

P.O. Box 588
CAPE TOWN
Phone: +27 21 424 1050/52
Fax +27 21 4241060

124 Adderley Street
10th Floor
Constitution House
CAPE TOWN
8000



Fax

To: Arico Kotze **From:** Thembi Hanisi

Fax: 021-4032808 0865055618 **Pages:** 6

Phone **Date:** 05 September 2008

Negotiating Mandate

Re Prevention of and Treatment for **cc:**

Substance Abuse Bil [B12B-2008]

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**



ISISHAYAMTHETHO SAKWAZULU-NATAL

KWAZULU-NATAL WETGEWER

KWAZULU-NATAL PROVINCIAL LEGISLATURE

**TO: THE CHAIRPERSON,
SELECT COMMITTEE ON SOCIAL SERVICES**

NEGOTIATING MANDATE

PROVINCE : KWAZULU-NATAL

**BILL : PREVENTION OF AND TREATMENT FOR
SUBSTANCE ABUSE BILL [B12B – 2008]**

PROVINCIAL PROCESS :

Provincial Portfolio Committee/s	:	Social Development Portfolio Committee
Portfolio Committee	:	
meeting date/s	:	<u>Wednesday, the 3rd of SEPTEMBER 2008</u>
Provincial NCOP meeting date/s	:	<u>Friday, the 5th of SEPTEMBER 2008</u>
Consultation	:	Parliamentary Legal Advisors, Special & Permanent Delegates

MANDATE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:

The Provincial Standing Committee on National Council of Provinces Matters met today, Friday, the 5th of SEPTEMBER 2008, to consider the Prevention of and Treatment for Substance Abuse Bill [B12B-2008].

The following comments and amendments were proposed and considered on the Bill:

PROPOSED AMENDMENTS

CHAPTER 1

DEFINITIONS AND OBJECTS OF THE ACT

DEFINITIONS

- “**accredited training**” definition required
- “**detoxification**” insert “... National Health Act and Prevention of and Treatment for Substance Abuse Act.”
- “**early intervention**” must be clearly defined
- “**harm reduction**” definition is required and a further proposal that a term “**harm prevention**” instead must be used and properly defined.
- “**out-patient service or community based service**” more specific definitions are required highlighting differences between two types of services.
- “**substances**” insert inhalants.

OBJECTS OF ACT

- Add community based services.

CHAPTER 2

COMBATING SUBSTANCE ABUSE

Interventions to combat substance abuse

- Clause 3(1)(c) Insert “supply reduction of harm caused by drugs...”

CHAPTER 3

STRATEGIES AND PRINCIPLES FOR DEMAND AND HARM REDUCTION

Guiding principles for provision of services

- Clause 4(b) insert “ensures and promotes...”
- Clause 4(e) amend by substituting “prevents stigmatization [**not against**] of service users;”
- Clause 4(g) insert “ recognizes the [**special needs of**] for people with disabilities[;] and those with special needs”

Intersectoral strategies for reduction demand and harm caused by substance abuse

- Clause 5(1) list of partners is incomplete, the clause must refer to clause 53(2) and as per Drug Master Plan;

- Clause 5(2)(c)(ii) insert "psycho-social programmes that address the relationships, emotions, feelings, attitudes..."
- Clause 5(2)(d)(ii) substitute "[**tools**] by skills:"
- Clause 5(2)(d)(iii) Insert "the establishment and utilization of mutual support groups..."
- Clause 6(1) minimum norms and standards are also required for drug testing, especially of children. This is covered in the National Schools Act for children at schools but not for those out of school. Drug testing should also be included as part of all early intervention, treatment and aftercare programmes.
- Clause 6(3) define "**accredited training**" and the qualification needs to be relevant to the field of substance abuse.

CHAPTER 4

PREVENTION AND EARLY INTERVENTION SERVICES

Programmes for early Intervention

- Clause 8(1) include "Central Drug Authority"
- Clause 8(2)(b) include "youth" as specific target group

Establishment and purpose of programmes for early Intervention

- Clause 10(j) consider financial implications if programmes will also focus on "economic empowerment"

CHAPTER 6

Amend the heading by substituting [**CENTER-BASED**] **IN-PATIENT AND OUT-PATIENT SERVICES**

Heading to read in-patient treatment as per the definition provided In Chapter 1 of the Bill. There is no definition for "centre-based services"

Registration and cancellation of registration of treatment centre

- Clause 19(2) applications to register – The Committee recommends that this function be decentralized through delegation of powers
- Regulations must provide for a directory of all registered facilities which must be kept by the Department of Social Development and stipulating whether such register/s is/are to be a provincial or national responsibility.

Establishment of out-patient services

- Clause 27 is not clear whether a manager of an out-patient treatment centre may also establish a community based service
- Proposed clause as to the respective roles of the Departments of Social Development and Health in the registration, monitoring and assessment process of in- and out-patient treatment centres and halfway houses. This omission is one of the more serious gaps in the Bill.

CHAPTER 8

ADMISSION, TRANSFER AND REFERRAL TO TREATMENT CENTRE

Admission of voluntary service user to treatment centre

- As per clause 32(3) there needs to be a detoxification protocol for the Department of Health on a national level. Detoxification services also need to be provided by Department of Correctional Services for awaiting trial prisoners.
- Clause 32(4) insert "...complies with the National Health Act and/or Prevention of and Treatment for Substance Abuse Act". It is proposed further that the respective responsibilities of the Departments of Social Development and Health must be clearly defined.

CHAPTER 10

CENTRAL DRUG AUTHORITY AND SUPPORTING STRUCTURES

Establishment of Provincial Substance Abuse Forums

- Amend clause 57(2) by substituting the following:
"A Provincial Substance Abuse Forum [~~may~~] must consist of representatives from—
(a) all relevant provincial departments

COMMENTS NOTED BY THE PORTFOLIO COMMITTEE

1. Due consideration must be given to aligning funding policies with the minimum standards applicable to respective services.
2. The lack of uniformity in Departmental funding across Provinces will have serious implications for the effective and consistent implementation of the Bill.
3. Successful implementation of the Bill, particularly with regard to registration and monitoring of treatment centres, will necessitate urgent and adequate capacity building programmes to empower Departmental personnel with the necessary knowledge on substance abuse and related services.

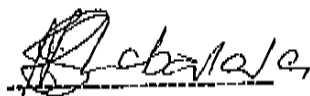
4. It is important to reiterate that the Bill is a positive step forward when compared with the current legislation, but it is critical that it is ensured that it is realistic, practical and has true potential for optimal implementation.
5. The Bill is clear in clause 60 that municipalities are responsible for the establishment of the Local Drug Action Committees. As they are expected to take the leading role in establishing Local Drug Action Committees, it is important that the Bill clearly stipulate the level of accountability expected from municipalities other than the one provided for in clauses 61(e) and (f).
6. There will be a challenge of having additional staff necessary to carry out programmes in the treatment centres proposed in the Bill.
7. Costing of the Bill is currently not realistic and the Department needs to ensure that it is not under-funded to implement the Bill.

The Committee agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the Bill provided that the above comments and proposed amendments are considered and consolidated into the Bill.

The delegation is further mandated to consider any additional amendments, providing that-

- 1) the amendment/s does/do not alter the essential elements of the Bill; and
- 2) consensus is reached on the proposed amendment/s by the KwaZulu-Natal delegation.

PROVINCIAL ENDORSMENT



Mrs L F Shabalala
CHAIRPERSON :
KWAZULU-NATAL STANDING COMMITTEE ON
NATIONAL COUNCIL OF PROVINCES MATTERS

Friday, the 5th September 2008

DATE