

NORTHERN TERRITORY OF AUSTRALIA

VOLATILE SUBSTANCE ABUSE PREVENTION REGULATIONS 2006

As in force at 1 May 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2016

VOLATILE SUBSTANCE ABUSE PREVENTION REGULATIONS 2006

Regulations under the *Volatile Substance Abuse Prevention Act 2005*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Volatile Substance Abuse Prevention Regulations 2006*.

2 Commencement

These Regulations come into operation on the commencement of the *Volatile Substance Abuse Prevention Act 2005*.

3 Definitions

In these Regulations:

apprehended child means a child taken to a police station under section 22(3) of the Act to be held in protective custody.

approved carer, see regulation 9.

emergency response plan, see regulation 10.

local authority means a local authority established under section 53B of the *Local Government Act 2008*.

local board means a local board established under section 49 of the *Local Government Act 2008*.

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 Holding apprehended child in police cell

8 When apprehended child may be held in police cell

- (1) For section 24 of the Act, an apprehended child may be held in protective custody inside a cell at a police station only if all of the following circumstances apply:
- (a) the police station is in a council area;
 - (b) the apprehended child resides in the council area;
 - (c) a member of the community council for the council area has been consulted by the responsible officer for the apprehended child and has approved the child being held inside a cell at the police station;
 - (d) the apprehended child is under the direct care and supervision of an approved carer while being held inside the cell;
 - (e) there is an emergency response plan for the police station in relation to an apprehended child being held in a cell.

- (2) If the apprehended child resides in a part of the council area for which there is a local authority or a local board, the reference in subregulation (1)(c) to a member of the community council includes a reference to a member of the local authority or local board.

9 Approved carer

- (1) For regulation 8(1)(d), an **approved carer** for a police station in a council area is a person approved by:
- (a) the community council for the council area; and
 - (b) the police officers stationed at the police station.
- (2) A person who is an approved carer must:
- (a) be a fit and proper person to care for and supervise an apprehended child; and
 - (b) have the necessary knowledge or qualifications required to care for an apprehended child; and
 - (c) have the ability to take action under an emergency response plan if required to do so.

10 Emergency response plan

For regulation 8(1)(e), an **emergency response plan** for a police station in a council area is a plan of the actions to be taken by a responsible officer and an approved carer at the police station if there is a medical, psychological or other type of emergency affecting an apprehended child.

Part 3 Treatment warrants

11 Form of application for treatment warrant

For section 41A(2) of the Act, an application for a treatment warrant must be in accordance with Form 1.

12 Making application for treatment warrant by telephone

For section 41A(3)(b) of the Act, a person who applies to a Local Court Judge by telephone for a treatment warrant must do so by telephoning the Local Court registry nearest to the person.

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 Local Court Judge issues a treatment warrant on application made by telephone:

(a) the Judge 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 Judge; and

(ii) write on each copy the name of the Judge and the date and time of issue of the original warrant; and

(iii) forward one copy to the Judge.

(2) On receiving the copy, the Judge 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

NORTHERN TERRITORY OF AUSTRALIA
Volatile Substance Abuse Prevention Act 2005

section 41A(2)

APPLICATION FOR TREATMENT WARRANT

I, (*name*) ,
*an assessor *an authorised officer *the Chief Health Officer *a delegate of
the Chief Health Officer *a legal practitioner, apply for a treatment warrant in
relation to the person at risk specified in paragraph (a), and say on oath the
following:

- (a) on (*date*) the Court made a treatment order in
relation to (*name*)(the **person at risk**);
- (b) the treatment order will be in force until (*date*) ;
- (c) a true copy of the treatment order is attached to this application;
- (d) I believe the person at risk has not participated in the following
component(s) of the treatment program in accordance with the
treatment order:

(e) I formed the belief mentioned in paragraph (d) on the following
grounds:

Made at [*place*] _____ on [*date*] _____

By [*signature of deponent*] _____

Witnessed by

Signature _____

Magistrate

Name _____

* *Delete if not applicable*

FORM 2

regulation 13

NORTHERN TERRITORY OF AUSTRALIA
Volatile Substance Abuse Prevention Act 2005

section 41B(2)

TREATMENT WARRANT

TO: AN AUTHORISED OFFICER

I, , a magistrate,
am satisfied by *information on oath given by *a declaration made by
(name) on (date) , that:

- (1) a treatment order is in force in relation to (name)
..... (the **person at risk**); and
- (2) the person at risk has failed to participate in the following component(s)
of the treatment program in accordance with the treatment order:

You are authorised to do the following, using reasonable force and, if
necessary, reasonable assistance:

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

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

- 30 days after the day on which it is issued;
- until the treatment order ceases to be in force.

**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	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

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)

Volatile Substance Abuse Prevention Amendment Regulations 2009 (SL No. 37, 2009)

Notified	14 December 2009
Commenced	22 February 2010 (r 2, s 2 <i>Volatile Substance Abuse Prevention Amendment Act 2009</i> (Act No. 37, 2009) and (Gaz G7, 17 February 2010, p 2)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and Gaz G7, 16 February 2011, p 4)

Local Government Amendment Act 2013 (Act No. 28, 2013)

Assent date	8 November 2013
Commenced	8 November 2013

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and Gaz S34, 29 April 2016)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2 and 3 and sch.

4 LIST OF AMENDMENT

r 3	sub No. 37, 2009, r 4 amd Act No. 28, 2013, s 61
pt 2	
div 2 hdg	sub No. 37, 2009, r 5
r 8	sub No. 37, 2009, r 5 amd Act No. 28, 2013, s 61
rr 9 – 10	sub No. 37, 2009, r 5
pt 3 hdg	sub No. 37, 2009, r 6
r 11	sub No. 37, 2009, r 6
r 12	sub No. 37, 2009, r 6 amd Act No. 8, 2016, s 45
r 13	sub No. 37, 2009, r 6
r 14	sub No. 37, 2009, r 6 amd Act No. 8, 2016, s 45
sch	amd No. 37, 2009, r 7; Act No. 40, 2010, s 184