



RESPONSIBLE SALE OF VOLATILE SUBSTANCE

Retailer legal rights and responsibilities under the Northern Territory *Volatile Substances Abuse Prevention Act 2005* (VSAP Act)

- It is not an offence to misuse volatile substances.
- The VSAP Act does include as an offence 'supplying volatile substances to another person if it will be used for inhalation'.
- Under the VSAP Act, a person (or retailer) must not supply a volatile substance to a second person if the first person knows or ought to know the second person intends –
 - (a) to inhale the volatile substance; or
 - (b) to supply the volatile substance to a third person for inhalation by the third person or any other person.

What does this mean for you, the retailer?

- The VSAP Act puts the responsibility onto the retailer to decide if the purchaser may be intending to inhale the product or sell/supply to someone else. You have the right to refuse sale on this basis.
- Additionally, retailers have the right to withdraw particular items from sale, move products to another area or encase products in cages.

Can retailers be prosecuted for refusing to sell volatile substances?

- No. Retailers and staff are protected if refusal to sell is based on the knowledge or suspicion that the person may use the volatile substance to inhale, or may sell or supply another person to inhale.

What about anti-discrimination?

- As above, retailers are protected, as long as refusal to sell is related to the belief or suspicion that the person may use the volatile substance to inhale or may sell or supply another person to inhale.
- Any questions asked of customer must relate to establishing legitimate purpose of purchase, and not be discriminatory based on age, race or sex.

Further information

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