



# Controlled Substances Advisory Council 2016-17 Annual Report

## Controlled Substances Advisory Council

Citi Centre Building, 11 Hindmarsh Square, Adelaide SA 5000

[www.sahealth.sa.gov.au/MTPP](http://www.sahealth.sa.gov.au/MTPP)

Contact phone number (08) 8204 1942

Contact email HealthMTPP@sa.gov.au

**ISSN** 2203-031X (Print)

**Date presented to Minister:** 19 September 2017

To:  
Hon. Peter Malinauskas M.L.C.

Minister for Mental Health and Substance Abuse

This annual report is presented to Parliament to meet the statutory reporting requirements of the *Controlled Substances 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:

Simone Cormack

Presiding Member



---

Signature

---

Date 19 / 09 / 2017

## Contents

|  |           |
|--|-----------|
| <b>Contents</b> .....  | <b>3</b>  |
| <b>Section A: Reporting required under the <i>Public Sector Act 2009</i>, the <i>Public Sector Regulations 2010</i> and the <i>Public Finance and Audit Act 1987</i></b> ..... | <b>4</b>  |
| Agency purpose or role .....   | 4         |
| Objectives .....   | 4         |
| Key strategies and their relationship to SA Government objectives .....  | 4         |
| Agency programs and initiatives and their effectiveness and efficiency .....   | 5         |
| Legislation administered by the agency .....   | 5         |
| Organisation of the agency .....   | 5         |
| Other agencies related to this agency (within the Minister's area/s of responsibility) .....   | 5         |
| Employment opportunity programs .....  | 5         |
| Occupational health, safety and rehabilitation programs of the agency and their effectiveness .....  | 6         |
| Fraud detected in the agency .....   | 6         |
| Strategies implemented to control and prevent fraud.....   | 6         |
| Whistle-blowers' disclosure .....  | 6         |
| Executive employment in the agency .....   | 6         |
| Consultants .....  | 7         |
| Financial performance of the agency .....  | 7         |
| <b>Section B: Reporting required under any other act or regulation</b> .....   | <b>8</b>  |
| <i>Controlled Substances Act 1984</i> .....  | 8         |
| Reporting required under the <i>Carers' Recognition Act 2005</i> .....   | 9         |
| <b>Section C: Reporting of public complaints as requested by the Ombudsman.</b>  | <b>10</b> |
| Summary of complaints by subject .....   | 10        |
| Complaint outcomes.....  | 10        |
| <b>Appendix: Audited financial statements 2016-17</b> .....  | <b>11</b> |

## **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**

| <b>Key strategy</b>  | <b>SA Government objective</b>  |
|--|---|
| Received proposals from a range of bodies for amendments to the Controlled Substances legislation. | South Australian Government Strategic Priority Safe communities, healthy neighbourhoods |

**Agency programs and initiatives and their effectiveness and efficiency**

| Program name   | Indicators of performance/effectiveness/efficiency   | Comments  |
|--|--|---|
| Review proposals for amendments to the Controlled Substances legislation and provide advice to the Minister. | All matters referred to the Council were completed and advice provided.<br>The advice provided was actioned. | Communication with the Minister is monitored and the outcomes for the proposed amendments are assessed to determine whether the advice provided was acceptable and appropriate. |

**Legislation administered by the agency**

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

**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. Details are available on the [SA Health website](#).

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

Department for Health and Ageing

**Employment opportunity programs**

| Program name   | Result of the program   |
|--|---|
| Staff that support the Council participate in the Department for Health and Ageing employment opportunity programs | The Department for Health and Ageing 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**

|  |   |
|--|---|
| <b>Performance management and development system</b>   | <b>Assessment of effectiveness and efficiency</b>   |
| Staff that support the Council participate in the Department for Health and Ageing performance management and development system | The Department for Health and Ageing 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> |

**Occupational health, safety and rehabilitation programs of the agency and their effectiveness**

|  |   |
|--|---|
| <b>Occupational health, safety and rehabilitation programs</b>   | <b>Effectiveness</b>  |
| Staff that support the Council participate in the Department for Health and Ageing occupational health, safety and rehabilitation programs | The Department for Health and Ageing 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> |

**Fraud detected in the agency**

| <b>Category/nature of fraud</b> | <b>Number of instances</b> |
|---------------------------------|----------------------------|
| Nil to report                   | 0                          |

**Strategies implemented to control and prevent fraud**

Not applicable

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

For further information, the [Office for the Public Sector](#) 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.

| Consultants                              | Purpose | Value |
|--|---------|-------|
| All consultancies below \$10,000 each    | Nil     | 0     |
| <b>Consultancies above \$10,000 each</b> |         |       |
| Nil                                      |         |       |
| <b>Total all consultancies</b>           |         | 0     |

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

See also <https://www.tenders.sa.gov.au/tenders/index.do> for a list of all external consultancies, including nature of work and value. 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.

## Financial performance of the agency

The following is a brief summary of the overall financial position of the agency. The information is unaudited.

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 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 2016-17 the Advisory Council considered a range of matters, of note were:

- proposed amendments to the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014 to take account of new psychoactive substances
- amendments to the Controlled Substances (Poisons) Regulations 2011 to implement national uniform controls for Schedule 5, 6 and 7 poisons
- remaking the Controlled Substances (Pesticides) Regulations 2003.

The Advisory Council reviewed and made recommendations to the Minister about the following drugs:

- Designer benzodiazepines
- Prescribed amounts for alprazolam, flunitrazepam, lisdexamfetamine, morphine, nabiximols (Sativex), oxycodone and tapentadol
- Fentanyl derivatives
- 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700).

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

- Cannabis and tetrahydrocannabinols for human therapeutic use
- Low THC *Cannabis sativa* seeds and seed products as food
- Uniform Controls over Schedule 5, 6 and 7 poisons
- Remaking the Controlled Substances (Pesticides) Regulations 2003.

Details of the matters considered by the Advisory Council are available on the [SA Health website](#).



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

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 the past five 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 2016-17**