

Legislative Council—No 48

As introduced and read a first time, 17 June 2020

South Australia

**Controlled Substances (Confidentiality and Other
Matters) Amendment Bill 2020**

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 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*

10 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—
 - 15 (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:
 - 20 (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.

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(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.

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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.

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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.

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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—

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confidential information means—

- (a) information relating to trade processes;
- (b) medical information relating to any person;
- (c) any other information that—

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- (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;

5 (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);

10 (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.

15 (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*.