



Northern Cape  
Provincial Legislature

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## Facsimile Transmission

To: Mr A Kotze Fax: 086 505 5618

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From: Khanita Abrahams Date: 22 September 2008

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Northern Cape  
Provincial Legislature

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Date: 2008-09-22

The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

### FINAL MANDATE ON PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE BILL [B12B –2008]

#### INTRODUCTION

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

#### PROCESS FOLLOWED

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 and Population Development on 03 July 2008.

The Portfolio Committee received a briefing on the Bill from the Official of National Department of Social Development, Mr Pierre Vivier, and the Provincial Department of Social Services & Population Development at its meeting on 21 August 2008.

On 04 September 2008 the Portfolio Committee on Social Services & Population Development deliberated and considered the *Prevention of and Treatment for Substance Abuse Bill [B12B – 2008]*.

#### COMMITTEE COMMENTS ON THE BILL

- None.

#### LEGAL TECHNICAL INPUTS ON THE BILL

The Committee propose the following based on the legal technical inputs on the Bill.

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In the **Long Title** – insert that the **Prevention and Treatment of Drug Dependency Act (Act 20 of 1992)** is being repealed by this Bill to make it clear that this is an area that had been regulated before, it is not completely new legislation.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

## **PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE**

The Portfolio Committee on Social Services & Population Development **supports** the Bill.

The Negotiating Mandate was tabled on 11 September 2008 in the House. The Committee recommended to the House to mandate the Permanent Delegates to participate in deliberations

at the negotiating stage and to support the Bill. The House therefore conferred on the Permanent Delegates the authority to participate in negotiations and to raise the concerns expressed.

**COMMITTEE POSITION AFTER CONSIDERATION OF NEGOTIATING MANDATE BY THE NCOP SELECT COMMITTEE**

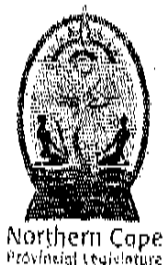
The Portfolio Committee's Negotiating Mandate indicated that the Northern Cape will support the *Prevention of and Treatment for Substance Abuse Bill [B12B - 2008]* on condition that the concerns raised by the Committee will also be considered.

**FINAL VOTING MANDATE**

In terms of Section 65 of the Constitution, the Portfolio Committee on Social Services & Population Development recommends that the House confer authority on the Head of its Delegation to the NCOP to vote in support of the *Prevention of and Treatment for Substance Abuse Bill [B12B-2008]*.



**HON. C. SEOFOENGWE**  
**SPEAKER**



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The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

### FINAL MANDATE ON THE TOBACCO PRODUCTS CONTROL AMENDMENT BILL [B7B-2008]

#### 1 INTRODUCTION

The Chairperson of the Portfolio Committee on Health, Hon IWJ Stadhauer tables the Committee's draft final mandate as considered by the Committee on **19 September 2008**, on the *Tobacco Products Control Amendment Bill [B7B-2008]*.

#### 2 PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature has on receipt of the Bill referred the *Tobacco Products Control Amendment Bill [B7B-2008]* to the Portfolio Committee on Health on **3 July 2008**.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Department of Health at its meeting on **21 August 2008**.
- 2.3 The Portfolio Committee resolved at its meeting held on **21 August 2008**, to hold public hearings on the referred Bill in the areas of Frances Baard, Pixley ka Seme, Kgalagadi, Siyanda and Namaqua to solicit the views of the affected beneficiary communities and stakeholders with regard to the *Tobacco Products Control Amendment Bill [B7B-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 **4 September 2008** the Portfolio Committee on Health deliberated and considered the *Tobacco Products Control Amendment Bill [B7B-2008]*.

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

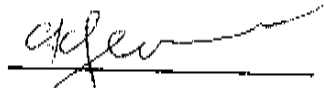
The Committee considered the Minutes of the Select Committee on Social Services and the responses of the National Department of Health on the said Bill.

The Committee accepts the responses and supports the Bill.

**4. COMMITTEE ADOPTION OF THE BILL**

The Committee adopted the Final Mandate duly signed by the Chairperson of the Committee.

In terms of Section 65 of the Constitution, the Portfolio Committee on Health recommends that the House confer authority on the Permanent Delegation to the NCOP to vote in support of the *Tobacco Products Control Amendment Bill [B7B-2008]*.



**HON C SEOPOSENGWE**

**SPEAKER**