pawns are not completely socially determined or without limiters, and within the context of the program individuals' agency and capacity is constrained rather than completely removed. In this way, those at Ilpurla can make small everyday decisions, although the primary authority of the program resides with the program operators, which suggests that Ilpurla is a case of queens regulating pawns. Based on discipline, hard work and the teaching of new skills, the program allows little room for individual authority, agency and capacity, although there must be a sense of responsibility fostered among clients in order for individuals to be willing to learn. However, once individuals leave the program and return to Alice Springs or other communities, and find themselves with the capacity to reuse volatile substances, or implement their acquired skills, their agency is completely restored.

4. EMPOWERMENT

A crucial theme that has reemerged throughout this thesis is the importance of empowering, consultative, community-based regulatory strategies, and the fact that these programs are more likely to be effective as they are designed for the community, and are commonly community driven and owned. The significance of community ownership and empowerment cannot be understated, as individuals are actively engaged, are self-determined agents who are involved in the regulatory process, and are not passive policy recipients. In this way, active queens should be the recipients of policy, who are also involved in the design and implementation of regulatory strategies, which is delivered by knights. However, as discussed throughout this thesis, there are few regulatory strategies that view subjects with this level of capacity, or deliver policy with complete altruism. The exception to this is the Mt Theo program, which is an example of a program that is community grounded, owned and operated, and it is this set of indicators that were consistently discussed by participants as pointing to the program's success. The Mt Theo program was established by community elders and is a responsive program, motivated by altruistic policy and community workers, who aim to work themselves out of a job (ID 209; ID 210, Mt Theo workers).

Another element that contributes to the ability of individuals to be empowered and committed to their treatment and rehabilitation, having broader implications for the potential success of a program is the location of treatment centres. This has emerged in participants' responses throughout the thesis, particularly in regards to BushMob, contentiously located in the centre of town, opposite a notorious petrol sniffing town camp. In this way, the location of treatment programs has broader implications for the potential success of the programs, particularly when some treatment facilities are remotely located, which limits the opportunity of substance misusers to leave the program even though there is technically no involuntary treatment. Although individuals coerced or mandated into Mt Theo have little option but to complete treatment

to the satisfaction of the program elders, those who attend treatment at BushMob as a centrally located facility must make a commitment to the program for it to be successful.

Individual commitment to rehabilitation has been highlighted in previous research as an important factor in overcoming drug dependency (for example see DiClemente et al 2004). In this way, although BushMob lacks the coercive power of a collective cohesive community as exists in the Yuendumu community, the fact that individuals must be committed to their rehabilitation has implications for the success of the program, insofar as those committed to their treatment may be more likely to recover than those coerced into attending treatment. However, although this warrants further investigation, elaboration of whether this is the case was beyond the scope of this thesis.

5. COMMUNITY-BASED CONTROLS

Another element that emerged throughout this thesis was the essential role played by community groups in regulating and controlling regulatory strategies. This is a way in which social groups create community-based controls, which in turn affects the creation of social norms and the degree of the wider society's compliance with them. In this way, the effectiveness of any criminal law that is in dissonance with community-based norms will be limited (Lacey 2004). That is, lack of effective communication and articulation with community groups can constrain the potential of regulatory strategies, which is a way in which community-based controls regulate formal regulatory practice.

In this way, social forms of control empower community groups to act as queens of their own regulatory spaces and communities, with agency and self-determination, as well as the capacity for community consultation and rational action. This is crucial for this thesis, as it has argued that the strength of the Yuendumu community was an essential factor in the success of the Mt Theo

program. The community not only has the strength of collective agency, but also the capacity to self-govern. This also has implications for the potential success of the VSAPA, which support Yuendumu and My Theo community policy, such as authorized persons status, community management plans, and the formalized capacity to mandate individuals to outstation treatment, which limits community dissonance with criminal law. Just as the community is able to regulate the strategies that regulate the community, these strategies that align with community interests are reinforced by police support, which have broader implications for the potential success of these programs.

6. REVOLUTIONIZED APPROACH TO VOLATILE SUBSTANCE MISUSE

This thesis has examined the previous approaches to volatile substance misuse and the changes that were implemented in the Northern Territory under the *Volatile Substance Abuse Prevention Act* (2005) NT. The thesis has argued that unlike other legislative approaches which have tended to formalize informal practice, the VSAPA revolutionized the approach to volatile substance misuse. It required a mandated role for police, broadening their powers to allow a greater choice of response; it empowered communities to be able to control what substances are permitted within designated areas, which then became legally enforceable. It also deputized everyday citizens with 'authorized person' status, and allowed courts the necessary authority to intervene and mandate treatment for those considered at risk of severe harm, following health assessments, with no adversarial penalties if they refuse to go. In these ways, the VSAPA is a uniquely innovative response not only to substance misuse, but also drug use, with a multi-faceted approach incorporating health, community workers, police and community members into what appears to be a success story.

In many of these ways, the VSAPA is truly unique and innovative. The more traditional process of court mandates and orders differ in the context of the

VSAPA. Although the court has the capacity to mandate an individual into treatment, for which police warrants can be issued and are enforceable, once that person is in treatment they are under no legal obligations to stay. In this way, the process of court mandates under the VSAPA provides the necessary conditions for appropriate Indigenous interventions. In other words, if an individual is at risk of severe harm and is court ordered to attend treatment, the mandated treatment order provides the necessary propulsion for that person to enter an appropriate treatment program. The court system and government then withdraws, and allows the treatment facility the opportunity to assume control and responsibility for that person and their rehabilitation.

This process is in clear contrast to Pearson's assertions of state roles in Indigenous policy areas, which serve to control and oppress incapable and powerless Aboriginal people (Pearson 2009). Further, Pearson (2009) also suggests that bureaucracy is unable to simply provide services and facilitate decision-making without assuming authority. As clearly evident in the unusual process of court mandates and treatment orders under the VSAPA, once an individual has entered treatment, the state withdraws, leaving that person in the care of appropriate treatment facilities. If they choose to leave treatment, they face no adversarial consequences. In this model therefore, the state performs a unique role whereby it provides the conditions necessary for change, and then removes itself, leaving the person to the care of the appropriate treatment program.

Another element that is crucial to consider when analysing the VSAPA is the extent to which it allows for community involvement. The importance of community contribution to any Indigenous program was highlighted in the 1991 Royal Commission into Aboriginal Deaths in Custody (RCADIC), which emphasised a need for governments to consult with Aboriginal communities in the construction of policy guidelines and frameworks (Johnston 1991). The VSAPA aligns with these recommendations, and as argued in this thesis, the VSAPA differs from Indigenous legislation that has preceded it (such as the *Misuse of Drugs Act* (1988) NT) and followed it (for example the Northern

Territory Intervention), in that it was developed with community consultation and negotiation, and implemented with community support. Although the VSAPA was in a sense created from a 'top-down' approach, which is usually in opposition to self-determination (Maddison 2009: 486), the fact that the VSAPA was driven by Marion Scrymgour from the Northern Territory government, who was raised in a remote Aboriginal community, gives the VSAPA a community grounding and unique approach that is very rare to not only Indigenous, but self-deterministic policy.

The VSAPA has also had broader implications for policing practice, insofar as police are now mandated a role under the umbrella of a harm minimization approach. As examined throughout this thesis, prior to the VSAPA police were not formally included in the response to substance misuse, which was more focused on the criminalization of supply under the MDA (1988) NT. However, the current police attitude to their role under the VSAPA is in contrast to other documented accounts of police responses to harm minimization. Under the VSAPA, police seem to define the problem primarily as health issue, warranting a health and community response with police as backup to intervene with the 'fall out'. The reluctance of some police to be the primary responding body to substance misuse may be due to their history of minimal responsibility for substance misuse under previous approaches, and a general reluctance to be involved in policy that does not have a focus on criminalization.

7. CROSS CULTURAL RELATIONSHIPS AND PROGRAM ACCESSIBILITY

A crucial element that has emerged through an analysis of responding programs and particularly in regards to Mt Theo is the importance of cross-cultural working relationships in successful strategies. The necessity of these relationships is not only due to the inherent difficulties with kinship and family obligations, making management positions difficult for Aboriginal workers, but

also that the partnership is able to take advantage of the different benefits of both cultural groups. In other words, non-Aboriginal workers are able to manage and operate the accountability and funding application aspects of the program, whilst the kinship and family obligations of Aboriginal people hold the program together (Saggers and Stearne 2007).

Further, important for successful programs is cultural appropriateness. As examined in previous chapters, cultural disruption and colonization are increasingly cited as explanations for substance misuse, indicating that a weakening of cultural connections is linked to the etiology of misuse (Brady 1995). This has broader implications for treatment facilities, which must address these weakening bonds in rehabilitation programs. The difficulty as discussed throughout this thesis, is that there is no easily definable concept of cultural appropriateness: this thesis has argued that culture is a flexible concept that can be applied in political and social situations to represent different constructs. Mt Theo, as a community designed, owned and managed program, is inherently culturally accessible.

8. COORDINATED RESPONSE

This thesis also emphasized the importance of a coordinated effort in addressing substance misuse, as highlighted by participants. These responses seem to be having a positive effect, particularly if measured by a reduction in the numbers of substance misusers. The prevalence of volatile substance misusers has seen an estimated 94 per cent reduction, following the introduction of Opal fuel (d'Abbs and Shaw 2008). However, what is not discussed by d'Abbs and Shaw (2008) is the additional ammunition provided by the near simultaneous introduction of the VSAPA, which provided police, community and health workers with immediate, viable legislative tools for dealing with substance misusers: something that was severely lacking from the substance misuse approach before the introduction of this legislation. It is highly likely that the combination of the

VSAPA in conjunction with Opal fuel contributed to this reduction in substance misuse prevalence.

However, one tension that emerged throughout this thesis was the blurring of the line of distinction and responsibility between involved agencies: specifically health agencies and the police. In speaking to the police, there was evident frustration that much of the burden of caring for substance misusers has passed onto police under the VSAPA, including transportation to places of safety, which one participant felt should involve health agencies. In speaking to health and other community agencies, this perspective was attributed to the 'old school' of policing. In speaking to participants from police and health agencies, it seems as though both agencies would like the other to be the primary responding body. Further probing of this issue with community workers led to the notion of the ideal utopian police and community working relationship: one which would be where the police are willing to interpret the law in order to achieve results. As previously discussed however, this depended on the particular police involved, and relied on good working relationships.

This thesis has also highlighted the importance of having a combination of long and short-term responses as the best approach to volatile substance misuse. However, as seen throughout participant interviews and by drawing on other data, in practice, programs that have the capacity to respond to the immediacy of the problem may not have the necessary resources to respond long-term. CAYLUS was examined as a possible exception, which has the capacity to support individuals in a long-term case management context, as well as supporting at least 19 remote communities in terms of youth workers, youth programs and diversionary activities. However, CAYLUS lacks the capacity to provide rehabilitative treatment beyond individual case management. Similarly, Mt Theo was analyzed as a program that has the capacity to address acute and long-term responses, through the outstation and Jaru Pirrjirdi program. As emphasised throughout this thesis, the key to the success of the Mt Theo program appears to be the community commitment, empowerment and ownership of the program.

9. PREVENTION AND AFTERCARE

Another theme that emerged in this thesis was the extent to which the different responding programs are involved in preventing the emergence of the problem, rather than responding to acute cases in treatment. Both CAYLUS and the Mt Theo program have elements that can prevent the emergence of substance misuse, through community capacity building, lobbying for legislative changes, and client casework management on the part of CAYLUS, who are also responsible for supply reduction of volatile substance within Alice Springs through the responsible retailer network. CAYLUS, Mt Theo and to a lesser extent, BushMob are involved in aftercare, although CAYLUS does not have the capacity to provide its own rehabilitative treatment program and BushMob's aftercare seems to be limited to checking up with former clients in town camps every so often.

In contrast, the Mt Theo aftercare program is an example of a fully cohesive program, with the capacity to integrate ex-substance misusers back into the Yuendumu community once they have returned from the outstation, and also give them the opportunity to pass on their knowledge to others, through the Jaru mentoring program. This element was recognized as one of the primary strengths of the program in a formal evaluation (Saggers and Stearne 2007), and also pointed to the assistance given to individuals in developing career and life opportunities within the Yuendumu community. As discussed throughout this thesis, the program succeeds in part because it is motivated and operated by altruistic knights, who are dedicated to the program without expecting their own personal circumstances to be benefited (Le Grand 2003).

Further, although Mt Theo managed to address substance misuse before the introduction of Opal fuel, its introduction has also played an integral role in the overall response. However, this thesis has discussed elements that limit the complete implementation of Opal fuel, which indicates that Opal cannot address

volatile substance misuse alone, and needs to be implemented within a range of other strategies, which in the majority of areas it has been.

However, one issue that has been analyzed in this thesis is the lack of aftercare facilities in Alice Springs, that have the capacity to provide care for individuals who have completed treatment, particularly in remote outstation such as Mt Theo or Ilpurla. A cohesive aftercare program located in an accessible site in Alice Springs is crucial as the Mt Theo program accepts Warlpiri clients from Alice Springs and other communities, but returns them back to these communities which lack the capacity to offer the same level of follow up care as exists in Yuendumu. This is one of the major limitations of a program that is widely considered to be one of the most successful substance misuse and preventative programs in Central Australia. For those who have completed treatment and who live in Yuendumu, the Mt Theo program has the capacity to offer a cohesive reintegrative program, providing mentors and support services whilst individuals settle back into community life and providing diversionary activities and career opportunities. However, there is no capacity to extend this aftercare and support to clients who live in Alice Springs or other communities.

This thesis has suggested that the lack of follow up care could be addressed in three ways. Firstly, it would be ideal for BushMob to liaise with CAYLUS to provide a more cohesive system of aftercare within Alice Springs. The lack of community cohesion within Alice Springs would prevent the implementation of a Jaru Pirrjirdi type program, however perhaps a method of peer mentoring or careers pathways program could be developed, involving workers from both agencies. Given that those outside the Yuendumu community are deprived of the full benefits of the Jaru Pirrjirdi program which is one of the main advantages of the Mt Theo program (Saggers and Stearne 2007), the second option is that the Mt Theo program stops providing outstation care for those not from Yuendumu. A third possibility is for Mt Theo to establish an Alice Springs based office. This office would be better placed to liaise with BushMob, CAYLUS and the court system, be suited to assess potential clients for the Mt Theo outstation, and be able to provide a more comprehensive follow up service with clients who have

completed the program. This service would also be able to extend the current career pathways section of Jaru Pirrjirdi, whose mentors could potentially be involved in the running of the program and the supervision of clients who had recently completed treatment, as well as finding meaningful employment in town.

A final point of consideration for this thesis is to examine the importance of policy application, and how this is influenced by differing assumptions of regulatory subjects' capacity. In other words, how different programs are affected by their assumptions that individuals are queens in some circumstances and not in others. This raises a crucial point in regards to this thesis: should regulatory policy be applied uniformly, regardless of subject capacity, or should policy be tailored for regulatory capacity, similar to the variances depending on situational differences? The danger in applying blanket policy strategies without considering the subjects' capacity or agency is in ineffective policy, with unintended consequences and unexpected complications (Le Grand 2003).

10. BROADER IMPLICATIONS

'Self-determination', once the fashionable remedy to the ills associated with governing Aborigines, is now condemned as a failed policy and its erstwhile perpetrators subjected to contemptuous imputations about their motives, intelligence and social acumen. No longer are Aborigines a problem of governance, or self-governance; they are pitiable citizens to be helped, managed and encouraged to revive *their own culture*, at least in places where it appears lost.

(Cowlshaw 2010: 222, emphasis in original)

...rather than self-determination having 'failed' as Pearson and the former prime minister would have us think, advocates of Aboriginal autonomy would say that *real* autonomy, *real* self-determination, has never been tried in Australia.

(Maddison 2009: 43)

This thesis has examined the regulatory responses in the Alice Springs town camps that address volatile substance misuse. Although this in itself makes a valuable contribution to Indigenous drug policy and extends the current understanding of how assumptions of agency and motivation affect the potential

program success, it is crucial to also consider the broader implications of the current research. In other words, this project has examined a successful and innovative policy design that is consultative, self-deterministic and largely community empowering. The way in which this contributes to current debates about Indigenous policy needs to be considered.

The opening chapter of this thesis considered decades of failed Indigenous policy attempts, many of which have not improved the living conditions of Aboriginal Australians (Cowlshaw 2010; Maddison 2009).

Policy programs from protection, assimilation, self-determination and, most recently, intervention have all been delivered with a measure of simplicity that does not match the complexity of Aboriginal political culture. Despite (sometimes) good intentions, none of these policies has actually improved Aboriginal lives, and in many instances they have made them infinitely worse... the bulk of Indigenous Affairs policy has simply failed to respond to the complexity of Australian political culture.

(Maddison 2009: 1-2)

Cultural disruption, community breakdown and political and welfare dependency seem to be a cumulative result of Indigenous policy failure and presumptions of incapacity, incompetence and lack of autonomy. Attempting to generate responsibility through coercive methods such as the quarantining of welfare payments (Pearson 2000) hypocritically suppresses the notion of autonomy and responsibility, rather than inspires community empowerment and collective action.

In contrast, this thesis examined Indigenous policy that has been designed by Aboriginal community members, which is community consultative, community grounded and empowering. In this way, this thesis can contribute to broader themes of Indigenous empowerment and Aboriginal policy. In other words, this empirical study has examined specific programs, but the findings have the capacity to contribute to broader debates on Indigenous issues, such as welfare dependency and self-determination. Examining these issues from a general policy level is limited: in contrast, this study has examined how some of these concepts work in a specific setting, within the context of broader Indigenous issues.

The terms queens, pawns, knights and knaves have been used to analyze the assumptions made about subject capacity and policy motivation throughout this thesis (Le Grand 2003). This speaks directly to the way in which Indigenous policy operates in Australia. Should governments make policy for Indigenous Australians as if they are incapable passive pawns, as Pearson (2009) suggests is most often the case, or can Indigenous Australians be empowered to be actively engaged with community action, authority, agency and responsibility? The elements of the VSAPA that include the potential for community capacity building and management plans, as well as the reluctance of courts to become involved in the mandate process beyond the initial court order indicates that Indigenous policy can move to empowering Aboriginal people to act and be treated as queens within their own communities.

This does not mean that Aboriginal people should be uniformly denied access to their own welfare payments in the name of forcing accountability; as previously argued, there is complete absurdity and irrationality associated with the hypocrisy of attempting to promote empowerment and responsibility through coercion and oppression of quarantining payments under the Northern Territory Intervention. Pearson (2009) argues that the Australian government treats Indigenous people as pawns, and suggests that to escape this cycle, and to foster empowerment among Indigenous people, they should be treated as pawns. Rather, this thesis suggests that through making community members accountable for their own communities, which is supported by legislation and legally enforceable, community members have the capacity to be active queens, responsible for their own communities and decisions relating to them. As such, Indigenous policy needs to empower, encourage and respect communities, their capacity for autonomy, and their ability to be active agents involved in decisions relating to their own welfare.

11. FUTURE RESEARCH DIRECTIONS

This thesis has attempted to provide a comprehensive examination of the current responses to substance misuse in the Alice Springs town camps, which included police, policy and community responses. The research analyzed a non-punitive approach to drug use, which focuses on harm minimization without criminal coercion. Future research might look to a comparative study with harm minimization and non-punitive elements, such as the Kings Cross injecting rooms, with a view to analyzing how the different cultural tensions impact on regulatory understandings.

Another possibility is the expansion of retailer data. This study had access to retailer records of sales collected over a defined time period, but had no control over the method of collection or its reliability or validity. As retailers are becoming more important as the first point of contact between a substance misuser and the volatile substance, and bear much of the onus of responsibility for a non-suspicious sale, interviewing or including retailers in the data set would provide another dimension to the research.

There is room for a large amount of exploratory study in this field, particularly in regards to policy makers. Although this study was able to interview several policy makers, the most relevant were very reluctant to be involved in the research. Future research would benefit from a more comprehensive understanding of the policy maker perspective and in particular, their relations with communities and community members.

This research has contributed not only to the way in which volatile substance misuse is approached and understood, but also the broader debates in Indigenous policy. Crucial for the analysis of this thesis were the broader concepts of knights, knaves, pawns, queens (Le Grand 2003), which speaks to assumptions made about subject capacity and policy motivation. These concepts are also essential for the analysis of Indigenous policy, particularly as

historically, Aboriginal Australians have been made the passive pawn-like recipients of public policy. The findings of this thesis suggest that empowering communities and community members to be actively engaged and involved in policy has great implications for the potential success of the strategies. In other words, Indigenous policy should be based on the assumption that its regulatory subjects are active, empowered, responsible agents; queens. This speaks to the way in which Indigenous policy should be approached across Australia.

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APPENDIX A

EVALUATING RESPONSES TO VSM: POLICE OFFICERS

ID:

Occupation:

Date:

Time:

So as you may be aware, my PhD project is concerned with exploring the current responses to petrol sniffing and other volatile substances within the community context. These responses include the police, community workers, policy makers and the views of the community members themselves. There are several topics I would like to cover today, including your general information, your level of involvement with community and town camp members, petrol sniffers or substance misusers, as well as other community workers, your views on the current programs and interventions, your responsibilities as an community worker, and your views on the future directions for policy in this area.

I just want to remind you of the informed consent form that you signed before this interview, and let you know again that this project is looking at the responses to volatile substance misuse only. If you are aware of any cases of child abuse or neglect, please do not mention them to me, as I have a legal duty to report them and will not be able to protect your anonymity or confidentiality.

Today is the 2008. Do you agree to be tape-recorded?

1. Involvement

- What is your role in the police?
- What does that involve?
- Can you describe a typical working day?
- How often in a typical week or month would you come into contact with someone who has been sniffing?
- What is your initial response when you see someone who has been sniffing?
- What are the current options for dealing with sniffers and other substance misusers?
- What is your level of involvement with community members?
- Do you have any contact with community workers – for example CAYLUS, bush mob, congress, Mt. Theo? How do you work with these community groups?
- Do you ever discuss cases of problem sniffers / substance misusers with other officers or community workers and decide on the best way to approach the situation?
- Can you give me an anecdotal example of an encounter with a sniffer or substance misuser, and what you did in that situation? Is there anything that you would have liked to have been able to do, but couldn't?

2. Interventions

- Are there any programs that are in place in your community to minimize sniffing that you are involved in?
- Details – what they are, where they are based, how often they run, by who.
- Do you have any suggestions for programs that might work, but are currently not in place or lack funding?
- Do you think these programs work? Why / why not? What would you like to see as well as these programs, or in their place? Why do you think they don't already exist?
- How would you measure the success of these programs?
- Do you think cultural appropriateness is an important part of petrol sniffing programs?
- Are there any unintended consequences of the programs?

4. Responsibility

- Do you see your role as a police officer different to that of the community workers like CAYLUS, bush mob, congress etc. in responding to petrol sniffing and other substance misuse?
- What do you think the role of the police should be in responding to petrol sniffing and other substance misuse?
- What do you think the role of the community workers should be in responding to sniffing?
- How do police, policy makers and community workers work together? Could these relationships function better? How?

5. Policy Directions

- Are the current ways of responding to VSM – the options given to police under the volatile substance prevention act – effective in reducing the associated harms?
- Are there other options you would like to have, or do you have other ideas about which might work instead of, or as well as the VS prevention act?
- What policies would you like to see put in place to reduce sniffing/ substance misuse? Why do you think they haven't been?
- Do you have any final comments?

Thank you very much for your time.

APPENDIX B

EVALUATING RESPONSES TO VSM: COMMUNITY WORKERS

ID:

Occupation:

Date:

Time:

So as you may be aware, my PhD project is concerned with exploring the current responses to petrol sniffing and other volatile substances within the community context. These responses include the police, community workers, policy makers and the views of the community members themselves. There are several topics I would like to cover today, including your general information, your level of involvement with community and town camp members, petrol sniffers or substance misusers, as well as other community workers, your views on the current programs and interventions, your responsibilities as an community worker, and your views on the future directions for policy in this area.

I just want to remind you of the informed consent form that you signed before this interview, and let you know again that this project is looking at the responses to volatile substance misuse only. If you are aware of any cases of child abuse or neglect, please do not mention them to me, as I have a legal duty to report them and will not be able to protect your anonymity or confidentiality.

Today is the

2008. Do you agree to be tape-recorded?

1. Involvement

- Can you please describe a typical day in your role at (organization).
- What is your role there?
- What does the organization do?
- What is your initial response when you see someone who has been sniffing or using other volatile substances?
- What are your options for dealing with sniffers and other substance misusers?
- Did this change significantly with the volatile substance prevention act?
- What communities / camps do you work with?
- Do you have much contact with police officers? If so, in what capacity? If not, why not? How do you liaise with the police? What is the nature of that relationship?
- Do you have any contact with other community workers – for example CAYLUS, bush mob, congress, Mt. Theo? Do you work together, and if so, how?
- Do you ever discuss cases of problem sniffers / substance misusers with other community workers or police officers and decide on the best way to approach the situation? Is this a useful practice?

- Are there other bodies you work with in responding to sniffing or other forms of substance misuse? What are they and what is the nature of that working relationship?
- Can you give me a typical example of an incident involving a petrol sniffer or substance misuser? What did you do in that situation? Is there anything else that you would like to be able to do in those situations but can't?

2. Interventions

- What other programs are there that are targeted at reducing the levels of sniffing / substance misuse? (eg. Youth programs etc).
- Details – what they are, where they are based, how often they run, by who.
- What are the aims and objectives of the programs?
- Do you think these programs are successful in what they aim to achieve? Why / why not?
- How would you measure success?
- Are there any factors that affect the ability of the program to reach its goals and objectives? (Eg. Levels of funding and staff).
- Is cultural appropriateness a part of success? What do you consider cultural appropriateness to be? How would you measure cultural appropriateness?
- Do you think the town camp/ community members think the program is culturally appropriate?
- Are there any unintended consequences?
- How do you contact and work with sniffers and other substance misusers? How is this contact maintained?
- Do you have any suggestions for programs that might work, but are currently not in place or lack funding?
- What are the major problems faced by communities in eradicating sniffing / substance misuse altogether?
- Communities seem to be dealing with temporary solutions to a long-term problem – the introduction of opal and non-sniffable paint address the issues of supply, for example, and youth programs can reduce demand. Some people say that there is nothing that can be introduced that will completely ease the need or desire for volatile substances. Do you have any thoughts about that?

3. Responsibility

- Do you see your role and responsibilities different to that of a police officer in responding to petrol sniffing and other substance misuse? In what way?
- What do you think the role of the police should be in responding to petrol sniffing and other substance misuse?
- What do you think the role of the community workers should be in responding to sniffing?
- Do you think community workers and police officers fulfill these roles?

- Is there a strict community worker and police divide in responding to substance misuse? Could these relationships function better? How?

4. Policy Directions

- Do you think that the Northern Territory intervention – the quarantining of payments and the removal of alcohol will affect the levels of substance misuse in communities?
- If you were a government official or policy maker, what policies would you enact to reduce sniffing and other forms of substance misuse on the camps and communities? Why do you think these policies haven't been made?

5. Final Comments

- Are there any other issues you would like to discuss?
- Do you have any questions or comments?

Thank you very much for your time.

APPENDIX C

EVALUATING RESPONSES TO VSM: KEY INFORMANTS

ID:

Occupation:

Date:

Time:

So as you may be aware, my PhD project is concerned with exploring the current responses to petrol sniffing and other volatile substances within the community context. These responses include the police, community workers, policy makers and the views of the community members themselves. There are several topics I would like to cover today, including your general information, your level of involvement with community and town camp members, petrol sniffers or substance misusers, as well as other community workers, your views on the current programs and interventions, your responsibilities as an community worker, and your views on the future directions for policy in this area.

I just want to remind you of the informed consent form that you signed before this interview, and let you know again that this project is looking at the responses to volatile substance misuse only. If you are aware of any cases of child abuse or neglect, please do not mention them to me, as I have a legal duty to report them and will not be able to protect your anonymity or confidentiality.

Today is the

2008. Do you agree to be tape-recorded?

1. Involvement

- What would you say your role in this organization is?
- Can you describe a typical day working with VSM policies?
- Have you ever been into the communities or town camps?
- What do you base your information about sniffing and substance misuse on?
- Do you have any contact with community workers - for example CAYLUS, bush mob, congress, Mt. Theo? Do you have any contact with police officers?

2. Current Policy

- What are the current policy options for people dealing with sniffers and other substance misusers? Do you think these are successful in reducing substance misuse? Why / why not?
- What other policy options would you like to see in place?
- Do you think other community workers are satisfied with the current government approach to substance misuse? Why/ why not?

3. Interventions

- Are you aware of any programs that are targeted at reducing the levels of sniffing / substance misuse in communities and town camps? (eg. Youth programs etc).
- Details – what they are, where they are based, how often they run, by who.
- Do you think these programs are successful in what they aim to achieve? Why / why not?
- How would you measure success?
- Do you think cultural appropriateness is an important part of VSM policies?
- Do you think these approaches are culturally appropriate? What do you think cultural appropriateness is? How would you measure it?
- Was cultural appropriateness a factor in the initial policy design and implementation?
- What are the aims and objectives of the VSM Act?
- Do you think the Act has been successful in what it has aimed to achieve?
- Have there been any unintended consequences? How should these be managed?
- Are there any factors that have affected the implementation or operation of the Act? (eg. Funding, staff etc).
- Communities seem to be dealing with temporary solutions to a long-term problem – the introduction of opal and non-sniffable paint address the issues of supply, for example, and youth programs reduce demand. Some people say that there is nothing that can be introduced that will completely eradicate the need or desire for volatile substances. Can you comment on that?

4. Responsibility

- What do you think the role of the police should be in responding to petrol sniffing and other substance misuse?
- What do you think the role of the community workers should be in responding to sniffing?
- Do you think community workers and police officers fulfill these roles?
- Is there a strict community worker, policy maker and police divide in responding to substance misuse? How do you work together? Could these relationships function better? How?
- Do you think community workers and police should be involved in the design of substance misuse acts and programs?
- Were these bodies consulted during the design of the VS Act?

5. Policy Directions

- Do you think that the Northern Territory intervention – the quarantining of payments and the removal of alcohol will affect the levels of substance misuse in communities?
- Do you think the general public understands what is going on in communities? Do you think a greater understanding would help reduce the level of substance misuse?

6. Final Comments

- Are there any other issues you would like to discuss?
- Do you have any questions or comments?

Thank you very much for your time.

APPENDIX D

EVALUATING RESPONSES TO VSM: COMMUNITY MEMBERS

ID:
Date:
Time:
Location:

This project is looking at sniffing only, and we're not looking at anything else other than sniffing.

This project is concerned with exploring the current responses to sniffing petrol, glue and paint. It is important that we get the views of people in the community. There are a few issues that I want to talk with you about today, including your general information, sniffers in the community, the programs with community workers and other stuff to do with sniffing.

Today is the _____ 2008. Do you agree to be tape-recorded?

1. General Information

- What is your age range?

< 24 ☐ 25-34 ☐ 35-44 ☐ 45-54 ☐ >55 ☐

- Are there a lot of sniffers in this camp? Are there sniffers in other camps?
- What kind of sniffing do you see in the camps? For example, paint, glue, petrol and so on.
- How often do you see sniffing?
- Where do you see the sniffing?

2. Involvement

- What is your first response when you see someone who is sniffing? And what about someone who has been sniffing?
- Do you have any contact with community workers like CAYLUS, bush mob, congress or Mt. Theo?

3. Programs

- Do you know of any programs that are trying to stop the sniffing in communities and town camps? (eg. Youth programs etc). Have you ever been to one?
- How long ago? Did you go back?
- Do you think these programs work in reducing sniffing in the camps?
- How would you decide whether they are working or not?

- Do you think the programs are culturally appropriate? What do you think cultural appropriateness is? How would you decide whether the program is culturally appropriate?
- What other programs would you like to see in your community to stop the sniffing?
- Do community workers or police ever come into the camps to try to help sniffers? Do you think they do a good job? What else do you think they could do to help?
- Who would you rather talk to about sniffing – police or community workers? Are they easy to contact if you want help with sniffing? What do you think each of them does with sniffers?
- How do the police treat sniffers in the camps?
- What do you think the police's role should be towards sniffers?
- Do you think the police are trying to help get rid of sniffing in the camps?
- Now we've talked about the police, so let's talk about community workers. How do community workers treat the sniffers?
- What do you think community workers role should be towards sniffers?
- Do you think the community workers are trying to help get rid of sniffing in the camps?
- Do you think the police and community workers work well together?
- Have there been any bad effects of the police and community workers coming into the camps trying to help out sniffers?
- Have there been any bad effects from the programs that are run to try to help out sniffers?

4. Policy Directions

- Do you think that the Northern Territory intervention – the quarantining of payments and the removal of alcohol will affect the levels of sniffing in the town camps?
- Do you think government people know what's going on here? Why do/ don't they know? How would you want to let them know what is going on here?

5. Final Question

- Why do you think people sniff? What do you think will get them to stop? [DISCUSS THIS MORE DEPENDING ON WHO THE PERSON IS IN THE COMMUNITY – IF THEY ARE A SNIFFER ASK ABOUT THEIR SNIFFING, WHY THEY SNIFF, WHAT WOULD MAKE THEM STOP. IF FAMILY MEMBERS OF SNIFFERS ASK ABOUT THOSE CIRCUMSTANCES]

6. Final Comments

- Are there any other issues you would like to discuss?
- Do you have any questions or comments?

Thank you very much for your time.

APPENDIX E: INFORMATION STATEMENT



SCHOOL OF SOCIAL SCIENCE AND INTERNATIONAL STUDIES

Approval No: 07287

THE UNIVERSITY OF NEW SOUTH WALES PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM Evaluating Volatile Substance Misuse Interventions: Police, Community and Policy

Miss Christina Marel, a PhD candidate under our supervision at the School of Social Sciences and International Studies, University of New South Wales, is conducting a research study on current interventions that have been introduced in response to volatile substance misuse in remote communities. The research involves a study of the agencies and police involved in volatile substance misuse interventions at the Alice Springs town camps in the Northern Territory, as well as the community members and key government informants. Results of the study will contribute to a growing field of knowledge on volatile substance misuse interventions that is valuable to legislators, policy makers, community members and agencies.

You have been selected as a possible participant in this study because of your experience with volatile substance misuse interventions. If you are willing to participate, please email c.marel@unsw.edu.au. Christina will make an appointment to interview you in person. The interview will take approximately one hour, and with your permission, will be tape recorded to ensure that the information that you provide is accurately recorded.

To protect your anonymity, a number will be used instead of names to identify each interview tape and transcript. The tapes and transcripts of interviews will be stored in locked cabinets, and only the researcher and her supervisors will have access to these. Files and tapes will be kept in an anonymous form for 7 years, following the last publication based on the study. They will then be destroyed. Any information that is collected in connection with this study that can be identified with you will remain confidential and will be disclosed only with your permission, except as required by law. The results of this study will be disseminated at academic conferences, in a PhD thesis and in scholarly publications. In any publication, information will be provided in such a way that you cannot be identified.

This project is concerned with exploring the responses to the misuse of volatile substances only, and is not concerned with other issues such as child abuse or

neglect. If Christina is made aware of any incidences of child abuse or neglect through this interview, she has a legal duty to report them and will no longer be able to protect your anonymity and confidentiality. Therefore, in order for her to be able to use the information you provide for this project, and in order for Christina to be able to protect your identity, please do not discuss any incidents of child abuse or neglect in this interview.

Your participation in this study is completely voluntary. Your decision whether or not to participate will not affect your future dealings with the University of New South Wales. Even if you do decide to participate, you may withdraw your consent and discontinue participation at any time. If you decide not to continue to participate, the decision will not affect any future relations with the University of New South Wales. Complaints may be directed to the Ethics Secretariat, The University of New South Wales, SYDNEY 2052 AUSTRALIA (phone 02 9385 4234, fax 02 9385 6648, email ethics.sec@unsw.edu.au). Any complaint you make will be treated in confidence and investigated, and you will be informed of the outcome. If you wish to obtain further information about the project, please contact Janet Chan at j.chan@unsw.edu.au, David Dixon at <mailto:d.dDixon@unsw.edu.au> d.dixon@unsw.edu.au, or Christina Marel at c.marel@unsw.edu.au.

You will be given a copy of this form to keep. Thank you for your co-operation.

Professor Janet Chan
School of Social Sciences and International Studies
University of New South Wales
Wales

Professor David Dixon
School of Law
University of New South
Wales

PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM
(continued)

Evaluating Volatile Substance Misuse Interventions: Police, Community and
Policy

You are making a decision whether or not to participate. Your signature indicates that, having read the information provided above, you have decided to participate.

.....
Signature of Research Participant

.....
Signature of Witness

.....
(Please PRINT name)

.....
(Please PRINT name)

.....
Date

.....
Nature of Witness

REVOCATION OF CONSENT

Evaluating Volatile Substance Interventions: Police, Community and Policy

I hereby wish to **WITHDRAW** my consent to participate in the research proposal described above and understand that such withdrawal **WILL NOT** jeopardise any treatment or my relationship with The University of New South Wales.

.....
Signature

.....
Date

.....
Please PRINT Name

The section for Revocation of Consent should be forwarded to Janet Chan.

APPENDIX F: COMMUNITY MEMBER INFORMATION

STATEMENT

THE UNIVERSITY OF
NEW SOUTH WALES



SCHOOL OF SOCIAL SCIENCE AND INTERNATIONAL STUDIES

Approval No: 07287

THE UNIVERSITY OF NEW SOUTH WALES PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM

Evaluating Volatile Substance Programs: Police, Community and Policy

This project is looking at the programs to stop sniffing in the town camps. Any information that you give us will help people who try to stop the sniffing.

The interview will take about an hour and will be tape recorded to make sure that we get all the information you give right.

Your name will not be used, so no one will know you told us anything, or be able to tell who you are. Whatever you tell us will only be used in this project by us, and no one else.

This project is looking at sniffing only. If you tell the researcher about any cases of child abuse or neglect during this interview, she has to report them, and then people will know who you are. So please don't mention anything like this and your identity will be kept secret.

Your involvement in this study is completely up to you. Even if you decide today to be involved, you can change your mind later.

You will be given a copy of this form to keep. Thank you.

Professor Janet Chan
School of Social Sciences and International Studies
University of New South Wales
Wales

Professor David Dixon
School of Law
University of New South

THE UNIVERSITY OF NEW SOUTH WALES

PARTICIPANT INFORMATION STATEMENT AND CONSENT FORM
(continued)

Evaluating Volatile Substance Programs: Police, Community and Policy

You are deciding whether or not to be involved in this project. By signing this form, you are saying that you understand that whatever you tell us will be kept private and confidential, and you have decided to talk with us.

.....
Signature of Research Participant

.....
Signature of Witness

.....
(Please PRINT name)

.....
(Please PRINT name)

.....
Date

.....
Nature of Witness

REVOCATION OF CONSENT

Evaluating Volatile Substance Programs: Police, Community and Policy

I wish to **WITHDRAW** my consent to participate in the research described above.

.....
Signature

.....
Date

.....
Please PRINT Name