



**Government  
of South Australia**

# Controlled Substances Advisory Council

## **2017-18 Annual Report**

Controlled Substances Advisory Council

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Date presented to Minister: 31 October 2018

To:

Hon Stephen Wade MLC

Minister for Health and Wellbeing

This annual report is to be presented to Parliament to meet the statutory reporting requirements of the *Controlled Substance Act 1984* and meets 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

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

Signature

10 October 2018

Date

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## Section A: Reporting required under the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act 1987*

### Agency purpose or role

To ensure the Controlled Substances legislation promotes and protects public health and safety by minimizing:

- Unintentional poisoning
- Deliberate poisoning
- Medicinal misadventures
- Diversion for abuse or manufacture of substances of abuse
- Misuse and abuse of illicit substances
- Trafficking in, and manufacture of, illicit substances.

To provide the Minister with appropriate advice in a timely manner.

### Objectives

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.

### Key strategies and their relationship to SA Government objectives

Key strategy	SA Government objective
To comply with the requirements of the <i>Controlled Substances Act 1984</i> , concerning the review and advisory role of the Controlled Substances Advisory Council.	South Australian Government objective of protecting public health and safety.

## Agency programs and initiatives and their effectiveness and efficiency

Program name	Indicators of performance/effectiveness/efficiency	Outcome for South Australia
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.

### Legislation administered by the agency

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

### Organisation of the agency

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

More information is available on the [SA Health website](#).

### Other agencies related to this agency (within the Minister’s area/s of responsibility)

Department for Health and Wellbeing

### Employment opportunity programs

Program name	Result of the program
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	Assessment of effectiveness and efficiency
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 of the agency and their effectiveness

Program name and brief description	Effectiveness
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>

### Work health and safety and return to work performance

	2017-18	2016-17	% Change (+ / -)
<b>Workplace injury claims</b>			
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
<b>Work health and safety regulation</b>			
Number of notifiable incidents ( <i>WHS Act 2012, Part 3</i> )	0	0	0

Number of provisional improvement, improvement and prohibition notices ( <i>WHS Act 2012 Sections 90, 191 and 195</i> )	0	0	0
<b>Return to work costs**</b>			
Total gross workers compensation expenditure (\$)	0	0	0
Income support payments – gross (\$)	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)*

\*\*before third party recovery

Data for the past five years is available at: [Data SA](#)

### Fraud detected in the agency

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

### Strategies implemented to control and prevent fraud

Not applicable

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 *Whistle-blowers' Protection Act 1993* 0

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 of Public Sector Employment](#) has a [data dashboard](#) for further information on the breakdown of executive gender, salary and tenure by agency.

## Consultants

The following is a summary of external consultants that have been engaged by the agency, the nature of work undertaken and the total cost of the work undertaken.

<b>Consultancies below \$10,000 each</b>		
Nil to report		0
<b>Consultancies above \$10,000 each</b>		
Nil to report		0
<b>Total all consultancies</b>		0

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

See also the Consolidated Financial Report of the Department of Treasury and Finance <http://treasury.sa.gov.au/> for total value of consultancy contracts across the SA Public Sector.

## Contractors

The following is a summary of external contractors that have been engaged by the agency, the nature of work undertaken and the total cost of the work undertaken.

Contractor	Purpose	Value
Nil to report	0	0

Data is available at: [Data SA](#)

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

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

## Financial performance of the agency

The following is a brief summary of the overall financial position of the agency. The information is unaudited. Full audited financial statements for 2017-18 are attached to this report.



Nil to report

**Other financial information**

Nil to report

**Other information requested by the Minister(s) or other significant issues affecting the agency or reporting pertaining to independent functions**

Not applicable

## Section B: Reporting required under any other act or regulation

### Name and date of act or regulation

#### ***Controlled Substances Act 1984***

### 11—Functions of the Controlled Substances Advisory Council

- (6) The Advisory Council must, not later than 31 October in each year, report to the Minister on the administration and operation of this Act during the previous financial year.

In 2017-18 the Advisory Council considered a range of matters, of note were:

- Amendments to the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014

The Advisory Council reviewed and advised the Minister about amendments to the regulations, related to:

- new psychoactive substances that may cause dependence in humans or are of exceptional danger to humans including designer benzodiazepines, fentanyl derivatives, phenibut, and a synthetic opioid analgesic and declaration of these as controlled drugs;
- the potential for synthesis of fentanyl derivatives using precursors of fentanyl and declaration of these as controlled precursors;
- the salts of analogues and homologues of substances declared as controlled drugs would also be captured as controlled drugs;
- the change to the Food Standards Code on 12 November 2017 that permits use of hemp seed and hemp seed products as food;
- the establishment of a licensing scheme for cultivation, processing and supply of low THC hemp under the *Industrial Hemp Act 2017*;
- clarification of prescribed amounts for cannabis and cannabis resin in Schedule 5.

- Amendments to the Controlled Substances (Poisons) Regulations 2011

The Advisory Council reviewed and advised the Minister about amendments to the regulations, related to:

- declaration of additional substances as section 17C precursors which should have considerable impact on the distribution and manufacturing of Crystal Methamphetamine (Ice);
- removal of the requirement for registered health practitioner who administers a vaccine in accordance with the authorisation under regulation 18(3) to complete an approved training program every three years;
- provision of an exemption for up to 5 business days from the requirement to hold a section 18A authority for a registered health practitioner who prescribes a drug of dependence, such as methadone, for a client of a public sector program for the treatment of dependence on opioids such as heroin.

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

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

The *Carers' Recognition Act* 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

## Section C: Reporting of public complaints as requested by the Ombudsman

### Summary of complaints by subject

Public complaints received by Controlled Substances Advisory Council	
Category of complaints by subject	Number of instances
Nil to report	0

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

### Complaint outcomes

Nature of complaint or suggestion	Services improved or changes as a result of complaints or consumer suggestions
Not applicable	

## **Appendix: Audited financial statements 2017-18**

Not Applicable