

Northern Territory Volatile Substance Abuse Prevention (VSAP) Act

Building Healthier Communities 2004-2009

The Northern Territory Government is introducing landmark legislation to tackle the abuse of volatile substances like petrol, paint and glue sniffing: the Volatile Substance Abuse Prevention Act (VSAP Act) \$10 million has been allocated over five years to support this legislation and strengthen and expand intervention programs. Regulations to support the new Act are being developed, and the Act will come into effect in early 2006.

Context for new VSAP legislation

Communities in the NT have been calling for many years for a more comprehensive and regulated approach to combat petrol and paint sniffing. They have been concerned at the numbers of deaths, brain damage, injuries, and anti-social behaviour caused by petrol sniffing. Many communities and urban groups provided submissions to the Select Committee on Substance Abuse in the Community, which produced its final report on Petrol Sniffing in Remote Northern Territory Communities in October 2004. The new VSAP legislation and services are based on the submissions received by the Select Committee, the Committee's recommendations and on national and international best practice.

Purpose of legislation

The VSAP Act provides a comprehensive and systematic approach for the prevention, early intervention and treatment of volatile substance abuse in the NT. Its main focus is the health and safety of young people who are abusing volatile substances. Community control is central to the new law, which will give legal support to the programs that some communities and families are already doing.

It will give police the powers they need to combat petrol sniffing, courts the tools they need to help people to stop petrol sniffing, and communities the support they need to protect children and help their young people get back on track.

VSA not illegal

The legislation does not criminalise volatile substance abuse and it will not involve prison sentences.

The VSAP Act gives:

- police or other authorised people powers to seize inhalants such as petrol, glue and paint where they are being abused;
- police or other authorised people powers to apprehend those under the influence of volatile substances to take them to a place of safety, which will usually be their home (this provides a legal framework for current community and family practice); and
- courts the capacity to order compulsory treatment programs for chronic substance abusers.



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Even if a person leaves a court-ordered residential rehabilitation program, there is no provision for a prison term or any other form of punishment. However, police or a designated Department of Health and Community Services (DHCS) worker can apply for a warrant through the court to look for the person and return them to the program.

The VSAP Act complements other laws such as care and protection laws and criminal offences. Children at risk of harm due to VSA may still be dealt with under the care and protection laws where that would be more appropriate. Where either an adult or a child commits a criminal offence they can be charged and taken before the court. The courts dealing with people under these laws will also have access to the assessment and treatment programs funded under the VSAP legislation.

The new legislation does not make petrol sniffing an excuse for crime and will not change the way people who commit crimes while under the influence of volatile substances are dealt with.

Rehabilitation and early intervention focus

Programs about petrol sniffing have focused mainly on prevention, diversion and early intervention. There have been many calls by community leaders for a program that focuses on young people or adults at risk of severe harm, through their chronic long-term or high level of VSA. Recent research has shown that there is some chance of recovery if these individuals are taken into a rehabilitation program. While there may be only a small number of people in each community at risk of severe harm, their high level usage may encourage other children to experiment.

There are four main areas within the VSAP legislation:

1. Prevention and intervention

Police and authorised persons will be empowered to remove and destroy petrol/paint from somebody who has been, or will, inhale petrol/paint. Where the person is inhaling or has recently inhaled, and it is necessary for the health and safety of the person or other people, they can be taken to a responsible adult (usually a family member) or to a place of safety. A place of safety will be a place that has been officially designated under the legislation and it might be a place identified by the community, either within the community or outside it, eg an outstation. In urban centres, a place of safety might be an appropriate youth or emergency accommodation service.

As a last resort, police may be able to take the person into protective custody for a short time.

As many remote areas do not have police stations, the legislation will allow for 'authorised persons' to remove petrol/paint and to take people to a place of safety or a responsible adult.



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Authorised persons must be individually approved and they might be health workers, councillors, elders or night patrollers etc who have met relevant criteria such as having a current licence, have satisfied a criminal history check and have received appropriate training. This part of the legislation is intended to give night patrollers and other concerned community members, the legal power to do what they are already doing (ie tipping out petrol and taking the person home).

2. Assessment and Treatment

The Minister for Family and Community Services can be asked by a police officer, authorised person, family member or some other responsible adult, or doctor to make an application to the court for a treatment order for a person who is 'at risk of severe harm'. Before making the application to the court the Minister will need to arrange for the person to have an assessment to determine the level of VSA related harm and to identify if they might benefit from treatment. The court-ordered treatment order will last for two months and can be extended. If the person fails to go to the medical assessment an Authorised Officer will be able to get a court order (warrant) to force the person to go.

This option is in response to long-term community and family requests and will only apply to the heaviest or longer term VSA users in a community.

3. Community Management of Volatile Substances

Communities will be able to make an area management plan, that must be approved by the Minister, that deals with the possession, supply and use of volatile substances. This will give communities the opportunity to ban petrol and paint in that area and allow remote communities to have control over the supply and sale of petrol and paint in their council area. The plans will be similar to the current 'dry areas' for alcohol restrictions or for kava licences and will be legally enforceable by police. It will be a criminal offence for a person to contravene an approved community management plan.

4. Unlawful supply of volatile substances and informer's confidentiality

The legislation will include an offence of supplying volatile substances to another person if it will be used for inhalation. Section 18 of the Misuse of Drugs Act will be repealed, and this section will be included as part of the VSAP Act. In addition, the legislation will provide that the identity of a person who provides police with information about any offence under the VSAP legislation must be kept confidential.



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Implementation of services and programs to accompany the legislation

The NT Government has approved \$10 million over five years to provide recurrent and one-off funding to support the legislation. This is in line with research that supports the provision of recurrent funding for VSA services. As the legislation will rely on community organisations to provide some services such as urban and remote area rehabilitation and places of safety, these services may be assisted to provide new services through extra funding, training and other supports.

Remote and urban services and remote communities who undertake to work with VS-users will be provided with training from specialised DHCS staff. This training may be offered in an accredited training or non-accredited format. Clinical support will also be provided to remote communities and urban services.

Rehabilitation programs for voluntary and mandated clients will be supported in Darwin and Alice Springs. These programs will be family-focussed, holistic in approach, and based around addressing lifestyle factors rather than focussing narrowly on the person's substance abuse.

Broad VSA education for urban and remote communities and service providers will be available from the Community Education and Research Officer (inhalants).

Inquiries

For further information regarding any aspect of the VSAP legislation or program, contact Tracey McNee, Community Education and Research Officer (Inhalants), ph **8951 7591**, email tracey.mcnee@nt.gov.au

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