

OFFICIAL



**Government
of South Australia**

**CONTROLLED SUBSTANCES ADVISORY
COUNCIL
2020-21 Annual Report**

CONTROLLED SUBSTANCES ADVISORY COUNCIL

Department for Health and Wellbeing

www.sahealth.sa.gov.au

Contact phone number: (08) 204 1944

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

ISSN: 2203-031X (Print)

Date presented to Minister: 11 October 2021

OFFICIAL

OFFICIAL

2020-21 ANNUAL REPORT for the Controlled Substances Advisory Council

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

11 October 2021

Date



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 2021.

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

Marina Bowshall

Presiding Member

Controlled Substances Advisory Council

Contents Overview: about the agency	6
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
The agency’s performance	9
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.....	10
Work health, safety and return to work programs	100
Executive employment in the agency.....	12
Financial performance	13
Financial performance at a glance	13
Consultants disclosure.....	13
Contractors disclosure	14
Other information	14
Risk management	15
Risk and audit at a glance.....	15
Fraud detected in the agency.....	15
Strategies implemented to control and prevent fraud.....	15
Public interest disclosure	15
Reporting required under any other act or regulation	16
Reporting required under the <i>Carers’ Recognition Act 2005</i>	16
Public complaints	18
Number of public complaints reported	18
Additional Metrics.....	19
Service Improvements	20
Compliance Statement.....	20

Appendix: Audited financial statements 2020-21 21

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>	<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 <i>Controlled Substances Act 1984</i>. • Making 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.

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 Inspector D Fielke appointed under section 6(2)(c)
- Ms J Rusalen appointed under section 6(2)(ca)
- Dr C Ward appointed under section 6(2)(d)
- Prof A Somogyi appointed under section 6(2)(d)
- Dr M Reeve 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 agency

During the reporting period, Detective Chief Superintendent Tom Osborn resigned from the Advisory Council after 13 years of service, and Detective Chief Inspector Darren Fielke was appointed as the police officer member, pursuant to section 6(2)(c) of the Act.

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 executive administrative support for the Controlled Substances Advisory Council.

Legislation administered by the agency

Controlled Substances Act 1984

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 relevant to our agency
Lower costs	Not relevant to our agency
Better Services	Not relevant to our agency

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
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 in review and monitoring of the operation of the <i>Controlled Substances Act 1984</i> and the controls on the substances and devices regulated under this Act.

Corporate performance summary

Nil to report

Employment opportunity programs

Program name	Performance
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
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 www.sahealth.sa.gov.au

Work health, safety and return to work programs

Program name	Performance
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 www.sahealth.sa.gov.au

Workplace injury claims	Current year 2020-21	Past year 2019-20	% 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 2020-21	Past year 2019-20	% 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 2020-21	Past year 2019-20	% 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 2020-2021 are attached to this report.

Statement of Comprehensive Income	2020-21 Budget \$000s	2019-20 Actual \$000s	Variation \$000s	Past year 2019-20 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	2020-21 Budget \$000s	2019-20 Actual \$000s	Variation \$000s	Past year 2019-20 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 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

The Controlled Substances Advisory Council is administered by the Department for Health and Wellbeing. The department regularly assesses its exposure to fraud and corruption, as part of its risk management framework. This is supplemented by an audit program which routinely tests key controls.

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>	<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 three times during the reporting period. The meetings were held in July 2020, December 2020 and June 2021 and considered a range of matters, including of note:

- Regulations to support Real Time Prescription Monitoring (RTPM) in South Australia and enable implementation of ScriptCheckSA, a clinical tool providing real-time monitored medicines prescription information for prescribers and pharmacists to support safer clinical decision-making.

Monitored Drugs, as defined by the Controlled Substances (Poisons) Regulations 2011 regulation 3(1) include:

- any S8 poison;
- any S4 poison that is a Benzodiazepine;
- any S4 poison that contains Codeine; and
- the following S4 poisons:
 - Gabapentin;
 - Pregabalin;
 - Quetiapine;
 - Tramadol;
 - Zolpidem;
 - Zopiclone.
- Regulations to impose secure storage requirements on injectable preparations of the drug pentobarbital, a highly concentrated, rapidly fatal drug that is most commonly used for the humane euthanasia of animals. This aligns with changes to the national Poisons Standard for pentobarbital injection that require

pentobarbital injection to be kept in a locked container in addition to requirements that it be kept and out of public and unauthorised access.

- Regulations to manage the impact of serious medicines shortages. These provide for patients to receive a suitable substitute medicine from their pharmacist without delay when their prescribed medicine is in serious national shortage. The amendments support supply of a substitute medicine in accordance with a Therapeutic Goods Administration (TGA) Serious Shortage Medicine Substitution Notice (also known as Serious Scarcity Substitution Instrument). Supply of the substitute medicine must be in accordance with the conditions of the Notice/Instrument and the regulations.
- The declaration of the substance cumyl-pegacalone as a controlled drug. Cumyl-pegacalone is a synthetic cannabinoid and New Psychoactive Substance. It has established potential for abuse and has been synthesised for its psychoactive properties and recreational drug use. Consumption of cumyl-pegacalone has resulted in adverse health outcomes, with multiple presentations to emergency departments in metropolitan and regional hospitals in Australia.
- Recommended a review of administrative anomalies for some substances in Schedules to the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.

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 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.

Not applicable.

Public complaints

Number of public complaints reported

Reporting on the number of complaints received is mandated. If your agency does not have an approved set of complaint categories in place, please use the complaint categories in the table below.

Complaint categories	Sub-categories	Example	Number of Complaints 2020-21
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

Complaint categories	Sub-categories	Example	Number of Complaints 2020-21
Policy	Policy content	Policy content difficult to understand; policy unreasonable or disadvantages customer	0
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

Nil to report

Compliance Statement

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

Appendix: Audited financial statements 2020-21

Nil to report