

STATE PRESIDENT'S OFFICE

No. 789.
13 March 1992

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:-

NO. 20 OF 1992: PREVENTION AND TREATMENT OF DRUG DEPENDENCY ACT, 1992

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

(English text signed by the State President.)
(Assented to 3 March 1992.)

ACT

To provide for the establishment of a Drug Advisory Board; the establishment of programmes for the prevention and treatment of drug dependency; the establishment of treatment centres and hostels; the registration of institutions as treatment centres and hostels; the committal of certain persons to and their detention, treatment and training in such treatment centres or registered treatment centres; and incidental matters.

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates-

- (i) "Board" means the Drug Advisory Board established under section 2; (xviii)
- (ii) "children's home" means a children's home as defined in section 1 of the Child Care Act, 1983 (Act No. 74 of 1983); (x)
- (iii) "Director-General" or "other senior officer", in relation to any provision of this Act, means the head or any other senior officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section 49; (iii)
- (iv) "drugs" means any medicine or substance prescribed by the Minister after consultation with the Medicines Control Council, established by section 2 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and includes alcoholic liquor; (iv)
- (v) "hostel" means a hostel established under section 10 or deemed to be so established; (xxii)
- (vi) "institution", for the purposes of sections 32, 33, 34 and 35, means an institution as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973); (ix)

- (vii) "magistrate", includes an additional magistrate and assistant magistrate; (xi)
- (viii) "management", in relation to any treatment centre, means the superintendent of that treatment centre and the persons mentioned in section 13(2) and, in relation to any hostel, means the person in charge of such hostel, and, in relation to a registered treatment centre or registered hostel, means the persons who have the management and control thereof; (ii)
- (ix) "medical officer" means any medical practitioner in the service of the State; (xiii)
- (x) "medical practitioner" means any person registered as a medical practitioner or intern under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974); (v)
- (xi) "Minister", in relation to any provision of this Act, means the Minister to whom, or the Ministers to whom, acting in consultation with one another, the administration of that provision has been assigned by proclamation issued under section 49; (xiv)
- (xii) "patient" means any person who has under this Act or any other law been committed or admitted or is deemed to have been so committed or admitted to any treatment centre or registered treatment centre, and includes any person who has been released on licence from any treatment centre or registered treatment centre or who has been granted leave of absence therefrom, or who is still under the control or supervision of the management of any treatment centre or registered treatment centre or who is liable to be brought back thereto; (xvi)
- (xiii) "place of safety" means a place of safety as defined in section 1 of the Child Care Act, 1983; (xxiii)
- (xiv) "police officer" means any member of a police force established under any law; (xvii)
- (xv) "prescribed" means prescribed by regulation or rule made or prescribed under this Act; (xxv)
- (xvi) "reform school" means a reform school as defined in section 1 of the Child Care Act, 1983; (xxiv)
- (xvii) "registered hostel" means a hostel registered under section 11; (vii)
- (xviii) "registered treatment centre" means a treatment centre registered under section 9; (vi)
- (xix) "regulation" means any regulation made and in force under this Act; (xx)
- (xx) "rule" means a rule prescribed by a management under any power conferred upon by regulation; (xix)
- (xxi) "school of industries" means a school as defined in section 1 of the Child Care Act, 1983; (xv)

- (xxii) "social worker" means any person registered as a social worker under the Social Work Act, 1978 (Act No. 110 of 1978), or deemed to be so registered and who is in the service of a department of State under the control of the Minister or a prescribed welfare organization; (xii)
- (xxiii) "superintendent" means the head of a treatment centre; (xxi)
- (xxiv) "this Act" includes the regulations; (viii)
- (xxv) "treatment centre" means a treatment centre established or deemed to have been established under section 7; (i)
- (xxvi) "voluntary patient" means any person admitted to a treatment centre under section 40; (xxvi)
- (xxvii) "volunteer" means any person appointed under section 14. (xxvii)

Establishment and functions of Drug Advisory Board

2. (1) There is hereby established a board to be known as the Drug Advisory Board, which may exercise the powers and shall perform the duties conferred or imposed upon the Board by or in terms of this Act.

(2) The Board shall consist of-

- (a) an officer of the Department of National Health and Population Development nominated by that Department;
- (b) an officer of the Department of Justice nominated by that Department;
- (c) a member of the South African Police nominated by the South African Police;
- (d) a person who is an expert in the field of the treatment of the dependency on drugs; and
- (e) not more than five other members, who shall be persons who in the opinion of the Minister have special knowledge of or experience in the problem relating to the abuse of drugs or who are able to make a substantial contribution to the combating of such problem,

appointed by the Minister.

(3) (a) A member of the Board shall be appointed for a period not exceeding five years, and upon such conditions, as the Minister may determine at the time of making the appointment: Provided that the period of office of a member may be terminated at any time if in the opinion of the Minister there are good reasons for doing so.

(b) A member of the Board may on the expiration of any period for which he was appointed, be reappointed.

(4) If the office of any member of the Board becomes vacant before the expiration of the period for which he was appointed, the Minister shall, subject to the applicable provisions of subsection (2), appoint another person to hold office for the unexpired portion of the period for which his predecessor was appointed.

(5) Any member of the Board who is not an officer in the public

bsistence allowance,
while he is engaged upon the business of the Board, as the Minister may,
with the concurrence of the Minister of State Expenditure, determine.

(6) (a) One of the members of the Board shall be designated by the Minister as chairman of the Board, and at the first meeting of every newly constituted Board the members of the Board shall elect a vice-chairman from their number.

(b) The vice-chairman shall, when acting in the place of the chairman, in all respects have all the powers and perform all the duties of the chairman.

(7) In the event of the absence of both the chairman and the vice-chairman from any meeting of the Board, the members present at the meeting shall elect one of their number to preside at such meeting.

(8) The first meeting of the Board shall be held at a time and place to be determined by the Minister, and subsequent meetings shall be held at least twice every year and at such times and places as the chairman with the approval of the Minister may determine.

(9) (a) The Board shall, as soon as may be practicable after it has been established, frame rules governing its quorum, the procedure at meetings and, generally, the conduct of its functions, and may from time to time alter or revoke any such rules.

(b) Such rules shall have no force and effect unless they have been approved by the Minister.

(10) (a) The Director-General may designate any officer of the Department of National Health and Population Development to act as Secretary of the Board.

(b) The Secretary shall perform his functions under the supervision of the Board and shall be subject to the administrative control of the Director-General.

(11) The Board shall once every two years and whenever requested by the Minister to do so, prepare and submit to the Minister a report on its functions.

(12) The National Advisory Board on Rehabilitation Matters established under section 16 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), is hereby abolished.

Powers and duties of the Board

3. The Board-

- (a) shall advise the Minister on any matter affecting the abuse of drugs referred to the Board by the Minister for advice, and may advise the Minister on any matter on which the Board considers it necessary to advise the Minister;
- (b) may plan, co-ordinate and promote measures relating to the prevention and combating of the abuse of drugs and the treatment of persons dependant on drugs;
- (c) may plan and recommend to the Minister any research relating to drugs or the abuse thereof and may give guidance to other bodies conducting such research;

- (d) may, with the approval of the Minister, arrange conferences relating to matters concerning the functions of the Board;
- (e) may exercise such powers and shall perform such duties as may be determined by the Minister from time to time.

Executive committee

- 4. (1) There shall be an executive committee of the Board consisting of the chairman of the Board and so many other members of the Board as may be determined and designated by the Board.
- (2) The executive committee may, subject to the directions of the Board, during periods between meetings of the Board exercise all the powers and perform all the duties of the Board.
- (3) Subsection (2) does not empower the executive committee to set aside or amend any decision of the Board.
- (4) Any decision taken or act performed by or on the authority of the executive committee shall be of full force and effect, unless it is set aside or amended by the Board at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorized.
- (5) The executive committee may make rules in relation to the holding of, and procedure at, its meetings.

Other committees

- 5. (1) The Board may, subject to the approval of the Minister, from time to time establish such other committees as it may deem necessary to investigate and report to it on any matter relating to the functions of the Board.
- (2) Each such committee shall consist of such number of persons, appointed by the Board, as may be determined by the Board, and may include persons who are not members of the Board.
- (3) The Board shall designate a member of a committee, who shall also be a member of the Board, as the chairman of that committee.
- (4) Any member of a committee who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while he is engaged upon the business of the committee, as the Minister may, with the concurrence of the Minister of State Expenditure, determine.
- (5) Any committee may make rules in relation to the holding of, and procedure at, its meetings.

Programmes for prevention and treatment of drug dependency

6. The Minister may establish or cause to be established programmes which are aimed at-

- (a) the prevention of drug dependency;
- (b) information to the community on the abuse of drugs;
- (c) the education of the youth in regard to the abuse of drugs;
- (d) the observation, treatment and supervision of persons who have been released from a treatment centre or registered treatment centre or