



Fact Sheet

Volatile Substance Abuse Prevention Act

What is a volatile substance?

The law says that all of these things are volatile substances:

- Plastic solvent;
- Adhesive cement;
- Cleaning agent;
- Lacquer thinner;
- Glue;
- Petrol;
- Paint thinner;
- Aerosol propellant;
- Anaesthetic gas;
- Lighter fluid, and
- Nail polish remover.

Is it an offence (a crime) to sniff petrol or glue?

No. The law says that it is not an offence to have a volatile substance or inhale a volatile substance. This means it is not an offence to sniff petrol or glue.

If it's not an offence, how come the police are allowed to search me?

If the police think you have a volatile substance, and that you are inhaling it or will inhale it – the police are allowed to search you. They do not need a warrant for this. They are not allowed to take off any of your clothes or do a full body search.

The police have to have a reason to think that you will inhale the volatile substance. If you don't think the police had a good reason, you can talk to a lawyer about this.

Can the police also search my things?

Yes. If the police are allowed to search you, they can also search anything you have with you, like your bag.

If the police find any volatile substances or inhalants on me are they are allowed to get rid of them?

Yes. A police officer can destroy or dispose of a volatile substance or inhalant they find during their search or that you give them. They can also take them away to the police station to destroy or dispose of it.

Does the police officer need to identify themselves before the search?

The police officer only has to give a person their rank and their police station.

Can the police take me away for sniffing or inhaling?

Yes. The police may pick you up and take you away if they think you are or were sniffing or inhaling a volatile substance and they are worried about your health or safety or someone else's health and safety.

If the police pick you up, they have to try to find a safe place for you or take you to a responsible adult who agrees to look after you.

If the police take me away, does this mean I am under arrest?

No, you can't be charged for having a volatile substance or inhaling a volatile substance. If the police pick you up, this is only to take you to a safe place or to a responsible adult. While you are with the police, the police can't charge you with an offence, question you about an offence, photograph you or fingerprint you. If the police do any of these things, you should talk to a lawyer.

What if parents, family or someone else are worried about my sniffing or inhaling?

A member of your family or someone else (like a police officer, doctor or nurse) can apply for a treatment order for you if they think that your sniffing might be doing serious damage to your health. They need to fill out a particular form to do this. You can get this form by calling the Alcohol and Drug Program on (08) 8922 8399 and asking for a "Request for an Assessment for Treatment at an Approved Facility".

What happens next?

You will have an assessment of your physical and mental condition and if the person doing the assessment thinks that your sniffing is doing serious damage to your health, they have to recommend that you go to a treatment program. If you don't go to this assessment, they might get a warrant to make you go to your assessment.

What are these papers about a court case?

If the person doing your assessment recommended that you go to a treatment program, there will be an application to the Magistrates Court for a treatment order. You or any other person in your family can go to the Court when it is hearing your case. You can have a lawyer represent you to say what you think about the treatment order.

What is a treatment order?

This is an order that you have to participate in a treatment program. A treatment order can only last for 2 months but the Court can make further orders so you might have to spend more than 2 months in the treatment program.

What is a treatment program?

A treatment program is a special place for people who have been using volatile substances like sniffing glue. They will try to help you stop using volatile substances.

What if I don't want to stay at the treatment program?

If you don't stay and participate at the treatment program, they can get a warrant to come and find you to take you back to the treatment program.

This fact sheet provides legal information, **not** legal advice.

Legal information is not the same as legal advice. Legal information is information about the law that applies to everyone. Legal advice applies the law to someone's specific situation. We try to provide correct information on the law but we cannot guarantee it is always accurate. The legal information we have provided here is only a summary, it is not comprehensive and should not be relied upon for any purpose. We welcome your feedback on this legal information.

To get legal advice you need to speak with a lawyer. You can contact a lawyer at NAAJA to get legal advice.

Darwin Office: 1 Gardiner Street Darwin, 1800 898 251

Katherine Office: 32 Katherine Terrace, 1800 897 728

Nhulunbuy Office: Franklyn Street, 1800 022 823

www.naaja.org.au

This information is correct as at 1 April 2008.