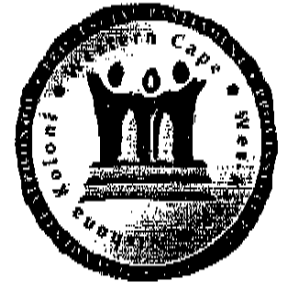


Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni



**NEGOTIATING MANDATE OF THE PREVENTION AND TREATMENT FOR
SUBSTANCE ABUSE AMENDMENT BILL [B12B-2008] (NCOP)**

Negotiating mandate of the Western Cape Provincial Parliament on the *Prevention of and Treatment for Substance Abuse Amendment Bill [B12B-2008]* (NCOP), as resolved by the House on 2 September 2008.

The Western Cape Provincial Parliament having considered the subject of the *Prevention of and Treatment for Substance Abuse Amendment Bill [B12B-2008]* (NCOP) referred to the Provincial Parliament in terms of the rules of the National Council of Provinces (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill.

Pursuant to an invitation for comment and the hosting of public hearings from 18-22 August 2008 on the Bill, the Standing Committee noted the following comments received from organisations: **(See Annexure)**.

**SE BYNEVELDT
SPEAKER
2 SEPTEMBER 2008**



ANNEXURE: Prevention of and Treatment for Substance Abuse Amendment Bill [B12B-2008] (NCOP)

SECTION IN BILL	SUBMISSION RECEIVED FROM	ISSUE OF CONCERN	RECOMMENDATION MADE	DEPARTMENT'S INPUT	RECOMMENDATION
Chapter 1 – Definitions and objects	SANCA	Clarifications of terms like “mental health practitioner” and “training”	Definitions to be more clear	Definition of mental health practitioner is clear Training needs to be defined	A definition of training is needed
	SANCA	No mention made of addiction counsellor in definition of mental health practitioner	Mental health practitioner definition to be revisited	Bill is silent of other kinds of para-professionals/ counsellors given that there are addiction counsellors trained in South Africa and abroad and they do not fit into the definition of mental health practitioner nor are do they fit into social auxiliary workers	Addiction counsellors could be considered to be included in the bill under definitions and an addition made that they regulated by regulatory body.
	Kenilworth Clinic Stikland Hospital	No mention is made of the registration and training of addiction counsellors Registration and accreditation of workers within field of substance abuse such as lay counsellors	Addiction/ lay counsellors need to be included in the bill as well as details of their training and registration	As above	As above

	Western Cape Youth Commission	Bill does not sufficiently recognise substance abuse as a chronic, relapsing condition/brain disease inter-related with HIV/AIDS and other infectious diseases	Include in definition that substance abuse is a chronic, relapsing health condition	View is supported and internationally recognised as chronic relapsing condition like other diseases The National Drug Master Plan makes the connection between substance abuse and other diseases/conditions	Possible to investigate whether the definition of substance abuse could be expanded to include chronic relapsing condition
	Mr John Marcus	Vulnerable person in definition should include parents and family	Include in the bill under definitions	View is supported	"Vulnerable persons" to read "includes children, youth, older persons, people with disabilities, parents, family and service users recovering from substance abuse"
	Western Cape Youth Commission	Bill does not deal with young people in correctional facilities who are challenged with substance abuse	Correctional facilities be included under the definition of a treatment centre in chapter 1 as follows "treatment centre means a public or private facility that offers intensive treatment and rehabilitation to service users, including correctional facilities	The need for intensive treatment in correctional facilities is a reality. The recommendation is endorsed	Definition of treatment centre could be expanded to read "treatment centre means a public or private facility that offers intensive treatment and rehabilitation to service users, including correctional facilities"
	Smart, Pat Coleman and Pastor thereon	Definition of substance does not sufficiently emphasize alcohol abuse as a serious public health issue	Alcohol should be mentioned in the definition per se	Substance abuse definition includes all kinds of substances including alcohol. NDMP sufficiently highlights alcohol as a serious public health issue	

	Smart and Stikland Hospital	Definitions not consistent throughout such as addictions, using, families, rehabilitation and treatment	Bill should be checked for consistency and linked to international definitions	View is supported	Definitions should be checked for consistency throughout bill
	Member of Standing Committee on Social Development	Fit and proper person is not defined in the bill	Definition of fit and proper person should be included in the bill	View is supported	Definition of "fit and proper person" could be included
Chapter 2					
Chapter 3	SANCA	Assets mentioned only limited to state assets	Should be broadened to include assets received from other donors	This is already included in the NPO act and therefore dealt with in other legislation	
Chapter 4					
Chapter 5					
Chapter 6	SANCA	The heading title is confusing	Broaden title to be in line with definitions	Title is confusing and should be broadened to read Centre-based in and outpatient treatment	Title name could be changed
	SANCA	20. Bill does not specify length of license period for halfway houses	License period need to be specified as it is for treatment centres	Support view that license period is specified for all services that must be registered such as registration for 5 years with annual reviews	License period for all services throughout bill could be specified such as for a period of 5 years and also to be evaluated annually

	SANCA	24. Staffing of outpatient services of private treatment centres are not included	Staffing for private treatment services to be included	Bills defines outpatient services as that attached to inpatient centres only and the submission is thus not relevant Bill cannot prescribe staffing for private treatment centres in detail	Minimum norms and standards will define the staffing for both private and public services and thus concern will be covered
	Kemlworth Clinic	21. No distinction is made between secondary and tertiary care facilities and blanket mention is made of halfway houses. Tertiary care facilities are sober living environments/guest houses with minimal or no therapeutic support	Tertiary care facilities should be exempted from registration as halfway houses	All facilities that offer any form of support to recovering substance users should be registered in order to ensure that users/community are not exploited nor exposed to harmful situations and surroundings. Registration is essential for all forms of after care support	Provision could remain as it is. The definition of halfway houses could be expanded to include all forms of after care support that is residential

	John Marcus of George	17 (1); 19 (1) (3) There are 10 – 16 year old children being treated in treatment centres with other adult users which could lead to further problems Also expressed concerns around monitoring and policing of treatment centres	Designated treatment centres for youth and no youth under the age of 18 years should be admitted to an adult treatment centre	View is supported Needs of adults and children are different Monitoring and policing will be covered in the regulations	Chapter 6 could detail separate provisions for public and private treatment centres for adults and youth and/or where the centre can accommodate both groups there must be clear separate facilities for adults and for children/youth under 18 years
Chapter 7					
Chapter 8	SANCA	32(4) Bill name is not included	Add this bill to that provision	Concern is not relevant as detoxification services is governed by the National Health Act	
	Western Cape Youth Commission	30 (1) Indicates the Minister may establish after care programs	Include the Minister must	This is already covered in the gazetted bill as Minister must	
Chapter 9	SANCA	58(b) add in coordination of services to sentence	58(b) add in coordination of services to sentence	View is supported	58(b) could add in "coordination of services" to sentence

Chapter 10	SANCA And Western Cape Substance abuse forum	60(i) Local drug action committees can be established by the dept of Social development also	Social Development to be included in 60 (1) and (2)	Support view especially given that Dept of Social Development has been key driver to establish LDAC's in province especially where municipalities have insufficient capacity However the delegation of powers from national to provincial to local is clear Bill refers to LDAC's in municipalities but the practise is that LDAC's are established in communities and there could be several in one municipality such as in the metro- pole where there currently is more than 10 LDAC's	The possibility of including Dept of Social development as a implementing agency on community level could be investigated under 60(5)
	SANCA	61(d) LDAC is not an implementing body	Delete this from the bill	This refers to implementing the action plans of the LDAC's. The concern is therefore not relevant	

	Cape Metropolitan Health Forum	Notes that chapter 10 only refers to Central Drug Authority and supporting structures and advocates for after care and reintegration services	Would like the structure to come on board	After care and reintegration is covered in chapter 7 of the bill	
	Western Cape Youth Commission	53, 57, 60 No mention is made of youth forums being included in the Central Drug Authority, Provincial substance abuse forums or LDAC's	Include youth forums as a key constituency onto all structures in the bill	The view is supported as youth is a key constituency. However the Youth Commission is represented on the CDA but not on the provincial forum nor on the LDAC	A representative of the Provincial Youth commission nominated by the commission could be included under 57 (2) and a representative of the Local youth forum nominated by the forum be included under 60 (2)
	Western Cape substance abuse forum	57 (4) Bill should prescribe that secretariat for the provincial forum be established	Include provision for secretariat in bill	Bill makes provision for the Department of Social Development to fund the operations of the forum which should include secretariat and thus the concern is covered	
Chapter 11					
General provisions	SANCA	Inconsistent use or detail when using treatment centre given that treatment centre can be public or private	Consistent use of words and definitions throughout bill in full detail		

	SANCA	No reference made in bill of other addictions like gambling	Other behaviour addictions to be included	Bill is silent of the word addiction and refers only to abuse of substances. There is a need to deal with other forms of addictions but would make bill unwieldly	Need to investigate how other forms of addictions can be dealt with in other acts or as amendment to this act at a later stage
	EAP and Wellness	No provision made in bill for enforcement of school testing and treatment	School testing and treatment should be included in bill	Testing on schools should be included in the schools Act. Only early intervention services and awareness should happen at schools and is included in bill	Could investigate whether testing on schools could be included in the schools act
	EAP and Wellness	Medical aids should view substance as a relapsing disease and provide more cover for rehabilitation	Should be included in the act	Substance abuse as a disease is not included in the bill and should be included given the international evidence to this effect Provisions governing medical aids cannot be covered by this act	Could investigate whether the concern is covered under the provisions governing medical aids in other forms of legislation
	EAP and Wellness	Need for central data base recording substance abusers and their treatment programs to better refer them if they relapse	Include database in the bill	A central database for the purpose of referring clients is not practical nor useful as most programs offer similar services. Not necessary or practical to include in bill	
	EAP and Wellness	Force companies to have policies to deal with substance abuse	Include in the bill that companies should have policies to deal with substance abuse	All business should have policies that deals with substance abuse and their employees in terms of support and	

				provisions/regulations	
	Stikland Hospital and Smart	Need to include evidence based interventions in bill	Need to include evidence based interventions in bill	Evidence based interventions will be included in the minimum norms and standards and need not be included in the bill as a provision	
	Western Cape Youth Commission	Does not sufficiently address issues of access and finance, follow up and tracking as well as integration with other policy frameworks	Income sliding scale be standardised for treatment centres, free access to young people and options for financing treatment by medical schemes	<p>Bill does specify that the minister must provide which deals with access and finance. Follow up and tracking is dealt with under after care and reintegration and is not feasible to include as specific provision in the bill</p> <p>The issue of legislating fee structure for private treatment centres is relevant and needs to be explored</p> <p>Integration with other policy frameworks is covered in the bill seeking to legislate the implementation of the National Drug Master Plan</p>	The issue of legislating fee structure for private treatment centres is relevant and could be explored. It however cannot be included in the bill at this stage without further research and legal opinion
		7(1) Concern raised by several persons including members regarding provisions in the bill in respect of		View supported that in terms of public funding the Minister may be correct since not all applications for funding deserves to be approved and	

	<p>Kenilworth Clinic and Smart</p>	<p>Bill makes no reference for treatment diversion in the criminal justice system. Mandated treatment through specialised drug courts has shown to be of value internationally</p>	<p>Treatment diversion and drug courts should be included in the bill</p>	<p>View is supported since research shows that drug related crimes is on the increase Could investigate the establishment of drug courts under Criminal Procedures Act</p>	
	<p>Stikland Hospital</p>	<p>Legal structure for proper court diversion programs</p>			
	<p>Stikland Hospital</p>	<p>Bill does not adequately address medical issues relating to substance disorders such as safe detoxification, maintenance prescriptions for opioid dependance</p>	<p>Bill should include medical issues including proper and safe use of medication, patient register and accreditation of doctors</p>	<p>Viewpoint of the regulation of the use of over the counter prescription medication is supported as well as safe detoxification This falls in the ambit of National Health Act as detoxification and prescriptions are health matters Given that the bill seeks to ensure integration more emphasis/mention should be made of detoxification as a key stage of treatment and more cross reference made to the National Health Act and its</p>	<p>Investigate inclusion in National Health Act if not already included.</p>

		the Minister may versus minister must		including must will put the department and the Minister under an obligation to fund	
	Clinton Tool	Recipes for TIK is freely available on the internet.	Bill should include provisions to prohibit downloading of recipes from the internet	View is supported	Internet access and revealing how to make illicit drugs on the internet could be investigated and appropriate review of other legislation tabled
	Western Cape Substance abuse forum	Substance abuse fund should be established from the proceeds policing of drug sales and trafficking	Substance abuse fund should be included in the bill	Reduction of supply and enforcement of dealing in illicit drugs is dealt with in other pieces of legislation on law enforcement	
	City of Cape Town	<p>Bill does not include provisions that prohibit the sale of glue and other intoxicating substances to minors</p> <p>Bill does not compel companies that produce glue to remove addictive and intoxicating substance in the manufacturing of glue</p>	<p>A provision be included that prohibits the sale of glue and other intoxicating substances to minors</p> <p>A provision be included that compels companies producing glue to remove addictive and other intoxicating substances from the manufacture of glue</p>	The sales and production of both legal and illegal substances fall outside the ambit of this bill and should be incorporated in other forms of legislation dealing with supply and law enforcement as well as dangerous chemicals	These concerns could be investigated and incorporated in other forms of legislation dealing with law enforcement and manufacturing of chemicals