



the dti

Department  
Trade and Industry  
REPUBLIC OF SOUTH AFRICA

PC SOC DEV

21/MAY/08

MEMORANDUM

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**COMMENTS ON THE PREVENTION OF AND TREATMENT FOR SUBSTANCE  
ABUSE BILL: B-12 2008**

**1 Background**

Cabinet has approved the introduction of the Prevention of and Treatment for Substance Abuse Bill (the Bill) into Parliament. The Department of Trade and Industry commented on earlier drafts of the Bill and is pleased to note that the dti comments have been incorporated into the introduced Bill.

Generally the proposed Bill by the Department of Social Development seems to be fairly comprehensive and in-depth, addressing a wide spectre of salient areas surrounding the prevention of and treatment for substance abuse.

**2 General comments on the Bill**

- 2.1 The prevention of and treatment for substance abuse is a matter that necessarily requires coordination and cooperation among various government departments and law enforcement agencies. The Bill recognises this by providing for a Central Drug Authority that will comprise of representatives from various government departments and agencies. Whilst this is indeed supported, it is proposed that the size of the agency may actually hamper its effectiveness. The bill proposes a maximum of 32 people who would form the Central Drug Authority. It is submitted that for purposes of efficiency and effectiveness a leaner structure be considered.

2.2 By the same token section 41 of the Bill touches on referral matters between the Department of Social Development on one hand and the departments of health and correctional services on the other. This requires that a mechanism for such referrals be established. The implementation of such mechanism is critical for the successful implementation of the Bill.

2.4 The Department of Social Development is encouraged to focus and prioritise youth related programmes. Youth development is a critical socio-economic development aspect that requires thorough attention. There should be a clear mandate in the Bill possibly between the Department of Social Development and the Youth Commission on possible coordination of existing programmes on this issue.

2.5 The Bill provides for the establishment of various structures at provincial and local levels such as the Provincial Substance Abuse Forums and the Local Drug Action Committee. The coordination of provincial and local spheres of government pertaining to substance abuse should ensure that the provision of resources as well as access to information and services are provided equitably and in a manner that recognises the needs of rural communities.

### **3 Specific comments on the Bill**

3.1 The Bill mentions a number of programmes and institutional structures to deal with the prevention and treatment of substance abuse. However, these interventions should go beyond the substance abuser in recognition of the fact that substance abuse emanates from, and results in, dysfunctional families, crime, poverty, family violence, etc. The Bill should address issues of support and treatment in the form of counselling, advice etc. to the immediate family members of the substance abusers.

- 3.2 It is not clear who bears the cost of providing treatment centres and halfway houses. Private halfway houses may not be accessible to the poor and financially distressed people due to cost constraints.
- 3.3 In section 11(1) of the Bill, it is stated that there must be at least one public treatment centre in each province. The strategic location of such centres is critical in ensuring their accessibility by users.
- 3.4 Section 11 (3) refers to the powers of the Minister to abolish a public treatment centre. For purposes of certainty and transparency there should be conditions within which the Minister may abolish a public treatment centre.
- 3.5 Although the Bill highlights provisions related to the functions and powers of various role players, there may be a need to create provisions referring specifically to the roles and powers of the Minister, the Director General, the social workers, the nurses, other Departments, etc. For instance, the powers of the Minister and Director-General are spread across chapters dealing with various aspects of the Bill.
- 3.6 A provision may need to be inserted related to coordination of statistics, database and information on specific cases on substance abuse that includes information on the number of substance abusers, cases reported, referrals from SAPS, etc to enable government to track progress on the prevalence of substance abuse. Furthermore, the Department may keep a register of structures and programmes in place for substance abuse across provinces.
- 3.7 Section 23 refers to children affected by substance abuse. Although provided for in section 105 of the Children's Act (the Act) this aspect may still need to be mentioned in this Bill for ease of reference instead of making reference to another Act. Key aspects talking specifically to the Act may need to be addressed in this Bill on substance abuse.