

**NORTHERN TERRITORY OF AUSTRALIA**

**VOLATILE SUBSTANCE ABUSE PREVENTION REGULATIONS**

As in force at 9 February 2006

**Table of provisions**

<b>Part 1</b>	<b>Preliminary matters</b>	
1	Citation .....	1
2	Commencement .....	1
3	Definitions.....	1
4	Forms .....	1
<b>Part 2</b>	<b>Preventing inhalation and protecting health and safety</b>	
<b>Division 1</b>	<b>Records of searches, seizures and apprehensions</b>	
5	Application of Division .....	1
6	Records of search and seizure .....	2
7	Records of apprehension.....	2
<b>Division 2</b>	<b>Protective custody</b>	
8	When apprehended child may be kept in police cell.....	3
9	Agreement between Police Commissioner and community council .....	3
10	Agreement between Police Commissioner and Chief Executive Officer .....	4
<b>Part 3</b>	<b>Treatment warrants</b>	
11	Warrant to take person for assessment.....	4
12	Making application for treatment warrant by telephone .....	4
13	Form of treatment warrant .....	4
14	Issuing treatment warrant on application by telephone.....	5

**Schedule**

**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

---

As in force at 9 February 2006

---

## VOLATILE SUBSTANCE ABUSE PREVENTION REGULATIONS

### Regulations under the *Volatile Substance Abuse Prevention Act*

#### **Part 1 Preliminary matters**

##### **1 Citation**

These Regulations may be cited as the *Volatile Substance Abuse Prevention Regulations*.

##### **2 Commencement**

These Regulations come into operation on the commencement of the *Volatile Substance Abuse Prevention Act*.

##### **3 Definitions**

In these Regulations:

***apprehended child*** has the meaning in regulation 8 (1).

##### **4 Forms**

A reference in these Regulations to a form by number is a reference to the form of that number in the Schedule.

#### **Part 2 Preventing inhalation and protecting health and safety**

##### **Division 1 Records of searches, seizures and apprehensions**

##### **5 Application of Division**

This Division applies to the keeping of records of actions taken under Part 2, Division 2 or 3 of the Act, as required by section 12 of the Act.

## 6 Records of search and seizure

- (1) The records of actions in relation to a person referred to in section 13(1) of the Act must include the following information:
  - (a) a brief description of the actions;
  - (b) if the actions are taken by a police officer – the officer's name, rank and number;
  - (c) if the actions are taken by an authorised person – the authorised person's name;
  - (d) the date, time and place of the actions;
  - (e) the age (or approximate age) of the person;
  - (f) the gender of the person;
  - (g) the details of any volatile substance given to or seized by the police officer or authorised person.
- (2) The records may include other information relevant to the actions.

## 7 Records of apprehension

- (1) The records of actions in relation to an apprehended person must include the following information:
  - (a) a brief description of the actions;
  - (b) if the actions are taken by a police officer – the officer's name, rank and number;
  - (c) if the actions are taken by an authorised person – the authorised person's name;
  - (d) the date, time and place of the apprehension;
  - (e) the name (if given) and age (or approximate age) of the apprehended person;
  - (f) the gender of the apprehended person;
  - (g) if the apprehended person is released under section 21(1)(a) of the Act into the care of a person (the **carer**) at a place of safety – the name of the carer and the address of the place;
  - (h) if the apprehended person is released under section 21(1)(b) of the Act into a responsible adult's care – the name, address and other relevant particulars of the responsible adult;

- (i) if section 21(2) of the Act applies – whether a parent or guardian of the apprehended person has been informed and, if not, the efforts made to inform a parent or guardian;
  - (j) if the apprehended person is released under section 22(2) of the Act – the time and place of the release;
  - (k) if section 22(4) of the Act applies – whether a parent or guardian of the apprehended person has been informed and, if not, the efforts made to inform a parent or guardian.
- (2) The records may include other information relevant to the actions.

## **Division 2 Protective custody**

### **8 When apprehended child may be kept in police cell**

- (1) For section 24 of the Act, a child taken to a police station under section 22(4) of the Act (an **apprehended child**) may be held in protective custody inside a cell only if:
- (a) the police station is in a council area; and
  - (b) there is in force for the police station:
    - (i) a written protective custody agreement between the Commissioner of Police and the community council for the council area; and
    - (ii) a written protective custody agreement between the Commissioner of Police and the Chief Executive Officer.
- (2) This regulation applies regardless of whether there is a management plan for the council area.

### **9 Agreement between Police Commissioner and community council**

- (1) A protective custody agreement between the Commissioner of Police and a community council is an agreement that an apprehended child may be held in protective custody inside a cell at a police station in the council area.
- (2) The protective custody agreement must include (but is not limited to) the following provisions:
- (a) a condition that during the entire period of protective custody inside a cell, an apprehended child must be under the direct supervision and care of an approved adult;

- (b) requirements relating to the duties and the training or qualifications of an adult who may be approved for paragraph (a).
- (3) The community council may enter into the protective custody agreement only with the approval of a majority of the residents of the council area obtained after appropriate consultation.
- (4) For subregulation (2)(a), an approved adult is an adult who:
  - (a) satisfies the requirements referred to in subregulation (2)(b); and
  - (b) is nominated by the community council for approval by the Commissioner of Police; and
  - (c) is approved in writing by the Commissioner of Police.

**10 Agreement between Police Commissioner and Chief Executive Officer**

A protective custody agreement between the Commissioner of Police and Chief Executive Officer is an agreement relating to the provision of medical assistance to an apprehended child during the period the child is held inside a cell.

**Part 3 Treatment warrants**

**11 Warrant to take person for assessment**

For section 35 of the Act:

- (a) an application for a warrant must be in accordance with Form 1; and
- (b) a warrant must be in accordance with Form 2.

**12 Making application for treatment warrant by telephone**

For section 41 of the Act:

- (a) an application for a warrant must be in accordance with Form 3; and
- (b) a warrant must be in accordance with Form 4.

**13 Form of treatment warrant**

For section 41B(2) of the Act, a treatment warrant must be in accordance with Form 2.

**14 Issuing treatment warrant on application by telephone**

- (1) If a magistrate issues a treatment warrant on application made by telephone:
  - (a) the magistrate must complete and sign the warrant (the **original warrant**), inform the applicant for the warrant by telephone of its terms, and record on the original warrant the reasons for issuing it; and
  - (b) the applicant for the warrant must:
    - (i) complete 2 copies of a form of treatment warrant in the terms provided by the magistrate; and
    - (ii) write on each copy the name of the magistrate and the date and time of issue of the original warrant; and
    - (iii) forward one copy to the magistrate.
- (2) On receiving the copy, the magistrate must:
  - (a) compare it with the original warrant; and
  - (b) if the copy is in substance identical to the original warrant, the copy has the same authority as the original warrant.

---

**Schedule**

regulation 4

**FORM 1**

regulation 11 (a)

NORTHERN TERRITORY OF AUSTRALIA

*Volatile Substance Abuse Prevention Act*

section 35

**APPLICATION FOR WARRANT TO TAKE PERSON FOR ASSESSMENT**

I, (*name*) ..... ,  
\*an authorised officer for Part 3 of the *Volatile Substance Abuse Prevention Act*, pursuant to section 35 of the Act, say on oath/do solemnly, sincerely and truly affirm that:

- (a) on (*date*) ..... the Minister/Minister's delegate approved an assessment and assessor under section 34 of the Act for(*name*) .....(the **person to be assessed**); and
- (b) a true copy of the approval is annexed to this application; and
- (c) I believe the person to be assessed is \*an adult and has failed or refused to submit to the assessment/\*a child of sufficient age and understanding to form an informed opinion and has \*failed/refused\* to submit to the assessment/\*a child and no responsible adult has taken the child for assessment or permitted the assessment; and
- (d) I formed the belief on the following grounds:

I apply for a warrant authorising the actions referred to in section 35(3) of the Act.

\*SWORN/AFFIRMED\* before me:

at:

on:

Magistrate

\* *Delete if not applicable*

---

**FORM 2**

regulation 11 (b)

NORTHERN TERRITORY OF AUSTRALIA

*Volatile Substance Abuse Prevention Act*

section 35

**WARRANT TO TAKE PERSON FOR ASSESSMENT**

TO:

I, ..... , a magistrate, am satisfied by \*information on oath given by \*a declaration made by you (*name*) ..... on (*date*) ..... , that the assessment and assessor for (*name*) ..... (the ***person to be assessed***) ..... have been approved and all other grounds for the application for this warrant are established.

You and any person assisting you are authorised, using reasonable force if necessary:

- (a) to enter, at any reasonable time, a place where you reasonably believe the person to be assessed is to be found; and
  - (b) to search the place in order to find the person; and
  - (c) to remain at the place for as long as you consider reasonably necessary to find the person; and
  - (d) if the person is found – to apprehend the person and take the person to the approved assessor for assessment.
- (2) the person at risk has failed to participate in the following component(s) of the treatment program in accordance with the treatment order:

**This warrant remains in force for 30 days after the day on which it is issued.**

**You must produce this warrant (or a copy of the warrant) to a person at the place where the warrant is executed.**

Dated:

Magistrate

\* *Delete if not applicable*

---

**FORM 3**

regulation 12(a)

NORTHERN TERRITORY OF AUSTRALIA

*Volatile Substance Abuse Prevention Act*

section 41

**APPLICATION FOR WARRANT TO TAKE PERSON TO PARTICIPATE IN  
TREATMENT PROGRAM**

I, (*name*), an authorised officer for Part 3 of the *Volatile Substance Abuse Prevention Act*, pursuant to section 41 of the Act, \*say on oath/do solemnly, sincerely and truly affirm\* that:

- (a) on (*date*) the Court made a treatment order in respect of (*name*) (the **person at risk**); and
- (b) under section 40(3) of the Act, the treatment order will remain in force until (*date*) ; and
- (c) a true copy of the treatment order is annexed to this application; and
- (d) I believe the person at risk has not participated in the treatment program at the place specified in the order; and
- (e) I formed the belief on the following grounds:

I apply for a warrant authorising the actions referred to in section 41(3) of the Act.

\*SWORN/AFFIRMED\* before me:

at:

on:

Magistrate

\* *Delete if not applicable*

---

**FORM 4**

regulation 12(b)

NORTHERN TERRITORY OF AUSTRALIA

*Volatile Substance Abuse Prevention Act*

section 41

**WARRANT TO TAKE PERSON TO PARTICIPATE  
IN TREATMENT PROGRAM**

To:

I, \_\_\_\_\_, a magistrate, am satisfied by \*information on oath given/a declaration made\* by you on (*date*) \_\_\_\_\_ that a treatment order is in force in respect of (*name*) \_\_\_\_\_ (the **person at risk**) and all other grounds for the application for this warrant are established.

You and any person assisting you are authorised, using reasonable force if necessary:

- (a) to enter, at any reasonable time, a place where you reasonably believe the person at risk to be; and
- (b) to search the place in order to find the person; and
- (c) to remain at the place for as long as you consider reasonably necessary to find the person; and
- (d) if the person is found – to apprehend the person and take the person to the place specified in the treatment order to participate in the treatment program.

**This warrant remains in force for the lesser of the following periods:**

- (a) **30 days after the day on which it is issued;**
- (b) **until the treatment order lapses in accordance with section 40(3) of the Act.**

**You must produce this warrant (or a copy of the warrant) to a person at the place where the warrant is executed.**

Dated:  
Magistrate

\* *Delete if not applicable*

## ENDNOTES

### 1

### KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2

### LIST OF LEGISLATION

#### ***Volatile Substance Abuse Prevention Regulations (SL No. 7, 2006)***

Notified	9 February 2006
Commenced	9 February 2006 (r 2, s 2 <i>Volatile Substance Abuse Prevention Act 2005</i> (Act No. 22, 2005) and Gaz S2, 9 February 2006)