

## **Volatile Substance Abuse Prevention Act 2005**

### **Part 4 Division 3**

# **Walangeri Community Area Volatile Substance Management Plan**

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## 1. Background

The plan has been developed in accordance with the requirements of the Volatile Substance Abuse Prevention Act (the Act) and represents the express wishes of residents within the area including the Yarralin Store, Yarralin School, KWHB, Yarralin Clinic, Yarralin & Pigeon Hole GBM, Victoria Daly Shire, Yarralin Police and members of the communities.

The plan outlines actions that will be taken, and penalties attached to taking petrol, aerosol paint, and glue into the area that may be used to inhale a volatile substance.

The Walangeri Management Plan Communities does not permit the passive observation/supervision of youth engaging in Volatile Substance Misuse, therefore any stakeholder/agency/adult conducting business or living in within the Walangeri Management area must comply with the conditions of the Walangeri Volatile Substance Management Plan.

## 2. Glossary

**“Reasonable care”** - The degree of caution and concern for the safety of himself/herself and others an ordinarily prudent and rational person would use in the circumstances. This is a subjective test of determining if a person is negligent, meaning he/she did not exercise reasonable care.

**“Negligence”** - Conduct that falls below the standards of behaviour established by law for the protection of others against unreasonable risk of harm. A person has acted negligently if he or she has departed from the conduct expected of a reasonably prudent person acting under similar circumstances.

*In order to establish negligence as a Cause of Action under the law of TORTS, a plaintiff must prove that the defendant had a duty to the plaintiff, the defendant breached that duty by failing to conform to the required standard of conduct, the defendant's negligent conduct was the cause of the harm to the plaintiff, and the plaintiff was, in fact, harmed or damaged.*

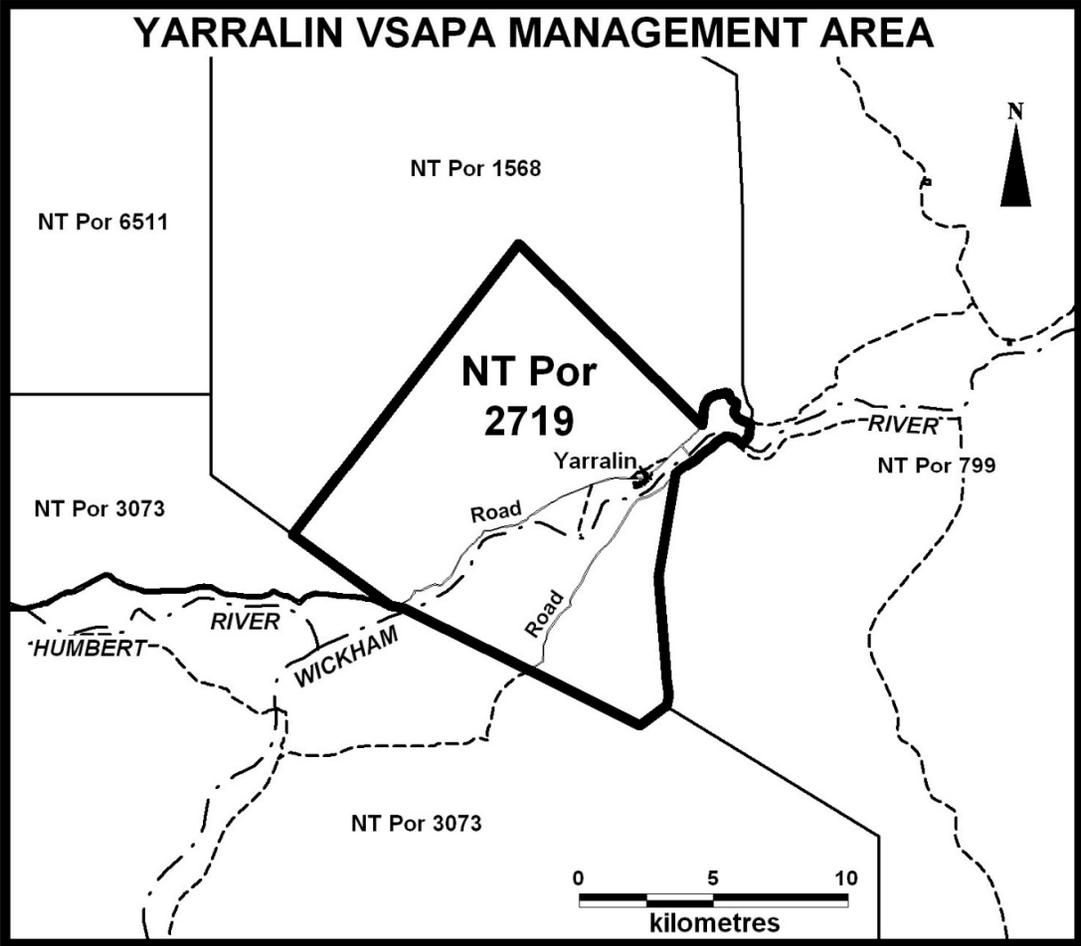
**“Volatile Substance”** - Means

- a) plastic solvent, adhesive cement, cleaning agent, glue, dope, nail polish remover, lighter fluid, petrol or any other volatile product derived from paint, thinners, lacquer thinner, aerosol propellant or anaesthetic gas; or
- b) any substance declared by the minister.

### 3. The management area to which the plan relates

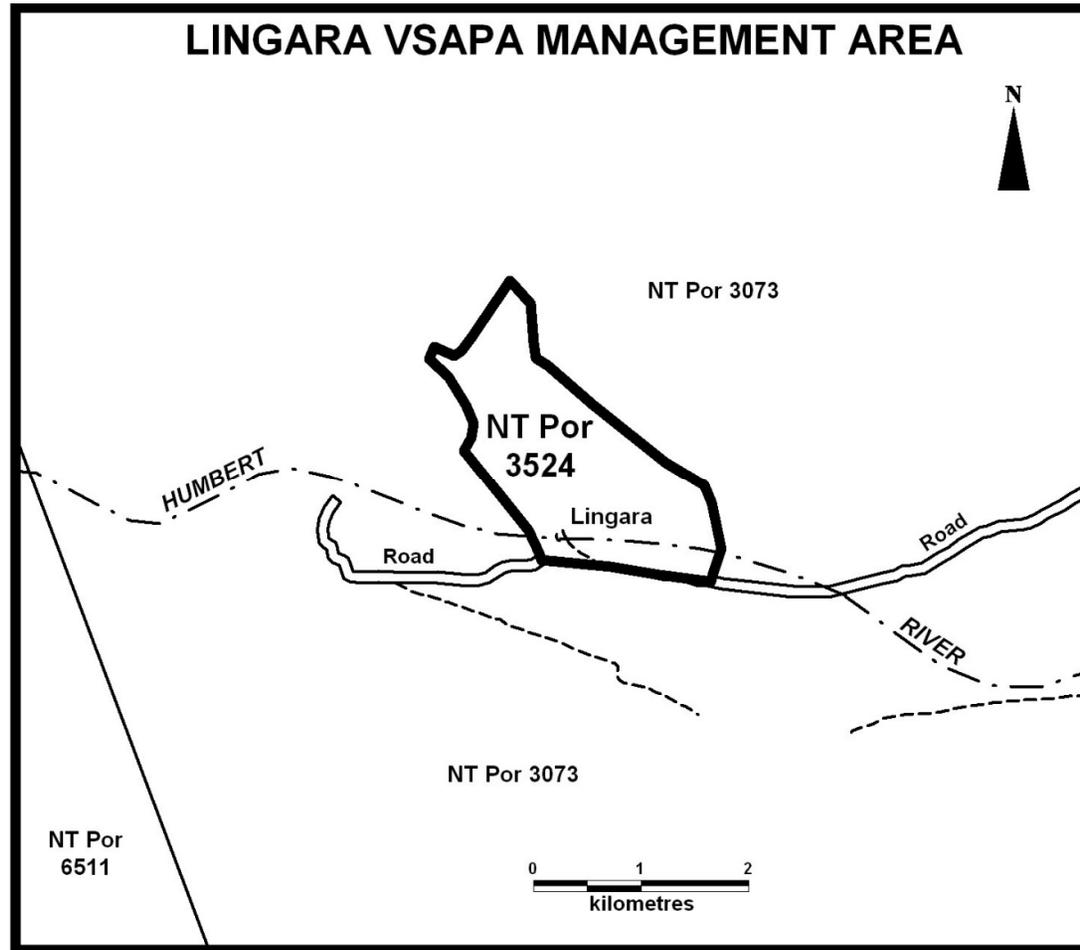
Volatile Substance Abuse Management Area - Walangeri Locality

All that parcel of land near Yarralin in the Northern Territory of Australia containing an area of 14950 hectares more or less being the whole of Northern Territory Portion 2719 and including all public roads within the outer boundary of the said Portion, as more particularly delineated on Survey Plan S84/227 lodged with the Surveyor General, Darwin.



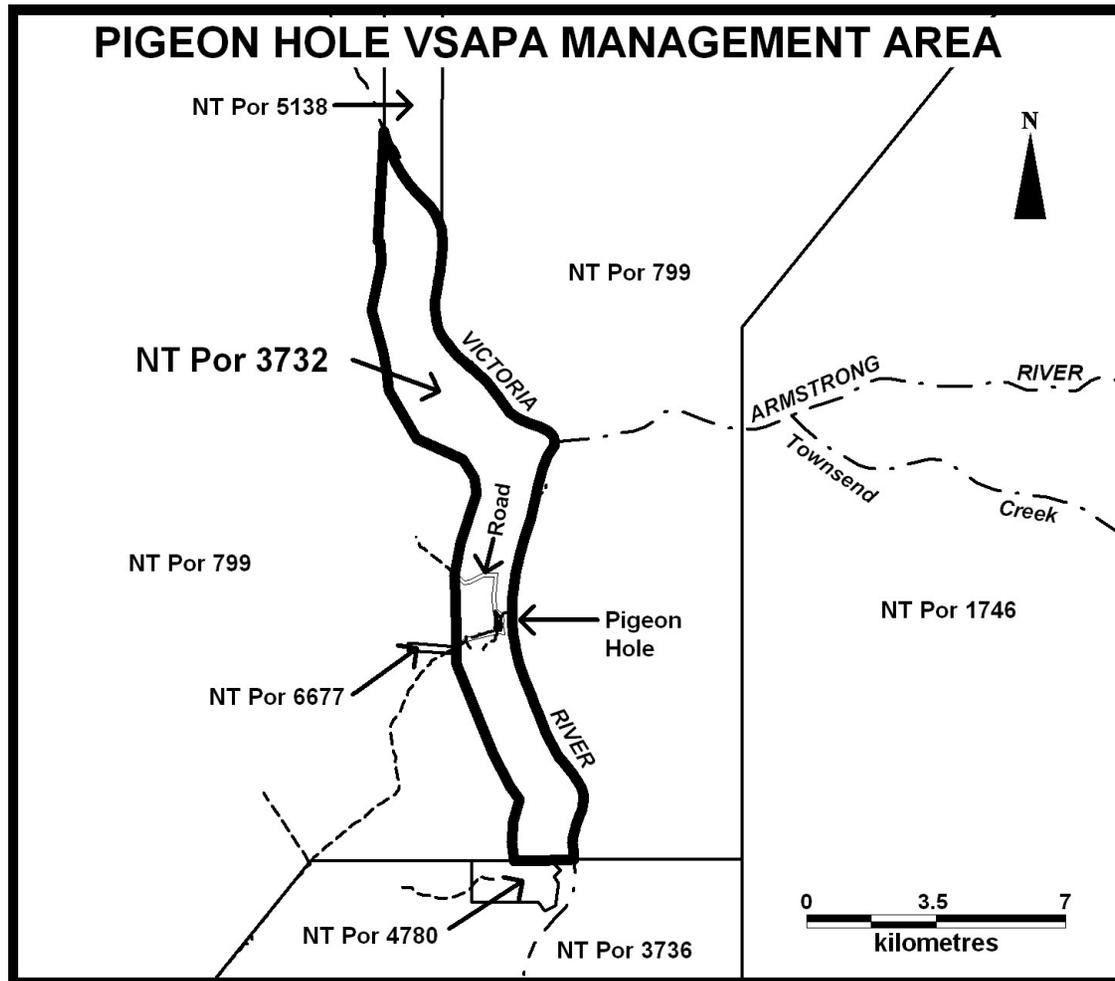
## Walangeri Community Area Volatile Substance Management Plan

All that parcel of land near Lingara in the Northern Territory of Australia containing an area of 337.8 hectares more or less being the whole of Northern Territory Portion 3524 and including all public roads within the outer boundary of the said Portion, as more particularly delineated on Survey Plans S88/208A and B lodged with the Surveyor General, Darwin.



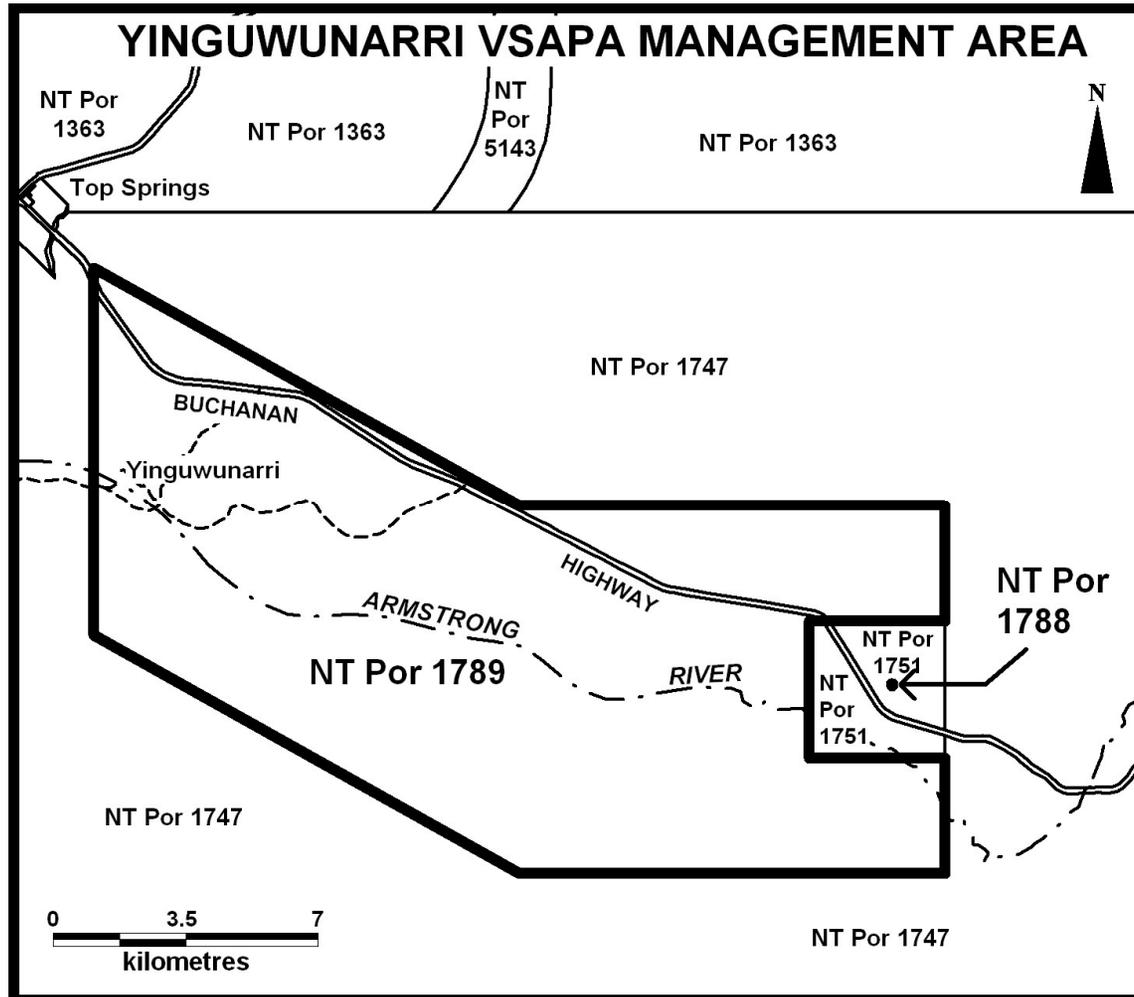
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All that parcel of land near Pigeon Hole in the Northern Territory of Australia containing an area of 3135 hectares more or less being the whole of Northern Territory Portion 3732 and including all public roads within the outer boundary of the said Portion, as more particularly delineated on Survey Plans S89/306A to C inclusive lodged with the Surveyor General, Darwin.



## Walangeri Community Area Volatile Substance Management Plan

All those parcels of land near Yinguwunarri (Old Top Springs) in the Northern Territory of Australia containing firstly, an area of 202km<sup>2</sup> more or less being the whole of Northern Territory Portion 1789 and secondly, an area of 2160m<sup>2</sup> more or less being the whole of Northern Territory Portion 1788 and including all public roads within the outer boundary of the said Portions, as more particularly delineated on Survey Plan CP4366 lodged with the Surveyor General, Darwin.



## 4. Practices and procedures relating to the management of the possession, supply and use of volatile substances

Only diesel and opal fuels will be allowed to be used within the Walangeri Volatile Substance Management Area. Unleaded fuel will be allowed only in a vehicle that has travelled from a location where opal fuel is not available and required refuelling at that location.

All visitors and service providers, including Government officials, and residents will be advised of the Management Plan and will be required to only use vehicles fuelled with either diesel or opal fuels.

All persons applying to the Northern Land Council for a permit will be advised to use either Opal or Diesel fuels

Contractors, agencies and other businesses that require volatile substances for work purposes are notified that it may only be brought into the area for that purpose, and that these volatile substances are kept secured at all times when not in use. Contractors, agencies and businesses are responsible for the safe storage, use and disposal of these volatile substances.

All persons are encouraged to report any breach of the management plan to Police as soon as possible. The identity of any person who provides information related to a breach of the management plan will be kept confidential at all times in accordance with Part 5, Division 2, of the Volatile Substance Abuse Prevention Act.

All persons residing or employed within the Walangeri VSA Management area will take “reasonable care” in the use, securing and disposal of all volatile substances.

It is an offence against the VSA Management plan for persons over the age of 18 years to coerce, encourage, assist or facilitate any minor into engaging in Volatile Substance Abuse.

All youth (under 18 years of age) found to be engaging in frequent/chronic Volatile Substance Abuse will have a referral for “Assessment for Treatment” (form 33A and 33B) completed and sent to the Volatile Substance Abuse Nurse by the Yarralin and Pigeon Hole Clinics.

All fuel for use with small motors and all small motor machines (lawn mowers, whipper snippers, outboard motors etc) will be secured under lock and key when not in use.

## 5. Authorised persons

All authorised persons will exercise their powers under the Volatile Substance Abuse Prevention Act for the prevention of volatile substance abuse and the protection of individuals and communities from harm resulting from volatile substance abuse. All authorised persons will follow procedures set out in the Volatile Substance Abuse Prevention Act and Regulations under that Act.

The Act gives police and authorised persons the power to:

- Search for and seize inhalant
- Dispose of the inhalant
- Apprehend and detain a person in order to take them to a responsible adult or a place of safety (A place of safety is declared by the Minister)

An authorised person may exercise a power only in relation to a person who is –

- (a) in a public place;
- (b) trespassing on private property; or
- (c) on private premises, if consent to enter the premises is given by the occupier; or if there is no occupier – by the owner.

An authorised person may exercise a power only in the Management Area.

### **Search for and seize inhalant**

If an authorised person has reasonable grounds to believe a person –

- (a) is in possession of a volatile substance or inhalant; and
- (b) is inhaling or will inhale a volatile substance.

The authorised person may search the person, and anything in the person's possession, for a volatile substance or inhalant.

The authorised person may seize any volatile substance or inhalant that is in the person's possession.

The authorised person must inform the person of his or her identity by showing the identity card.

### **Dispose of the inhalant**

If the authorised person believes that removing the volatile substance to a police station may cause a health or safety risk or is impracticable he or she may dispose of or destroy the volatile substance.

If the authorised person does not dispose of, or destroy the volatile substance, he or she must take it to a police station for disposal or destruction.

### **Apprehend and detain a person in order to take them to a safe place**

An authorised person may apprehend a person if the authorised person has reasonable grounds to believe the person –

- (a) is inhaling or has recently inhaled a volatile substance; **and**
- (b) should be apprehended to protect the health or safety of the person or other persons.

The authorised person must inform the person of his or her identity by showing the identity card.

The authorised person must inform the apprehended person that –

- (a) the person is not under arrest in relation to any alleged offence;
- (b) the person is being apprehended to protect the health or safety of the person or other persons; and
- (c) the authorised person intends to take the person to a place of safety or to a responsible adult.

## Take them to a responsible adult or a place of safety (A place of safety is declared by the Minister)

As soon as practicable after apprehending a person, the police officer or authorised person must take the apprehended person –

- (a) to a place of safety, where the person may be released into the care of a person at that place; or
- (b) to a responsible adult and, if the responsible adult consents, release the apprehended person into that adult's care.

A **responsible adult** is a person reasonably considered by an authorised person to be capable of taking care of an apprehended person.

Authorised Persons have a **duty of care**.

- If they have any concerns in regard to the welfare of a detained person medical advice should be immediately sought.
- Force is not to be used if a person resists apprehension or search.
- If a person suspected of volatile substance use runs away they are not to be chased.

(Sudden Sniffing Death can occur when a person inhales a volatile substance & then has a sudden increase in heart rate. This can cause fatal cardiac arrhythmias.  
(Resisting apprehension and running after sniffing volatile substances are two examples of possible scenarios where “Sudden Sniffing Death” may occur.)

## 6. Maximum penalties for breaches of the plan

	Practices	Procedure	Enforcement	Penalty
Possession and use of fuel that may be used to inhale a volatile substance.	No person in the management area (area) will possess petrol other than indicated in the procedures.	<p>The Victoria Daly Shire will erect signs visible to all traffic into and exiting from the management area advising the public of the management area, restrictions in place and penalties for breach of the plan.</p> <p>The Victoria Daly Shire and Yarralin Store will ensure that only fuel that cannot be used to inhale a volatile substance is available for sale in the area.</p> <p>The Victoria Daly Shire will ensure that all contractors in the area requiring fuel that may be used to inhale a volatile substance for the operation of equipment are notified that it may only be brought into the area for that purpose, and the contractor is responsible for such fuel and equipment to be secured from tampering by unauthorised persons at all times.</p> <p>Persons, other than approved contractors, suspected of possessing fuel that may be used to inhale a volatile substance may be in breach of this part of the management plan and will be notified to Police by the person/s with the suspicion of a breach.</p> <p>Any contractor who is suspected of failing to ensure the security of equipment requiring fuel that may be used to inhale a volatile substance for its operation and / or the fuel itself may be in breach of this part of the management plan and will be notified to Police by the person/s with the suspicion of a breach.</p> <p>The Victoria Daly Shire will ensure that all contractors, and other agencies and businesses in the area who possess paint or glue that may be used to inhale a volatile substance for work or commercial purposes is recorded and secured from unauthorised access at all times.</p>	Police will keep the identity of any person who provides information related to a breach of the management plan confidential at all times	<p>100 penalty units or imprisonment for 6 months for possession (A person must not contravene a management plan)</p> <p>200 penalty units or imprisonment for 2 years (Unlawful supply of volatile substances)</p> <p>A person must not supply a volatile substance to a second person if the first person knows or ought to know the second person intends:</p> <ol style="list-style-type: none"> <li>a) inhale the volatile substance; or</li> <li>b) to supply the volatile substance to a third person for inhalation by the third person or any other person.</li> </ol>

## Walangeri Community Area Volatile Substance Management Plan

	Practices	Procedure	Enforcement	Penalty
Possession and use of paint and/or glue that may be used to inhale a volatile substance	No person in the area will possess paint and/or glue other than described in the procedures.	Any contractor, other agency or business who is suspected of failing to ensure the security of paint or glue that may be used to inhale a volatile substance may be in breach of this part of the management plan and will be notified to Police by the person/s with the suspicion of a breach.	Police will keep the identity of any person who provides information related to a breach or suspicion of a breach of the management plan confidential at all times.	
Supply of fuel that may be used to inhale a volatile substance.	No person will supply petrol that may be used to inhale a volatile substance to any person for any purpose in the management area.	Any person/s suspected of supplying fuel that may be used to inhale a volatile substance to any person in the area may be in breach of this part of the plan and will be notified to Police by the person/s with the suspicion of a breach.		
Supply of paint and/or glue that may be used to inhale a volatile substance.	No person/s will supply paint and/or glue that may be used to inhale a volatile substance to any person other than indicated in the procedures.	Paint and/or glue that may be used to inhale a volatile substance will only be supplied to another person/s by businesses registered to sell such items in the area.  Persons, other than registered businesses suspected of supplying paint and/or glue that may be used to inhale a volatile substance to any person in the area may be in breach of this part of the plan and will be notified to Police by the person/s with the suspicion of a breach.		

## 7. Amendment or replacement of management plan

In accordance with Division 3, section 51 of the *Volatile Substance Abuse Prevention Act 2005* the management plan may be amended or replaced:

1. Where a minimum of 10 residents of a management area, or a community council for a council area within which there is a management area or part of a management area, may:
  - a) prepare an amendment to the management plan for the management area; or
  - b) prepare a new management plan to replace the management plan for the management area.
2. Apply to the Minister for Health through the Department of Health for the proposed amendment to, or replacement of, the management plan.