



**Government
of South Australia**

**CONTROLLED SUBSTANCES ADVISORY
COUNCIL
2019-20 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

13 October 2020

Date

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

Signature

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 2020.



Marina Bowshall

Presiding Member

Controlled Substances Advisory Council

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**Service Improvements resulting from complaints or consumer suggestions
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Overview: about the agency

Our strategic focus

<p>Our Purpose</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"> • Unintentional and deliberate poisoning • Medicinal misadventure • Diversion for abuse or manufacture of substances of abuse • Misuse and abuse of illicit substances • Trafficking in and manufacture of illicit substances <p>To provide the Minister with appropriate advice in a timely manner.</p>
<p>Our functions, objectives and deliverables</p>	<p>To keep under review substances and devices that are subject to the <i>Controlled Substances Act 1984</i> 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 <i>Controlled Substances Act 1984</i>.</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:

- Ms M Bowshall (Presiding Member) appointed under section 6(2)(a)
- Dr M Craigie appointed under section 6(2)(b)
- Detective Chief Superintendent T Osborn appointed under section 6(2)(c)
- Ms J Rusalen appointed under section 6(2)(ca)
- Dr C Ward appointed under section 6(2)(d)
- Dr Andrew Somogyi 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)

Changes to the Advisory Council

During 2019-20 the following persons were appointed to the Advisory Council; these appointments were made for a term of three years.

New appointments 2019-20, appointed or reappointed on 12 September 2019

- Ms J Rusalen
- Dr A Somogyi
- Dr C Ward
- Detective Chief Superintendent T Osborn
- Dr C Reynolds

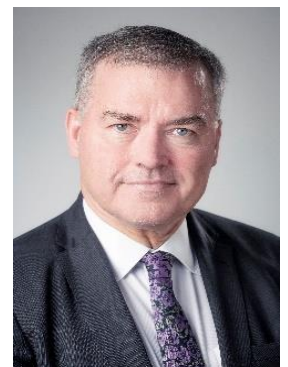
Outgoing members 2019-20, further to expiry of term on 11 September 2019

- Professor J White
- Ms C Sarre

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.

The Office of the Chief Pharmacist, SA Health, provides technical and administrative support for the Controlled Substances Advisory Council.

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 www.sahealth.sa.gov.au

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 published on the SA Health Website highlights key programs available to staff. Refer to www.sahealth.sa.gov.au

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 published on the SA Health Website highlights key programs available to staff. Refer to www.sahealth.sa.gov.au

Workplace injury claims	Current year 2019-20	Past year 2018-19	% 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)

Work health and safety regulations	Current year 2019-20	Past year 2018-19	% 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

Return to work costs**	Current year 2019-20	Past year 2018-19	% 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

Executive classification	Number of executives
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 2019-20 are attached to this report.

Statement of Comprehensive Income	2019-20 Budget \$000s	2018-19 Actual \$000s	Variation \$000s	2018-19 Actual \$000s
Total Income	0	0	0	0
Total Expenses	0	0	0	0
Net Result	0	0	0	0
Total Comprehensive Result	0	0	0	0

Statement of Financial Position	2019-20 Budget \$000s	2018-19 Actual \$000s	Variation \$000s	2018-19 Actual \$000s
Current assets	0	0	0	0
Non-current assets	0	0	0	0
Total assets	0	0	0	0
Current liabilities	0	0	0	0
Non-current liabilities	0	0	0	0
Total liabilities	0	0	0	0
Net assets	0	0	0	0
Equity	0	0	0	0

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

Consultancies	Purpose	\$ Actual payment
Nil to report	Nil to report	\$ 0
	Total	\$ 0

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

Consultancies	Purpose	\$ Actual payment
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

Contractors	Purpose	\$ Actual payment
Nil to report	Nil to report	\$ 0
	Total	\$ 0

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

Contractors	Purpose	\$ Actual payment
Nil to report	Nil to report	\$ 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](#)

Public interest disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*:

Nil to report

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

Note: Disclosure of public interest information was previously reported under the *Whistleblowers Protection Act 1993* and repealed by the *Public Interest Disclosure Act 2018* on 1/7/2019.

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 convened three times during the reporting period. The meetings were held in November 2019, January 2020 and May 2020 and considered a range of matters, including of note:

- Regulations to put tighter controls around the sale of nitrous oxide and address concerns and issues raised by community around the misuse of this substance. The regulations introduce new penalties for the sale of nitrous oxide for brick and mortar stores and online businesses.
- Plans for regulatory amendment to support Real Time Prescription Monitoring in South Australia.
- Electronic prescribing and regulatory amendments to recognise electronic prescriptions in South Australia.
- Emergency supply arrangements to allow pharmacists to dispense or supply a Schedule 4 prescription drug without a prescription under certain conditions if the pharmacist is satisfied that the person is being treated with the drug and is unable to produce a prescription for the drug because they are affected by an emergency specified by the Minister by notice published in the Gazette.

Act or Regulation	Requirement
Controlled Substances (Poisons) Regulations 2011	<p>13 January 2020 – Amendments support emergency supply by pharmacists in specified emergencies.</p> <p>1 April 2020 – Amendments place restrictions on the sale of nitrous oxide.</p> <p>18 June 2020 – Amendments enable electronic prescribing.</p>

Act or Regulation	Requirement
Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.	<p>1 July 2019 - Schedule 5 cannabis expiation fees increased.</p> <p>31 October 2019 - 1-(1,3-Benzodioxol-5-yl)- 2-(ethylamino)pentan-1- one (N-Ethylpentylone) declared a controlled drug.</p>

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 2019-20
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

Complaint categories	Sub-categories	Example	Number of Complaints 2019-20
Service quality	Information	Incorrect, incomplete, out dated or inadequate information; not fit for purpose	0
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
		Total	0

Additional Metrics	Total
Number of positive feedback comments	0
Number of negative feedback comments	0
Total number of feedback comments	0
% complaints resolved within policy timeframes	0

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

Service Improvements resulting from complaints or consumer suggestions over 2019-20.

Nil to report

Appendix: Audited financial statements 2019-20

Nil to report