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The Chairperson
National Council of Provinces
Hon MJ Mahlangu

NEGOTIATING MANDATE FOR THE PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE BILL [B12B - 2008]

1. INTRODUCTION

The Chairperson of the Portfolio Committee on Social Services and Population Development, Hon C De Beer, tabled the Committee's negotiating mandate on the *Prevention of and Treatment for Substance Abuse Bill [B12B - 2008]* as adopted by the Portfolio Committee on 04 September 2008.

2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *Prevention of and Treatment for Substance Abuse Bill [B12B - 2008]* to the Portfolio Committee on Social Services & Population Development on 03 July 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the National Department of Social Development, Mr Pierre Vivier on 21 August 2008.
- 2.3 The Portfolio Committee resolved to hold public hearings on the referred Bill in Springbok, Noupoot, Olifantshoek, Upington to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Prevention of and Treatment for Substance Abuse [B12B - 2008]*.
- 2.4 Four (4) public hearings were held on 25 August 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.
- 2.5 On 04 September 2008, the Portfolio Committees on Social Services & Population Development deliberated and considered the *Prevention of and Treatment for Substance Abuse [B12B - 2008]*.

3. PUBLIC INPUTS ON THE BILL

3.1 UPINGTON:

- ❖ The government must do something about shebeen owners who are selling drugs to children.
- ❖ Government should create more fruit factories instead of wine cellars in the Siyanda District.
- ❖ Closing time of shebeens is a cause for concern.
- ❖ The degeneration of moral values such as respect for parents is a cause for concern.
- ❖ The public in general supported the bill.

3.2 NOUPOORT:

- ❖ The Bill must address treatment for the spiritual being of service users
- ❖ Religious approach to be inserted in the Bill under specialised treatment
- ❖ Government must invest in facilities aimed for the rehabilitation of youth.
- ❖ There should be no class classification in terms of the poor and the rich people at treatment facilities.
- ❖ National and Provincial Government Departments and civil society must get involved in outreach programmes aimed at educating the youth about the dangers of substance abuse.
- ❖ Well established prevention centres are needed in all communities in order to address all alcohol related problems
Government needs to engage with SABC and ICASA to regulate programs that promote drug and alcohol abuse.
- ❖ Schools must stop selling alcohol at fund raising activities.
- ❖ Extra-mural activities in schools must be encouraged
- ❖ The public in general supported the bill.

3.3 OLIPHANTSHOEK:

- ❖ Government must involve NGO's and CBO's in matters that affects communities and take unilateral decisions.
- ❖ Department officials experience problems when making house visits in attempting to educate them on substance abuse.
- ❖ No rehabilitation centres for the substance abusers.
- ❖ The public in general supported the bill.

3.4 SPRINGBOK:

- ❖ The Bill should target pregnant women who drink alcohol to reduce the incidence of FAS children.
- ❖ There should be levy payable by everybody who sells liquor to pay for the rehabilitation of people.
- ❖ The National Minister should support such payment.
- ❖ The public in general supported the bill.

3.5 WRITTEN SUBMISSIONS

Written submission was received from The Noupoot Christian Care Centre (NCCC) and is attached.

4. COMMITTEE INPUTS ON THE BILL

After due deliberations and taking note of the public's input the portfolio committee on social services & population development supports the Bill.

5. LEGAL TECHNICAL INPUTS ON THE BILL

Proposals

- i) In the **Long Title** – insert that the Prevention and Treatment of Drug Dependency Act (Act 20 of 1992) is being repealed by this Bill to make it clear that this is an area that had been regulated before, it is not completely new legislation.

- Define the word "**drug**" as mentioned in several places in the Bill, on its own and not under the definition of "substances", since it gets lost in the latter definition. "Drug(s)" is the more commonly used word in the language of the people

- ii) **Community based service**

Clause 12 (3), to be explicit on the relevant Provincial departments, who are tasked to develop an integrated provincial strategy for community based services, notwithstanding **clause 12 (4)**, which states the relevant departments.

- iii) **Persons providing community- based services**

Clause 16 (1), The heading to this clause may be altered to "Practitioners providing community-based services" in order for it not to be confused with **clause 14(2)**, which makes reference to "any person".

iv) **Registration and cancellation of registration of treatment centre**

Clause 19 It is not clear from this heading or the section whether registration should be in respect of public or private treatment centres.

iv) **Repeal of laws and savings**

Clause 66 (1) the citation for **The Prevention and Treatment of Drug Dependency Act** is incorrect and should be – **The Prevention and Treatment of Drug Dependency Act, 1992 (Act No. [59] 20 of 1992)** – Act No. 59 is the **Social Assistance Act**.

6. **PORTFOLIO COMMITTEE POSITION ON THE BILL**

After due deliberation, the Portfolio Committee on Social Services & Population Development supports the Bill.

7. **ADOPTION OF THE BILL**

The Legislature adopted this negotiating mandate.

The Legislature mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill.



HON. G. CIEKELLA
Deputy Speaker