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OFFICE OF THE PRESIDENT

No. 496.

23 April 1999

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

No. 14 of 1999: Prevention and Treatment of Drug Dependency Amendment Act, 1999.

KANTOOR VAN DIE PRESIDENT

No. 496.

23 April 1999

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 14 van 1999: Wysigingswet op die Voorkoming en Behandeling van Dwelmafhanglikheid, 1999.

Act No. 14, 1999

PREVENTION AND TREATMENT OF DRUG
DEPENDENCY AMENDMENT ACT, 1999**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 14 April 1999.)

ACT

To amend the Prevention and Treatment of Drug Dependency Act, 1992, so as to delete a definition and define certain expressions; to establish the Central Drug Authority; and to provide for the assistance of the Drug Authority by a secretariat; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 20 of 1992, as amended by section 3 of Act 106 of 1996

1. Section 1 of the Prevention and Treatment of Drug Dependency Act, 1992 5
(hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of **“Board”**;
- (b) by the insertion after the definition of **“Director-General”** of the following definition:
 “‘Drug Authority’ means the Central Drug Authority, established by section 2;”; and
- (c) by the insertion after the definition of **“Minister”** of the following definition:
 “‘National Drug Master Plan’ means the national drug strategy setting out the policy and strategies against the abuse of drugs as adopted by Cabinet;”.

Substitution of section 2 of Act 20 of 1992

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2. The following section is hereby substituted for section 2 of the principal Act:

“Establishment and functions of Central Drug Authority

2. (1) There is hereby established a body to be known as the Central Drug Authority, which may exercise the powers and shall perform the duties conferred or imposed upon the Drug Authority by or in terms of this Act. 20
- (2) The members of the Drug Authority shall be appointed by the Minister and shall consist of—
- (a) an officer of the Department of Welfare nominated by that Department with the concurrence of the Minister;

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 14 April 1999.)

WET

Tot wysiging van die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992, ten einde 'n woordskrywing te skrap en sekere uitdrukkings te omskryf; die Sentrale Dwelmowerheid in te stel; en voorsiening te maak vir bystand aan die Dwelmowerheid deur 'n sekretariaat; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 20 van 1992, soos gewysig deur artikel 3 van Wet 106 van 1996

- 5 1. Artikel 1 van die Wet op die Voorkoming en Behandeling van Dwelmafhanklikheid, 1992 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur na die omskrywing van “**Direkteur-generaal**” die volgende omskrywing in te voeg:
- “**‘Dwelmowerheid’** die Sentrale Dwelmowerheid, by artikel 2 ingestel;”;
- 10 (b) deur na die omskrywing van “**Minister**” die volgende omskrywing in te voeg:
- “**‘Nasionale Dwelmmeesterplan’** die nasionale dwelmstrategie wat die beleid en strategieë teen dwelmmisbruik uiteensit soos aanvaar deur die Kabinet;”;
- 15 (c) deur die omskrywing van “**Raad**” te skrap.

Vervanging van artikel 2 van Wet 20 van 1992

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling en werksaamhede van Sentrale Dwelmowerheid

20 2. (1) Daar word hierby 'n liggaam ingestel wat die Sentrale Dwelmowerheid heet en die bevoegdhede kan uitoefen en die pligte moet verrig wat by of ingevolge hierdie Wet aan die Dwelmowerheid verleen of opgelê is.

 (2) Die lede van die Dwelmowerheid word deur die Minister aangestel en bestaan uit—

- 25 (a) 'n beampte van die Departement van Welsyn deur daardie Departement benoem met die instemming van die Minister;

- (b) an officer of the Department of Justice nominated by that Department;
- (c) a member of the South African Police Service nominated by the South African Police Service;
- (d) an officer of the Department of Health nominated by that Department;
- (e) an officer of the Department of Education nominated by that Department; 5
- (f) an officer of the Department of Home Affairs nominated by that Department;
- (g) an officer of the Department of Foreign Affairs nominated by that Department; 10
- (h) an officer of the Department of Trade and Industry nominated by that Department;
- (i) a person in the service of the South African Revenue Service nominated by the South African Revenue Service;
- (j) an officer of the Department of Correctional Services nominated by that Department; 15
- (k) an officer of the Department of Labour nominated by that Department;
- (l) a member of the Secretariat for Safety and Security nominated by that Secretariat;
- (m) a representative of the National Youth Commission nominated by that Commission; 20
- (n) a representative of the Medicines Control Council nominated by that Council;
- (o) not more than 12 other members, who shall be persons who 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. 25
- (3) The members contemplated in subsection (2)(o) shall be appointed only after—
- (a) the Minister has through the media and by notice in the *Gazette* invited nominations of persons as members of the Drug Authority; and 30
- (b) the parliamentary committees for welfare of the National Assembly and the National Council of Provinces have made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated. 35
- (4) (a) A member of the Drug Authority 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 at any time be terminated by the Minister for reasons which are just and fair. 40
- (b) A member of the Drug Authority may on the expiration of any period for which he or she was appointed, be reappointed.
- (5) If the office of any member of the Drug Authority becomes vacant before the expiration of the period for which he or she was appointed, the Minister shall, subject to the applicable provisions of subsections (2) and (3), appoint another person to hold office for the unexpired portion of the period for which his or her predecessor was appointed. 45
- (6) Any member of the Drug Authority who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while engaged upon the business of the Drug Authority, as the Minister may, with the concurrence of the Minister of Finance, determine. 50
- (7) (a) One of the members of the Drug Authority shall be designated by the Minister as chairperson of the Drug Authority, and at the first meeting of every newly constituted Drug Authority the members of the Drug Authority shall elect a vice-chairperson from their number. 55
- (b) The vice-chairperson shall, when acting in the place of the chairperson, in all respects have all the powers and perform all the duties of the chairperson. 60
- (8) In the event of the absence of both the chairperson and the vice-chairperson from any meeting of the Drug Authority, the members present at that meeting shall elect one of their number to preside at that meeting. 65

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- (b) 'n beampte van die Departement van Justisie deur daardie Departement benoem;
- (c) 'n lid van die Suid-Afrikaanse Polisie diens deur die Suid-Afrikaanse Polisie diens benoem;
- 5 (d) 'n beampte van die Departement van Gesondheid deur daardie Departement benoem;
- (e) 'n beampte van die Departement van Onderwys deur daardie Departement benoem;
- 10 (f) 'n beampte van die Departement van Binnelandse Sake deur daardie Departement benoem;
- (g) 'n beampte van die Departement van Buitelandse Sake deur daardie Departement benoem;
- (h) 'n beampte van die Departement van Handel en Nywerheid deur daardie Departement benoem;
- 15 (i) 'n persoon in die diens van die Suid-Afrikaanse Inkomstediens deur die Suid-Afrikaanse Inkomstediens benoem;
- (j) 'n beampte van die Departement van Korrektiewe Dienste deur daardie Departement benoem;
- 20 (k) 'n beampte van die Departement van Arbeid deur daardie Departement benoem;
- (l) 'n lid van die Sekretariaat vir Veiligheid en Sekuriteit deur daardie Sekretariaat benoem;
- (m) 'n verteenwoordiger van die Nasionale Jeugkommissie deur daardie Kommissie benoem;
- 25 (n) 'n verteenwoordiger van die Medisyne Beheerraad deur daardie Raad benoem;
- (o) hoogstens 12 ander lede, wat persone moet wees wat oor besondere kennis of ondervinding van die vraagstuk met betrekking tot die misbruik van dwelms beskik of in staat is om 'n wesenlike bydrae tot die bestryding van dié vraagstuk te lewer.
- 30 (3) Die lede beoog in subartikel (2)(o) word aangestel slegs nadat—
- (a) die Minister deur middel van die media en by kennisgewing in die *Staatskoerant* benoemings van persone as lede van die Dwelmowerheid uitgenooi het; en
- 35 (b) die parlementêre komitees vir welsyn van die Nasionale Vergadering en die Nasionale Raad van Provinsies aanbevelings aan die Minister ten opsigte daarvan gedoen het na 'n deursigtige en ope proses om die persone aldus benoem, te oorweeg.
- (4) (a) 'n Lid van die Dwelmowerheid word aangestel vir 'n tydperk van hoogstens vyf jaar en op die voorwaardes wat die Minister ten tyde van die aanstelling bepaal: Met dien verstande dat die ampstermyn van 'n lid te eniger tyd deur die Minister beëindig kan word weens redes wat regverdig en billik is.
- 40 (b) 'n Lid van die Dwelmowerheid kan by verstryking van 'n tydperk waarvoor hy of sy aangestel is, weer aangestel word.
- (5) Indien die amp van 'n lid van die Dwelmowerheid vakant raak voor die verstryking van die tydperk waarvoor hy of sy aangestel is, moet die Minister, behoudens die toepaslike bepalings van subartikels (2) en (3), 'n ander persoon aanstel om die amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor sy of haar voorganger aangestel was.
- 50 (6) Daar kan aan 'n lid van die Dwelmowerheid wat nie 'n beampte in die Staatsdiens is nie, terwyl hy of sy die sake van die Dwelmowerheid verrig, die gelde of reis- en verblyftoeleae betaal word wat die Minister, met die instemming van die Minister van Finansies, bepaal.
- 55 (7) (a) Een van die lede van die Dwelmowerheid word deur die Minister as voorsitter van die Dwelmowerheid aangewys, en die lede van die Dwelmowerheid kies op die eerste vergadering van elke nuut aangestelde Dwelmowerheid 'n ondervoorsitter uit hulle midde.
- (b) Terwyl die ondervoorsitter in die plek van die voorsitter optree, het hy of sy in alle opsigte al die bevoegdhede en vervul hy of sy al die pligte van die voorsitter.
- 60 (8) Ingeval sowel die voorsitter as die ondervoorsitter van 'n vergadering van die Dwelmowerheid afwesig is, kies die lede wat by die

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

(10) (a) The Drug Authority 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.

(11) (a) The Drug Authority shall annually, not later than the first day of June, submit to the Minister a report on all its functions as well as a comprehensive description of the national effort to reduce and eliminate the abuse of drugs during the previous year.

(b) The report referred to in paragraph (a) shall be laid upon the table in Parliament within 14 days after it is submitted to the Minister, if Parliament is then sitting, or, if Parliament is not then sitting, within 14 days after its next sitting day.”.

Insertion of section 2A in Act 20 of 1992

3. The following section is hereby inserted in the principal Act after section 2:

“Secretariat of Central Drug Authority

2A. (1) Work incidental to the performance of the functions of the Drug Authority shall, subject to the control and directions of the Drug Authority, be performed by a secretariat consisting of the Director: Secretariat of the Central Drug Authority and two or more assistants.

(2) (a) The Director and assistants referred to in subsection (1) shall be suitably qualified and experienced persons appointed by the Minister on such terms and conditions as the Minister with the concurrence of the Minister of Finance may determine.

(b) If the Director or any assistant appointed in terms of paragraph (a) is an officer in the public service, such appointment shall be in terms of the laws governing the public service and by arrangement with the Department or institution in question.

(3) The Secretariat shall be assisted by—

(a) officers of the Department of Welfare designated for that purpose by the Director-General: Welfare;

(b) officers of any other Department seconded to the service of the Secretariat in terms of the laws governing the public service;

(c) persons in the service of any public or other body, by arrangement with the body concerned and seconded to the service of the Secretariat;

(d) such other staff as may be reasonably necessary to assist the Secretariat, appointed by the Minister after consultation with the Minister of Finance.”.

Substitution of section 3 of Act 20 of 1992

4. The following section is hereby substituted for section 3 of the principal Act:

“Powers and duties of Drug Authority

3. The [Board] Drug Authority—

(a) shall give effect to the National Drug Master Plan in accordance with the guidelines set out therein;

(aA) shall advise the Minister on any matter affecting the abuse of drugs referred to the [Board] Drug Authority by the Minister for advice, and may advise the Minister on any matter on which the [Board] Drug Authority 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

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vergadering aanwesig is een uit hulle midde om by die vergadering voor te sit.

(9) Die eerste vergadering van die Dwelmowerheid word gehou op die tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word minstens twee keer elke jaar gehou op die tye en plekke wat die voorsitter met die goedkeuring van die Minister bepaal.

(10) (a) Die Dwelmowerheid moet, so spoedig doenlik na sy instelling, reëls opstel ter reëling van sy kworum, die prosedure op vergaderings en, oor die algemeen, die verrigting van sy werksaamhede, en kan van tyd tot tyd enige sodanige reëls wysig of intrek.

(b) Sodanige reëls het geen regsrag nie tensy dit deur die Minister goedgekeur is.

(11) (a) Die Dwelmowerheid moet jaarliks, nie later nie as die eerste dag van Junie, 'n verslag aan die Minister voorlê oor al sy werksaamhede sowel as 'n omvattende beskrywing van die nasionale poging om dwelmmisbruik gedurende die vorige jaar te verminder en uit te wis.

(b) Die verslag bedoel in paragraaf (a) moet binne 14 dae nadat dit aan die Minister voorgelê is in die Parlement ter tafel gelê word indien die Parlement dan sit, of, indien die Parlement nie dan sit nie, binne 14 dae na sy volgende sittingsdag.”.

Invoeging van artikel 2A in Wet 20 van 1992

3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

“Sekretariaat van Sentrale Dwelmowerheid

2A. (1) Werk bykomstig by die verrigting van die werksaamhede van die Dwelmowerheid word, behoudens die beheer en opdragte van die Dwelmowerheid, deur 'n sekretariaat bestaande uit die Direkteur: Sekretariaat van die Sentrale Dwelmowerheid en twee of meer assistente verrig.

(2) (a) Die Direkteur en assistente bedoel in subartikel (1) moet paslik gekwalifiseerde en ervare persone wees wat deur die Minister op die bedinge en voorwaardes aangestel word wat die Minister met die instemming van die Minister van Finansies bepaal.

(b) Indien die Direkteur of 'n assistent wat ingevolge paragraaf (a) aangestel is 'n beampte in die staatsdiens is, moet sodanige aanstelling ingevolge die wette wat die staatsdiens beheers en ooreenkomstig 'n reëling met die betrokke Departement of instelling geskied.

(3) Die Sekretariaat word bygestaan deur—

(a) beamptes van die Departement van Welsyn vir die doel aangewys deur die Direkteur-generaal: Welsyn;

(b) beamptes van enige ander Departement gesekondeer aan die diens van die Sekretariaat ingevolge die wette wat die staatsdiens beheers;

(c) persone in die diens van enige openbare of ander liggaam, ooreenkomstig 'n reëling met die betrokke liggaam en gesekondeer na die diens van die Sekretariaat;

(d) die ander personeel wat redelikerwys nodig is om die Sekretariaat by te staan, deur die Minister na oorleg met die Minister van Finansies aangestel.”.

Vervanging van artikel 3 van Wet 20 van 1992

4. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bevoegdhede en pligte van Dwelmowerheid

3. Die [Raad] Dwelmowerheid—

(a) moet uitvoering gee aan die Nasionale Dwelmmeeesterplan in ooreenstemming met die riglyne daarin uiteengesit;

(aA) moet die Minister adviseer oor enige aangeleentheid rakende die misbruik van dwelms wat deur die Minister na die [Raad] Dwelmowerheid vir advies verwys word, en kan die Minister adviseer oor

