

Legislative Council

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South Australia

Controlled Substances (Confidentiality and Other Matters) Amendment Bill 2020

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Controlled Substances Act 1984*

- 3 Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances
- 4 Substitution of section 60A
60A Confidentiality
- 5 Amendment of section 63—Regulations and fee notices

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Controlled Substances (Confidentiality and Other Matters) Amendment Act 2020*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Controlled Substances Act 1984*

3—Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances

- (1) Section 18A(3)—delete subsection (3) and substitute:
 - (3) An application for the authority of the Minister to prescribe or supply a drug of dependence under this section must—
 - (a) be made in a manner and form approved by the Minister by the registered health practitioner who proposes to prescribe or supply the drug; and
 - (b) include such information as the Minister may require.
- (2) Section 18A(5)—delete subsection (5) and substitute:
 - (5) An authority to prescribe or supply a drug of dependence—
 - (a) will be given in a manner and form determined by the Minister; and
 - (b) will specify—
 - (i) the quantity of the drug of dependence that may be so prescribed or supplied by the registered health practitioner to whom the authority is given; and
 - (ii) the period for which any such drug may be so prescribed or supplied.
- (3) Section 18A(8)(b)—delete paragraph (b) and substitute:
 - (b) may be varied or revoked by the Minister at any time by notice given to the holder of the authority or temporary authority in a manner and form determined by the Minister.

4—Substitution of section 60A

Section 60A—delete the section and substitute:

60A—Confidentiality

- (1) Subject to this section, a person must not disclose confidential information obtained (whether by that person or any other person) in the administration or enforcement of this Act except—
 - (a) as required or authorised by or under this Act or any other Act or law; or
 - (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
 - (c) in connection with the administration or enforcement of this Act; or
 - (d) for the purposes of any legal proceedings arising out of the administration or enforcement of this Act; or

(e) in accordance with the regulations.

Maximum penalty: \$10 000.

(2) Information that is disclosed under this section for a particular purpose must not be used for any other purpose by—

(a) the person to whom the information was disclosed; or

(b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

(3) Nothing in this section prevents the disclosure of statistical or other information that could not be reasonably expected to lead to the identification of any person to whom it relates.

(4) In this section—

confidential information means—

(a) information relating to trade processes;

(b) medical information relating to any person;

(c) any other information that—

(i) is of a personal nature; or

(ii) is by its nature confidential; or

(iii) was specified as confidential by the person from whom the information was obtained;

(d) information of a prescribed class.

5—Amendment of section 63—Regulations and fee notices

(1) Section 63(4)(d)—delete paragraph (d) and substitute:

(d) regulate the payment, refund, waiver or reduction of fees prescribed by the Minister under subsection (4a);

(2) Section 63(4)(i)—delete paragraph (i) and substitute:

(i) prescribes fines, not exceeding \$10 000, for offences against the regulations;

(j) fix expiation fees, not exceeding \$2 000, for alleged offences against the regulations.

(3) Section 63—after subsection (4) insert:

(4a) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.