

Submission

No 1

## INQUIRY INTO LAW REFORM ISSUES REGARDING SYNTHETIC DRUGS

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**Coal Services Health**

*Linking health with industry*

3 April 2012

The Chair  
Legal Affairs Committee  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Email: [legalaffairs@parliament.nsw.gov.au](mailto:legalaffairs@parliament.nsw.gov.au)

Dear Sir/Madam

**RE: INQUIRY INTO LAW REFORM ISSUES REGARDING SYNTHETIC DRUGS**

Coal Services Health has over 50 years experience in providing health services to the coal and related industries in NSW, developing a wide range of expertise and experience in issues associated with workers health and safety. With regard specifically to drug and alcohol testing we have been providing this service since 1996 and were in fact the first external provider of this service to the coal industry in NSW. This has enabled us to develop expertise in the whole spectrum of drug and alcohol testing, from liaison with suppliers of testing equipment, drafting policy and procedures, education, on site testing, chain of custody of samples and counselling and advice to both employers and their employees.

**Workplace Issues Regarding the Use of Synthetic Drugs**

A range of reliable testing methods to screen for drug use have been available for many years. The more recent development of a range of synthetic drugs has posed a serious challenge in managing workplace health and safety as testing methods for synthetic drug use are not as yet as advanced and reliable as the methods used for other drugs.

The move by the NSW Government in 2011 to ban synthetic cannabis was welcome as it sends a clear message to all in the community that the use of substances, whether synthetic or otherwise, that have the ability to adversely affect workplace health and safety will not and should not be tolerated.

Within the NSW coal industry most employers have in place structured workplace drug and alcohol policies. These policies have been developed and refined over time in consultation with employees and are generally well accepted as a tool that contributes to managing workplace health and safety issues. The prohibition of recreational synthetic drugs allows these substances to be managed under existing workplace policies.

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### **Current Legislative Approach**

At the Federal level, synthetic cannabinoids have been incorporated into Schedule 9 (prohibited substances) of the Uniform Scheduling of Medicines and Poisons (SUSMP).

Included were eight known groups of synthetic cannabinoids (to capture any individual substances within those groups which were not specifically scheduled) and an encompassing group entry for 'synthetic cannabinomimetics' (except where separately and specifically scheduled) that served to capture those chemical compounds that are designed to mimic the effects of THC (the active chemical compound found in the cannabis plant).

These changes to the SUSMP reflect the fact that the manufacturers of synthetic drugs frequently change the chemicals used in their manufacture in an attempt to make the substances legal.

### **A Possible Approach for NSW**

The actual regulation of these chemical substances relies on the states and territories to either implement or amend existing legislation giving effect to the SUSMP.

One possible approach that Coal Services believe the NSW Government should consider is to adopt the approach proposed for the SUSMP and regulate recreational synthetic drugs in NSW.

This could be done by prohibiting the list of the 8 known groups of synthetic cannabinoids identified in the SUSMP (to capture any individual substances within those groups which are not specifically prohibited) and synthetic cannabinomimetics (except where separately and specifically scheduled) that serves to capture those chemical compounds that are designed to mimic the effects of THC (the active chemical compound found in the cannabis plant).

Any synthetic substances used for legitimate purposes can be dealt with by exception and this is consistent with the approach adopted in the SUSMP.

Yours sincerely

**Lucy Flemming**  
Managing Director/CEO