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**Government
of South Australia**

**CONTROLLED SUBSTANCES ADVISORY
COUNCIL
2021-22 Annual Report**

CONTROLLED SUBSTANCES ADVISORY COUNCIL

11 Hindmarsh Square, Adelaide

www.sahealth.sa.gov.au

Contact phone number: (08) 8204 1944

Contact email: Health.MTPP@sa.gov.au

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To:

Hon Chris Picton MP

Minister for Health and Wellbeing

This annual report will be presented to Parliament to meet the statutory reporting requirements of *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

Date: 23 September 2022

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 this Act for the twelve months ending 30 June 2022.

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

Marina Bowshall

Presiding Member

Controlled Substances Advisory Council

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Overview: about the agency

Our strategic focus

<p>Our Purpose</p>	<p>The Controlled Substances Advisory Council is established 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>The Advisory Council also serves to provide the Minister for Health and Wellbeing with appropriate advice in a timely manner.</p> <p>The Advisory Council is established under Part 2 of the <i>Controlled Substances Act 1984</i>.</p>
<p>Our Vision</p>	<p>Not applicable</p>
<p>Our Values</p>	<p>Not applicable</p>
<p>Our functions, objectives and deliverables</p>	<ul style="list-style-type: none"> • To keep under review substances and devices that are subject to the <i>Controlled Substances Act 1984</i> (the Act) or need to be brought under this Act and the controls, (if any) that are or should be applicable to them. • Advise the Minister on the measures that should be taken in relation to imposing, withdrawing or varying the controls in respect of any of those substances or devices. • Monitor the administration and operation of the Act. • Make recommendations about prescribed amounts for controlled drugs, controlled precursors or controlled plants for the purposes of law enforcement or expiation. • Provide advice to the Minister about certain regulations proposed to be made under the Act. • Such other functions as the Minister may assign to the Advisory Council.

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. Members may be drawn from the community and professional groups and are required by legislation to possess specific technical expertise, knowledge or qualifications.

Members include a police officer, medical practitioner, pharmacist, veterinary surgeon, legal practitioner, technical experts, officers of the Public Service and a member representing the interests of the general public.

A list of current members is available at: www.sahealth.sa.gov.au

Changes to the agency

During 2021-22 there were two new members appointed. Professor Pam Macintyre was appointed as the medical practitioner member and Mrs Judy Smith AM was appointed as the member representing the interests of the general public.

Outgoing members who retired were Dr Meredith Craigie and Ms Judy Gillett-Ferguson.

Our Minister



Hon Chris Picton MP 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

Not applicable

Legislation administered by the agency

Not applicable.

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	Not applicable
Lower costs	Not applicable.
Better Services	Not applicable.

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
Not applicable		

Corporate performance summary

Not applicable

Employment opportunity programs

Program name	Performance
Not applicable	

Agency performance management and development systems

Performance management and development system	Performance
Not applicable	

Work health, safety and return to work programs

Not applicable

Executive employment in the agency

Not applicable

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 2021-2022 are attached to this report.

Statement of Comprehensive Income	2021-22 Budget \$000s	2021-22 Actual \$000s	Variation \$000s	Past year 2020-21 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	2021-22 Budget \$000s	2021-22 Actual \$000s	Variation \$000s	Past year 2020-21 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
All consultancies below \$10,000 each - combined	Various	0

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

Consultancies	Purpose	\$ Actual payment
Not applicable		\$ 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
All contractors below \$10,000 each - combined	Various	\$ 0

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

Contractors	Purpose	\$ Actual payment
Not applicable		\$ 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.](#)

Risk management

Risk and audit at a glance

Not applicable

Fraud detected in the agency

Category/nature of fraud	Number of instances
Not applicable	

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

Strategies implemented to control and prevent fraud

The Controlled Substances Advisory Council has specific functions and powers as defined in the Act.

The Advisory Council is an instrumentality of the Crown and subject to relevant Department of Treasury and Finance Treasurers Instructions.

There are requirements under section 10A of the Act regarding conflicts of interest. All declared conflicts of interest are reported to the Minister for Health through the Department for Health and Wellbeing.

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

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>	<p>The Controlled Substances Advisory Council is required 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.</p> <p>The Controlled Substances 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.</p>

The Advisory Council convened two meetings and was consulted twice out of session during the reporting period. The meetings were held in September and October 2022 and considered matters including:

Regulations to support the use of Real Time Prescription Monitoring (RTPM) in South Australia:

- Mandating that before prescribing or dispensing any monitored drug, prescribers and pharmacists must take all reasonable steps to access the information available in ScriptCheckSA, South Australia’s real time prescription monitoring system.
- Increasing the monitored drug reporting frequency to fortnightly (from monthly), where it is not collected automatically in real-time (for those prescribers and pharmacists who use clinical software that does not have the capability to connect to a Prescription Exchange Service (PES)).
- Mandating that all prescribers and pharmacists who use clinical software which has the capability to connect to a PES (i.e. eRx or MediSecure), do connect so that records are submitted to ScriptCheckSA in real-time.

The Advisory Council was consulted about amendments to the Act as a result of the *Controlled Substances (Youth Treatment Orders) Amendment Act 2019* (YTO Act):

- The YTO Act passed in Parliament and was assented to on 21 November 2019 and commenced on 21 November 2021 on its second anniversary of assent.
- The new legislation provides the option of Court ordered treatment for children and young people experiencing drug dependency.

- The new Part 7A provides for the Youth Court to make youth assessment, treatment and detention orders to facilitate mandatory treatment for drug dependency.
- The Advisory Council noted the conferral of ministerial powers and functions under the new Part 7A of the *Controlled Substances Act 1984* to the Attorney General by a proclamation made under the Administrative Arrangements Act 1994.
- At the time, YTO Act provisions apply only to young people sentenced to detention in the Adelaide Youth Training Centre (Kurlana Tapa), that is, an assessment or treatment order may only be made in respect of a young person sentenced to detention in Kurlana Tapa.

Amendment to regulation 45A of the Controlled Substances (Poisons) Regulations 2011 to lower the maximum permitted lead content in paint or tinter to give effect to amendments made to the Standard for the Uniform Scheduling of Medicines and Poisons (the SUSMP). This amendment maintains the nationally agreed uniform controls over poisons to deliver consumer protection from lead in paints.

Reporting required under the *Carers' Recognition Act 2005*

Not applicable

The Carers' Recognition Act 2005 is deemed applicable for the following: Department of Human Services, Department for Education, Department for Health and Wellbeing, Department for Innovation and Skills, 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.

Public complaints

Number of public complaints reported

Complaint categories	Sub-categories	Example	Number of Complaints 2021-22
Not applicable			
		Total	0

Additional Metrics	Total
Not applicable	
	0

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

Service Improvements

Not applicable

Compliance Statement

The Controlled Substances Advisory Council is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector	Y/N
The Controlled Substances Advisory Council has communicated the content of PC 039 and the agency’s related complaints policies and procedures to members.	Y/N

Appendix: Audited financial statements 2021-22

Not applicable.