

VOLATILE SUBSTANCE ABUSE
MANAGEMENT PLAN
for
COMMUNITIES OF KAKADU

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INTRODUCTION

This 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, businesses and services within the area.

The Plan outlines actions that will be taken and penalties attached to misuse of volatile substances in the area. The abuse of petrol is the main focus of this Plan.

Any stakeholder, agency or individual conducting business, or living in or visiting the Management Area must comply with the conditions of the Volatile Substance Abuse (VSA) Management Plan.

Reasonable care is to be taken in relation to possession, supply and use of volatile substances. Reasonable care refers to 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.

The Plan is designed to encourage responsible and vigilant behaviour by the community. It is the intent that the community will be proactive in trying to prevent volatile substance use and show reasonable care in relation to the possession, supply and use of volatile substances. (Reasonable care is 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.) Contravention of the Plan is an offence under the Act.

For the purposes of this Plan, **Volatile Substance** refers to 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 for Health.

2. THE MANAGEMENT AREA TO WHICH THE PLAN RELATES

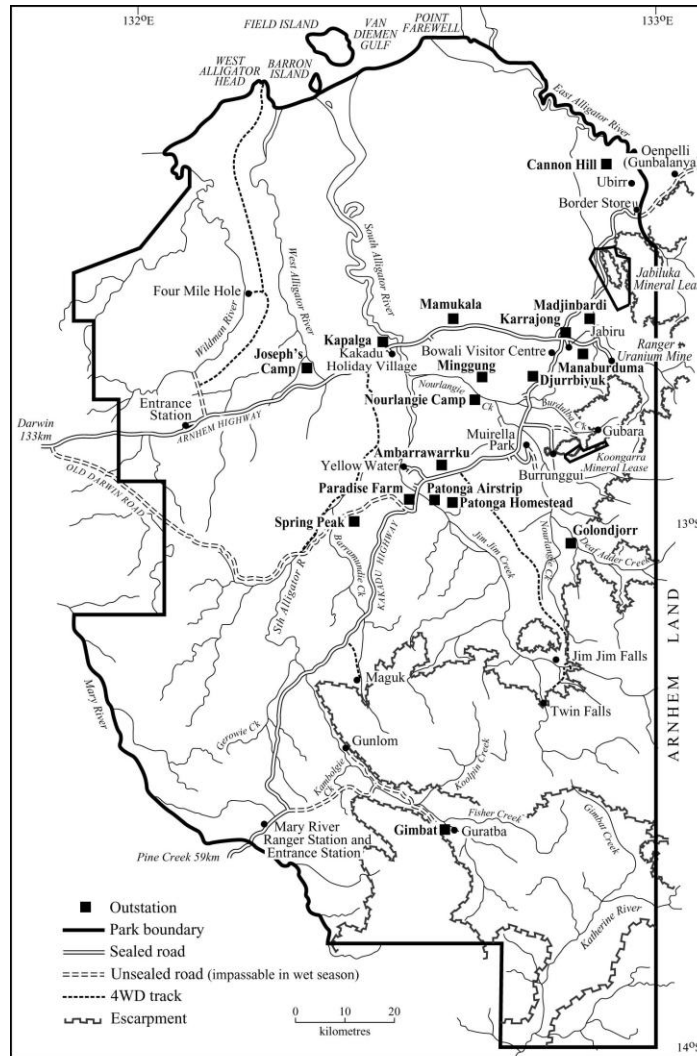
This Management Plan applies to the Volatile Substance Abuse Management Area which relates to the area of land so described as:

All that area of land near in the Northern Territory of Australia being that part of the NT Portion 1662 / 2374, 2375 & 2376 / 4774 known as Kakadu National Park and bounded by the key coordinates:

NW corner – 12° 03' south and 131° 53' east

NE corner – 12° 04' south and 133° 00' east

SE corner – 14° 00' south and 132° 59' east
 SW corner – 13° 59' south and 131° 51' east



3. PRACTICES AND PROCEDURES AND MAXIMUM PENALTIES FOR BREACHES OF THE PLAN

The Kakadu VSA Management Plan stipulates that:

- Emphasis is to be given to prevention strategies that stop the uptake of volatile substance abuse. Community and targeted education and information sessions are to be directed at building a social environment that is not supportive of volatile substance abuse. Young people, parents, families and communities should have access to information and instruction about the dangers of petrol sniffing and other volatile substance use, critical factors associated with use and strategies that can reduce the risks of use. Attractive and healthy alternative activities are to be provided and promoted to those at risk of engaging in volatile substance abuse.

A variety of strategies should be provided for young people who are not acute volatile substance abusers but deemed ready for individual case management or programs that are achievable and can be conducted in the community. These should be accessible to all the young people and families in the area and may include:

- cultural programs with elders of the community or other significant persons.
- programs or sessions conducted by other stakeholders such as Police, Parks Australia and the Health Clinic.
- school and education programs
- youth diversionary program.
- sport and recreation inclusion program.
- regular information sessions about VSA and related topics at the Jabiru Youth Centre.
- mentoring programs, with a focus on employment and work placement in the community.
- traineeships

This approach is to be complemented by a range of specific provisions and actions to apply across the communities of Kakadu. These include:

- Diesel, aviation grade fuel, high octane fuels (e.g. Premium and Ultimate) and low aromatic unleaded fuel (e.g. Opal) will be supplied within the Management Area. Retail outlets providing fuels within the Management Area will not be required to lock bowsers or maintain a register of purchases. They will be vigilant for suspicious behaviour and may refuse access or service if deemed appropriate.

- All visitors, workers and residents will, as far as practicable, be advised of the VSA Management Plan and are encouraged to use vehicles fuelled with either diesel or low aromatic unleaded fuel and take actions that minimise unauthorised access to other fuels.
- All persons are encouraged to report any theft of volatile substances or suspicious activity as soon as possible to Police.
- All persons are encouraged to report any breach of the VSA Management Plan or any incident of volatile substance abuse immediately to NT Police, the local health authority or a representative of the Gunbang Action Group.
- The identity of any person who provides information related to a breach of the VSA Management plan, the theft of volatile substances, suspicious activity or incidents of volatile substance abuse will be kept confidential at all times in accordance with Part 5, Division 2, of the *Volatile Substance Abuse Prevention Act*.
- Persons visiting, working or residing within the Management Area will take all reasonably practical steps when using, securing and disposing of petrol and other volatile substances so there is no unauthorised access or use at any time.
- Any visitors to the Management Area guilty of a breach under this Plan will be reported to Traditional Owners or other authorities (e.g. Northern Land Council) who may cancel their entry pass or take other lawful and appropriate action.
- Individuals engaged in volatile substance abuse are to receive appropriate intervention. Police, health practitioners and family may request the Minister/Chief Health Officer to apply for an assessment or treatment order for those individuals.
- Each homeland may have restrictions and conditions suitable to local circumstances if agreed by the VSA Management Committee and if they are not inconsistent with general provisions of the VSA Management Plan. Subject to approval of relevant authority, homelands may erect signs to indicate permitted fuels and penalties.
- Any unleaded or high octane fuel in abandoned vehicles or long-term broken down cars will be drained or otherwise neutralised.

Specific rules and penalties are:

Focus	Rule	Procedures	Law Enforcement	Penalty
General possession and use of petrol that may be used to inhale	No person in the area will possess or use fuel in any way that is contrary to the procedures.	<p>All reasonable steps will be taken by owners of vehicles fuelled by high octane or standard unleaded petrol to ensure access to fuel tanks is secure.</p> <p>All fuel other than diesel or low aromatic unleaded petrol kept by residents is to be stored in an unobtrusive manner, such that it cannot be readily seen or located.</p> <p>No fuel will be left on unattended boats at the Magela Creek crossing.</p> <p>Any individual who is suspected of failing to ensure the security of petrol that may be used to inhale may be in breach of this part of the Plan and notified to Police.</p>	It is an offence to possess or use fuel that is in contravention of the rules and procedures of this plan and will be punishable by law.	100 penalty units or six months imprisonment
Organisations and the possession and use of fuel that may be used to inhale	Contractors and enterprises in the area will not possess or use fuel in any way that is contrary to procedures.	<p>Contractors requiring standard unleaded or high octane fuel for equipment will be responsible for securing the fuel and the equipment from tampering by unauthorised persons at all times.</p> <p>Local businesses and organisations with service vehicles and equipment will secure fuel and machines in compounds, with all petrol machines returned when not in use. They will be advised to use low aromatic unleaded petrol or diesel only.</p>	It is an offence to possess or use fuel that is in contravention of the rules and procedures of this plan and will be punishable by law.	100 penalty points or 6 months imprisonment

		Any contractor, other agency or individual who is suspected of failing to ensure the security of fuel or equipment that may be used to inhale may be in breach of this part of the management plan and identified to Police.		
Visitor possession and use of fuel that may be used to inhale	Visitors in the area will not possess or use fuel in any way that is contrary to procedures.	Any vehicle visiting the Management Area with standard unleaded fuel and staying longer than 8 hours will be encouraged to top up with low aromatic unleaded petrol at the next available opportunity for the purpose of diluting the standard fuel. Jerry cans of fuel other than diesel or low aromatic unleaded petrol carried by visitors to the management area must be secured Any individual who is suspected of failing to take appropriate measures may be in breach of this part of the Plan and notified to Police.	It is an offence to possess or use fuel that is in contravention of the rules and procedures of this plan and may be punishable by law.	100 penalty units or six months imprisonment for possession and use.
Possession, use and storage of petrol on Aboriginal homelands that may be used to inhale.	Possession, storage or use of petrol on homelands will not in any way be contrary to the procedures.	Any vehicle visiting with standard unleaded fuel and going to any homeland is required to top up with low aromatic unleaded petrol at the next available opportunity for the purpose of diluting its original fuel. No fuel supplies, other than low aromatic unleaded petrol or diesel, to be stored at any homeland unless agreed by residents. If agreed the petrol must be secured and locked away. Any individual or agency suspected of failing to take appropriate measures may be in breach of this part of the Plan and notified to Police.	It is an offence to possess or use fuel that is in contravention of the rules and procedures of this plan and may be punishable by law.	100 penalty units or six months imprisonment for possession and use.
Engaging in volatile substance abuse.	Volatile substance abuse is not an offence. People engaging in volatile substance abuse	The Plan does not seek to make the act of engaging in volatile substance abuse a contravention of the Plan. People at risk of severe harm from volatile substance abuse are to receive appropriate treatment and intervention.	Police, health practitioners and family may request the Minister to apply for a treatment order	

	<p>are to be subject to treatment and rehabilitation.</p> <p>No one can actively support or otherwise influence a person to engage in volatile substance abuse.</p>	<p>A person shall not coerce, encourage, or knowingly assist or facilitate another person to abuse petrol as a volatile substance.</p> <p>Any non-resident on a homeland suspected of encouraging volatile substance abuse may be expelled from the Management Area by the community residing at the homeland.</p>	<p>for a person who is at risk of severe harm.</p> <p>Police will keep the identity of any person who provides information relating to a person abusing volatile substances confidential at all times.</p> <p>Any person found supporting or otherwise influencing a person to engage in volatile substance abuse may be in breach of this Plan and punishable by law.</p>	<p>100 penalty units or imprisonment for 6 months</p>
<p>The possession and use of a volatile substance other than petrol.</p>	<p>Possession and legitimate use of volatile substances other than petrol is permitted.</p>	<p>Volatile substances are not prohibited under this Plan.</p> <p>Individuals or agencies requiring volatile substances for work or recreational purposes must only use them for those intended purposes and keep them secure when not in use. They will be responsible for the safe storage, use and disposal of substances. Use of low toxicity products will be encouraged.</p>	<p>It is an offence to possess volatile substances that are in contravention of the rules and procedures of this plan and will be punishable by law.</p>	<p>100 penalty units or imprisonment for 6 months.</p>

Supply of fuel and other volatile substances that may be used to inhale	No one will supply fuel or other volatile substances to any person if there is any reason to suspect it may be used to inhale.	No person will knowingly supply (give or sell) a volatile substance (including petrol) to a person if it is suspected the person will inhale the substance or pass it to a third person to inhale or supply to any other person. Persons suspected of supplying petrol or other volatile substances deliberately for inhalation may be in breach of this part of the plan and notified to Police.	It is an offence to supply volatile substances to another person in contravention of the rules and procedures of this plan and will be punishable by law.	200 penalty units or imprisonment for 2 years for unlawful supply of volatile substances:
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4. AUTHORISED PERSONS

To complement health and law enforcement resources available to the community, it is recommended that suitable persons be identified as Authorised Persons to take action under the *Volatile Substance Abuse Prevention Act* (the Act). They can facilitate timely and culturally responsive interventions when Police and health practitioners are not able to attend.

It is recognised that the appointment of Authorised Persons and the extent of their role and function is at the discretion of the Minister for Health and Families and that powers will be exercised in accordance with the procedures set out in the Act and regulations under the Act. Authorised Persons can act to prevent volatile substance abuse and protect individuals and communities from harm resulting from volatile substance abuse.

It is suggested that any Authorised Person will be a resident of Kakadu and engaged in a program associated with community safety, alcohol and other drugs or volatile substance abuse. The role may incorporate:

- identifying and reducing potential harms for those at risk of abusing volatile substances, in particular sniffing petrol;
- identifying and reporting to the Police the persons and their vehicles who may be supplying abusers and potential abusers with volatile substances, in particular petrol;
- reporting volatile substance abusers to Police or relevant health professionals; and
- keeping statistics on their work under the Plan and as required by regulations under the Act.

Training of any Authorised Person should be compulsory. It should include information about petrol sniffing and other volatile substance abuse practices, as well as any other matters deemed relevant by the local VSA Management Committee

It is understood an Authorised Person may exercise a power only in the Management Area and 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. It is also understood an Authorised Person may exercise powers relating to (1) search and seizure, (2) disposal and (3) apprehension and detainment of a person in order to take them to a responsible adult or a place of safety (as declared by the Minister).

Search and Seize Volatile Substance

This can occur if an Authorised Person has reasonable grounds to believe a person:

- is in possession of a volatile substance; and
- is inhaling or will inhale a volatile substance.

The Authorised Person must inform the person of his/her identity by showing the Identify Card. The Authorised Person may:

- (a) search the person, and anything in the person's possession, for a volatile substance; and
- (b) seize any volatile substance that is in the person's possession.

The seizure and disposal of volatile substances will apply to both abusers and offenders who breach the legal storage requirements of volatile substances.

Disposal of Volatile Substance

An Authorised Person may dispose of or destroy the volatile substance if he/she believes that removing the volatile substance to a police station may cause a health or safety risk or it is impracticable to do so.

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.

An Authorised Person will seize and dispose of any volatile substance in the same manner as Police: volatile substance is seized, it is then secured in lockable container located in vehicle of Authorised Person or Police, then it is transported for storage to a highly secured area, and then it is disposed of or destroyed appropriately by the Authorised Person or Police.

Apprehend and Detain

An Authorised Person may apprehend a person if he/she has reasonable grounds to believe the person:

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

The Authorised Person must inform the apprehended person:

- of his/her identity by showing the Identity Card;
- that the person is not under arrest in relation to any alleged offence;
- that the person is being apprehended to protect the health or safety of the person or other persons; and
- that the authorised person intends to take the person to a place of safety or to a responsible adult.

The Authorised Person has a duty of care:

- a) If there is any concern about the welfare of a detained person then medical advice should be immediately sought.
- b) Force is not to be used if a person resists apprehension or search.
- c) If a person suspected of volatile substance use runs away there is to be no chase. In these instances contact is to be made at a later opportunity.

Take to a responsible adult or a place of safety

As soon as practicable after apprehending a person, the Authorised Person must take the person:

- to a place of safety, where the person may be released into the care of a person at that place; or
- to a responsible adult and, if the responsible adult consents, release the apprehended person into the adult's care. (A responsible adult is a person reasonably considered by an Authorised Person to be capable of taking care of the apprehended person).

5 ACUTE CARE STRATEGY

The acute care of a person identified as a “chronic sniffer” and deemed in need of a therapeutic intervention or treatment will be referred to the Jabiru Community Health Centre.

Chronic abusers who pose a risk to the health and safety of themselves or others may be considered for relocation. The relocation will occur in consultation with the impacted community. Key community members are to be kept informed of the welfare and therapeutic progress of the abuser. The community is to be allowed contact with the abuser as the treatment regime permits.

Parents and other family members of a chronic abuser may be involved in a treatment regime if appropriate and they can be subject to interventions aimed at addressing their own critical needs. Programs aimed at improved parenting may be provided.

Any chronic abuser under the age of 25 will be referred to an appropriate Youth Program for inclusion in diversionary activities. The diversionary activities will be developed in accordance with identified needs of the abuser.

6. MONITORING AND MANAGEMENT OF THE PLAN

The Gunbang Action Group shall undertake to monitor the implementation, administration, review and revision of the Kakadu VSA Management Plan as necessary. It will form the VSA Management Committee.

7. DATE WHEN THE PLAN COMES INTO FORCE

The Plan comes into force on the date of the publication of the 'Notice of approval of Management Plan for Communities of Kakadu locality' in the *Northern Territory Gazette*.

8. AMENDMENT OR REPLACEMENT OF THE MANAGEMENT PLAN

In accordance with Division 3, section 51 of the *Volatile Substance Abuse Prevention Act* the Kakadu VSA Management Plan may be amended or replaced. This can be achieved by:

- A minimum of 10 residents of the VSA Management Area preparing (1) an amendment to the Management Plan, or (2) a new replacement Management Plan.
- An application then being made to the Minister for Health and Families, through the Department of Health, for the proposed amendment or the replacement Management Plan to be adopted.