



**Government  
of South Australia**

**CONTROLLED SUBSTANCES ADVISORY  
COUNCIL  
2018-19 Annual Report**

DEPARTMENT FOR HEALTH AND WELLBEING  
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To:

Hon Stephen Wade MLC

Minister for Health and Wellbeing

This annual report will be presented to Parliament to meet the statutory reporting requirements of the *Controlled Substances Act 1984* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Controlled Substances Advisory Council by:

Marina Bowshall

Presiding Member



**Signature**

11 October 2019

**Date**

## **From the Presiding Member**

I am pleased to submit for presentation to Parliament, pursuant to section 11(6) of the *Controlled Substances Act 1984*, the report of the Controlled Substances Advisory Council on the administration of the Act for the twelve months ending 30 June 2019.

A handwritten signature in black ink, appearing to read 'MB', with a horizontal line underneath.

Marina Bowshall

**Presiding Member**

Controlled Substances Advisory Council

## Contents

<b>Contents</b> .....	<b>4</b>
<b>Overview: about the agency</b> .....	<b>6</b>
Our strategic focus.....	6
Our organisational structure.....	6
Changes to the agency .....	7
Our Minister .....	8
Our Executive team .....	8
Legislation administered by the agency .....	8
Other related agencies (within the Minister’s area/s of responsibility).....	8
<b>The agency’s performance</b> .....	<b>9</b>
Performance at a glance .....	9
Agency contribution to whole of Government objectives.....	9
Agency specific objectives and performance .....	9
Corporate performance summary .....	10
Employment opportunity programs .....	10
Agency performance management and development systems.....	11
Work health, safety and return to work programs .....	11
Executive employment in the agency.....	12
<b>Financial performance</b> .....	<b>13</b>
Financial performance at a glance .....	13
Consultants disclosure.....	13
Contractors disclosure .....	14
Other financial information .....	15
Other information .....	15
<b>Risk management</b> .....	<b>16</b>
Risk and audit at a glance.....	16
Fraud detected in the agency.....	16
Strategies implemented to control and prevent fraud.....	16
Whistle-blowers disclosure.....	16
<b>Reporting required under any other act or regulation</b> .....	<b>17</b>
Reporting required under the <i>Carers’ Recognition Act 2005</i> .....	19

**Public complaints..... 20**  
    Number of public complaints reported ..... 20  
    Service improvements for period ..... 222

**Appendix: Audited financial statements 2018-19..... 23**

## Overview: about the agency

### Our strategic focus

<p><b>Our Purpose</b></p>	<p>To ensure South Australia’s Controlled Substances legislation promotes and protects public health and safety by minimizing:</p> <ul style="list-style-type: none"> <li>• Unintentional and deliberate poisoning</li> <li>• Medicinal misadventure</li> <li>• Diversion for abuse or manufacture of substances of abuse</li> <li>• Misuse and abuse of illicit substances</li> <li>• Trafficking in and manufacture of illicit substances</li> </ul> <p>To provide the Minister with appropriate advice in a timely manner.</p>
<p><b>Our functions, objectives and deliverables</b></p>	<p>To keep under review substances and devices that are subject to the Controlled Substances Act 1984 and the controls, if any that are or should be applicable to them.</p> <p>Advise the Minister on the measures that should be taken in relation to imposing, withdrawing or varying the controls.</p> <p>Monitor the administration and operation of the Controlled Substances Act 1984.</p> <p>Such other functions as the Minister may assign to the Advisory Council.</p>

### Our organisational structure

The Controlled Substances Advisory Council is established under Part 2, section 6(1) of the Controlled Substances Act 1984 and consists of 10 members with particular technical expertise and experience as required under the Act.

Members include a police officer, medical practitioner, legal practitioner, technical experts and a member of the public.

Members and the subsection of the Act under which each is appointed are as follows:

#### Presiding Member

- Ms M Bowshall appointed under section 6(2)(a)

#### Members 2018-19

- Dr M Craigie appointed under section 6(2)(b)
- Detective Chief Superintendent T Osborn appointed under section 6(2)(c)
- Ms C Sarre appointed under section 6(2)(ca)

- Dr C Ward appointed under section 6(2)(d)
- Professor J White appointed under section 6(2)(d)
- Dr M Reeves appointed under section 6(2)(e)
- Ms R Johns appointed under section 6(2)(f)
- Dr C Reynolds appointed under section 6(2)(f)
- Ms J Gillett-Ferguson appointed under section 6(2)(g)

#### **Deputy Members 2018-19**

- Ms J Bernardo deputy of C Reynolds
- Detective Chief Inspector A Crameri deputy of T Osborn
- Mr M Goode deputy of C Sarre
- Mr D Ng deputy of J White
- Mr B Painter deputy of Ward

#### **Executive Officer**

- Ms A FitzHenry

#### **Changes to the Advisory Council in 2018-19**

During 2018-19 the following changes were made to the Advisory Council's membership. Appointments are for a term of up to three years. Some new appointments were made to replace outgoing members whose terms were expiring and who did not seek to continue on the Council. New deputy appointments were not made, in line with the South Australian Government's move towards smaller boards and committees

#### **New appointments 2018-19**

- Dr M Craigie, appointed 13 September 2018
- Dr M Reeve, appointed 26 April 2019
- Ms R Johns, appointed 13 September 2018

#### **Outgoing members and deputy members 2018-19**

- Dr P Briscoe
- Dr J Nicholls
- Ms L Banner
- Ms S Elborough
- Ms J Smith
- Mr S Morris
- Dr T Semple

## **Our Minister**

Hon Stephen Wade MLC is the Minister for Health and Wellbeing in South Australia.

The Minister oversees health, wellbeing, mental health, ageing well, substance abuse and suicide prevention.



## **Our Executive team**

The *Controlled Substances Act 1984* is administered by the Department for Health and Wellbeing.

## **Legislation administered by the agency**

*Controlled Substances Act 1984*

*Controlled Substances (Poisons) Regulations 2011*

*Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014*

*Controlled Substances (Fees) Regulations 2019*

*Controlled Substances (Pesticides) Regulations 2017*

*Controlled Substances (Poppy Cultivation) Regulations 2016*



## The agency's performance

### Performance at a glance

The Controlled Substances Advisory Council provides review and advice as required under the *Controlled Substances Act 1984*.

### Agency contribution to whole of Government objectives

The Controlled Substances Advisory Council contributes to the SA Government objective of protecting public health and safety.

Key objective	Agency's contribution
More jobs	Nil to report
Lower costs	Nil to report
Better Services	Nil to report

### Agency specific objectives and performance

The Controlled Substances Advisory Council:

- reviews the substances that are controlled under the *Controlled Substances Act 1984* or that may need to be controlled and the controls that should apply to them;
- advises the Minister about measures that should be taken in relation to adding, removing or changing the controls;
- monitors the administration and operation of the Act;
- makes recommendations to the Minister for changes to the Controlled Substances legislation.

Agency objectives	Indicators	Performance
Controlled Substances Advisory Council – review and advice as required under the <i>Controlled Substances Act 1984</i> .	The Controlled Substances Advisory Council has performed its functions under the <i>Controlled Substances Act 1984</i> .	The Controlled Substances Advisory Council has continued its role under the <i>Controlled Substances Act 1984</i> in helping to ensure best practice in the regulation of substances and devices.

**Corporate performance summary**

Nil to report

**Employment opportunity programs**

Program name	Performance
Controlled Substances Advisory Council - staff that support the Advisory Council participate in the Department for Health and Wellbeing employment opportunity programs.	The Department for Health and Wellbeing Annual Report on the SA Health Website highlights key programs available to staff. Refer to <a href="http://www.sahealth.sa.gov.au">www.sahealth.sa.gov.au</a>

### Agency performance management and development systems

Performance management and development system	Performance
Controlled Substances Advisory Council - staff that support the Advisory Council participate in the Department for Health and Wellbeing performance management and development systems.	The Department for Health and Wellbeing Annual Report on the SA Health Website highlights key programs available to staff. Refer to <a href="http://www.sahealth.sa.gov.au">www.sahealth.sa.gov.au</a>

### Work health, safety and return to work programs

Program name	Performance
Controlled Substances Advisory Council - staff that support the Advisory Council participate in the Department for Health and Wellbeing work health, safety and return to work programs.	The Department for Health and Wellbeing Annual Report on the SA Health Website highlights key programs available to staff. Refer to <a href="http://www.sahealth.sa.gov.au">www.sahealth.sa.gov.au</a>

Workplace injury claims	Current year 2018-19	Past year 2017-18	% Change (+ / -)
Total new workplace injury claims	0	0	0
Fatalities	0	0	0

Seriously injured workers*	0	0	0
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	0	0	0

\*number of claimants assessed during the reporting period as having a whole person impairment of 30% or more under the Return to Work Act 2014 (Part 2 Division 5)

<b>Work health and safety regulations</b>	Current year 2018-19	Past year 2017-18	% Change (+ / -)
Number of notifiable incidents ( <i>Work Health and Safety Act 2012, Part 3</i> )	0	0	0
Number of provisional improvement, improvement and prohibition notices ( <i>Work Health and Safety Act 2012 Sections 90, 191 and 195</i> )	0	0	0

<b>Return to work costs**</b>	Current year 2018-19	Past year 2017-18	% Change (+ / -)
Total gross workers compensation expenditure (\$)	0	0	0
Income support payments – gross (\$)	0	0	0

\*\*before third party recovery

Data for previous years is available at: [Data SA](#)

### **Executive employment in the agency**

<b>Executive classification</b>	<b>Number of executives</b>
Nil to report	0

Data for previous years is available at: [Data SA](#)

The [Office of the Commissioner for Public Sector Employment](#) has a [workforce information](#) page that provides further information on the breakdown of executive gender, salary and tenure by agency.

## Financial performance

### Financial performance at a glance

The following is a brief summary of the overall financial position of the agency. The information is unaudited. Full audited financial statements for 2018-19 are attached to this report.

<b>Statement of Comprehensive Income</b>	<b>2018-19 Budget \$000s</b>	<b>2017-18 Actual \$000s</b>	<b>Variation \$000s</b>	<b>2017-18 Actual \$000s</b>
Expenses	0	0	0	0
Revenues	0	0	0	0
<b>Net cost of providing services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Net Revenue from SA Government	0	0	0	0
<b>Net result</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Comprehensive Result</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Statement of Financial Position</b>	<b>2018-19 Budget \$000s</b>	<b>2017-18 Actual \$000s</b>	<b>Variation \$000s</b>	<b>2017-18 Actual \$000s</b>
Current assets	0	0	0	0
Non-current assets	0	0	0	0
<b>Total assets</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Current liabilities	0	0	0	0
Non-current liabilities	0	0	0	0
<b>Total liabilities</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net assets</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Equity</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Consultants disclosure

The following is a summary of external consultants that have been engaged by the agency, the nature of work undertaken, and the actual payments made for the work undertaken during the financial year.

**Consultancies with a contract value below \$10,000 each**

<b>Consultancies</b>	<b>Purpose</b>	<b>\$ Actual payment</b>
Nil to report	Nil to report	0

**Consultancies with a contract value above \$10,000 each**

<b>Consultancies</b>	<b>Purpose</b>	<b>\$ Actual payment</b>
Nil to report	Nil to report	\$ 0
	Total	\$ 0

Data for previous years is available at: [Data SA](#)

See also the [Consolidated Financial Report of the Department of Treasury and Finance](#) for total value of consultancy contracts across the South Australian Public Sector.

**Contractors disclosure**

The following is a summary of external contractors that have been engaged by the agency, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

**Contractors with a contract value below \$10,000**

<b>Contractors</b>	<b>Purpose</b>	<b>\$ Actual payment</b>
Nil to report	Nil to report	0

**Contractors with a contract value above \$10,000 each**

<b>Contractors</b>	<b>Purpose</b>	<b>\$ Actual payment</b>
0	0	\$ 0
	Total	\$ 0

Data for previous years is available at: [Data SA](#)

The details of South Australian Government-awarded contracts for goods, services, and works are displayed on the SA Tenders and Contracts website. [View the agency list of contracts.](#)

The website also provides details of [across government contracts.](#)

**Other financial information**

Nil to report

**Other information**

Nil to report

## Risk management

### Risk and audit at a glance

Nil to report

### Fraud detected in the agency

Category/nature of fraud	Number of instances
Nil to report	0

*NB: Fraud reported includes actual and reasonably suspected incidents of fraud.*

### Strategies implemented to control and prevent fraud

Nil to report

Data for previous years is available at: [Data SA](#)

### Whistle-blowers disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Whistleblowers Protection Act 1993*:

Nil to report

Data for previous years is available at: [Data SA](#)



## Reporting required under any other act or regulation

Act or Regulation	Requirement
<i>Controlled Substances Act 1984</i>	To keep under review substances and devices that are subject to the Act and its controls; to advise the Minister on the measures that should be taken in relation to imposing, withdrawing or varying the controls and; to monitor the administration and operation of the Act.

The Advisory Council met twice during the reporting period. The meetings were held on 13 December 2018 and 17 June 2019 and considered a range of matters, including of note:

- The definition for a low THC cannabis food product in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014 remains appropriate taking account of the change to the Food Standards Code on 12 November 2017 that permits use of hemp seed and hemp seed products as food;
- Adoption of the new Appendix M to the national Poisons Standard in the Controlled Substances (Poisons) Regulation 2011 with further consideration of any regulatory amendments that may be required to the Controlled Substances (Poisons) Regulations 2011 when the criteria is determined by the TGA and/or a particular Schedule 3 substance is to be included in Appendix M.
- The declaration of 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (*N*-Ethylpentylone) as a controlled drug in Schedule 1-Controlled Drugs, Part 1—Controlled drugs other than drugs of dependence of the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014, and proposed prescribed quantities, consistent with those listed for other cathinone stimulants.
- Strategic matters that may require regulatory consideration in the 2019-20 financial year including electronic prescribing, Real Time Prescription Monitoring and non-medical prescribing.
- A proposal to increase cannabis expiation fees regulated under the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.

Amendments to the Controlled Substances legislation that the Advisory Council was consulted about and were gazetted during the reporting period include the following:

- Addition of the following substances under Regulation (16)(3) (Section 17C precursors) of the Controlled Substances (Poisons) Regulations 2011 on 1 July 2018:
  - Acetaldehyde
  - Ammonium formate

- 1,3-benzodioxole
  - Benzyl bromide
  - 5-bromo-1,3-benzodioxole
  - Chromic acid (including salts)
  - Ergometrine
  - Ergotamine
  - Eugenol
  - Formaldehyde
  - Hydrobromic acid
  - Iodine (including iodide salts)
  - Lithium
  - Lysergic acid
  - Magnesium
  - Mandelic acid
  - Mercuric chloride
  - Mercury
  - Methylammonium salts
  - N-methylformamide
  - Nitromethane
  - Palladium (including salts)
  - Phenylalanine
  - Platinum
  - Potassium
  - Raney nickel
  - Sodium
  - Sodium borohydride
  - Thionyl chloride
  - Thorium (including salts)
  - Trans-beta-methylstyrene
- Administrative amendments to the Controlled Substances (Poisons) Regulations 2011, required as a result of updates to national legislative instruments including Therapeutic Goods Order No. 80 being updated to Therapeutic Goods Order No. 95, and changes to the national scheduling of codeine on 1 February 2018. These amendments came into effect on 18 April 2019.
  - Amendments to the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014 that came into effect on 26 July 2018; Beta-phenyl-gamma-aminobutyric acid (Phenibut) was declared as a controlled drug in Schedule 1 – Controlled drugs.

Full details of the legislative changes made to the Controlled Substance Act 1984 and the regulations made under it are available on the [South Australian Legislation](#)

## **Reporting required under the *Carers' Recognition Act 2005***

The Carers' Recognition Act 2005 is deemed applicable for the following: Department of Human Services, Department for Education, Department for Health and Wellbeing, Department of State Development, Department of Planning, Transport and Infrastructure, South Australia Police and TAFE SA.

*Section 7: Compliance or non-compliance with section 6 of the Carers Recognition Act 2005 and (b) if a person or body provides relevant services under a contract with the organisation (other than a contract of employment), that person's or body's compliance or non-compliance with section 6.*

Not applicable

## Public complaints

### Number of public complaints reported

Complaint categories	Sub-categories	Example	Number of Complaints 2018-19
Professional behaviour	Staff attitude	Failure to demonstrate values such as empathy, respect, fairness, courtesy, extra mile; cultural competency	0
Professional behaviour	Staff competency	Failure to action service request; poorly informed decisions; incorrect or incomplete service provided	0
Professional behaviour	Staff knowledge	Lack of service specific knowledge; incomplete or out-of-date knowledge	0
Communication	Communication quality	Inadequate, delayed or absent communication with customer	0
Communication	Confidentiality	Customer's confidentiality or privacy not respected; information shared incorrectly	0
Service delivery	Systems/technology	System offline; inaccessible to customer; incorrect result/information provided; poor system design	0
Service delivery	Access to services	Service difficult to find; location poor; facilities/environment poor standard; not accessible to customers with disabilities	0
Service delivery	Process	Processing error; incorrect process used; delay in processing application; process not customer responsive	0
Policy	Policy application	Incorrect policy interpretation; incorrect policy applied; conflicting policy advice given	0
Policy	Policy content	Policy content difficult to understand; policy unreasonable or disadvantages customer	0
Service quality	Information	Incorrect, incomplete, out dated or inadequate	0

<b>Complaint categories</b>	<b>Sub-categories</b>	<b>Example</b>	<b>Number of Complaints 2018-19</b>
		information; not fit for purpose	
Service quality	Access to information	Information difficult to understand, hard to find or difficult to use; not plain English	0
Service quality	Timeliness	Lack of staff punctuality; excessive waiting times (outside of service standard); timelines not met	0
Service quality	Safety	Maintenance; personal or family safety; duty of care not shown; poor security service/ premises; poor cleanliness	0
Service quality	Service responsiveness	Service design doesn't meet customer needs; poor service fit with customer expectations	0
No case to answer	No case to answer	Third party; customer misunderstanding; redirected to another agency; insufficient information to investigate	0
		<b>Total</b>	<b>0</b>

Data for previous years is available at: [Data SA](#)

**Service improvements for period**

**Service improvements that responded to customer complaints or feedback**

Nil to report

## **Appendix: Audited financial statements 2018-19**

Nil to report