

South Australia

South Australian Public Health (Clandestine Drug Laboratories) Policy 2016

under the South Australian Public Health Act 2011

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1 Title

This Policy is made pursuant to Part 5 of the Act and shall be cited as the *South Australian Public Health (Clandestine Drug Laboratories) Policy 2016*.

2 Interpretation

Act means the *South Australian Public Health Act 2011*;

Clandestine drug laboratory means a premises or vehicle in which:

- (a) any controlled drug is or was unlawfully manufactured or in which there has been an attempt to unlawfully manufacture a controlled drug; or
- (b) shall include any place or area where chemicals, equipment or waste materials used to unlawfully manufacture a controlled drug have been located;

Controlled drug means

- (a) a drug of dependence; or
- (b) a substance declared by the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2000 to be a controlled drug for the purposes of the *Controlled Substances Act 1984*;

Drug of dependence has the same meaning as in the *Controlled Substances Act 1984*;

General duty means the duty specified under Part 6 of the Act to take all reasonable steps to prevent or minimise any harm to public health;

Guidelines means the *Practice Guideline for the Management of Clandestine Drug Laboratories under the South Australian Public Health Act 2011*; a guideline prepared by the Chief Public Health Officer and published on the Department for Health and Ageing website;

Manufacture, in relation to a controlled drug means—

- (a) undertake any process by which the drug is extracted, produced or refined; or
- (b) take part in the process of manufacture of the substance;

National guidelines means the Clandestine Drug Laboratory Remediation Guidelines published by the Australian Government;

Relevant authority has the definition given by Part 12 of the Act.

3 Clandestine drug laboratory management objectives

The objective of this Policy is to apply the objects and principles of the Act through the assessment and remediation of a clandestine drug laboratory.

4 Clandestine drug laboratory to constitute a risk to public health

A clandestine drug laboratory constitutes a risk to public health for the purposes of the Act.

5 Application of the general duty

A clandestine drug laboratory constitutes harm to public health for the purposes of the general duty in Part 6 of the Act.

6 Procedures to manage a clandestine drug laboratory

In order to identify and manage the public health risks of a clandestine drug laboratory the relevant authority shall where applicable have regard to the procedures set out in the Guidelines and appendix 1 of the National Guidelines.
