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## GENERAL NOTICE

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NOTICE 283 OF 2013

DEPARTMENT OF SOCIAL DEVELOPMENT

**PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008  
(ACT NO. 70 OF 2008)**

**REGULATIONS FOR PREVENTION OF AND TREATMENT FOR SUBSTANCE  
ABUSE**

I, Bathabile Olive Dlamini, Minister of Social Development, have under section 65 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No.70 of 2008), made the regulations in the Schedule hereto, which-

- (a) in the case of regulations 8, 9, 28, 30, 33, 34, 44 and 55, were made after consultation with the relevant Ministers;
- (b) in the case of regulations 10 to 18, were made in consultation with the Ministers and organs of state referred to in section 12(1) of that Act;
- (c) in the case of regulation 49, were made in consultation with the Ministers of Correctional Services and Health; and
- (d) in the case of regulation 58, were made in consultation with the Ministers and organs of state referred to in section 8(1) of that Act.



**BATHABILE OLIVE DLAMINI, MP**

**MINISTER OF SOCIAL DEVELOPMENT**

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## CHAPTER 1 GENERAL PROVISIONS

### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has that meaning and, unless the context otherwise indicates—

“**District office**” means an office of the Department of Social Development in the provincial sphere of government;

“**Provincial office**” means an office of the Department of Social Development in the provincial sphere of government;

“**resource directory**” means a list of services that a service provider who provides substance abuse services provides;

“**significant other**” means a person who plays a significant role in one’s life, who is the closest to one as a person and who influences one’s thinking and behaviour. A significant other includes a parent, brother and sister, wife, husband, children, boyfriend, girlfriend, friend, and employer;

“**support group**” means a group which provides information relating to experiences and which acts as a clearing-house for experiences, and may serve as a public relations voice for sufferers; and

“**the Act**” means the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008).

### Objects of regulations

2. The objects of these regulations are to prescribe for matters as provided for in the Act.—

**CHAPTER 2**  
**SERVICE PROVIDERS**  
**[Section 7(1)(c)]**

**Entering into contracts with service providers**

3.(1) Any service provider who wishes to render prioritised services as contemplated in section 7(1)(b) of the Act may apply to the Minister for financial assistance.

(2) The application must be made on a form substantially similar to Form 1 in Annexure F at least 90 days before the beginning of the Department's financial year and must be accompanied by a motivation containing a—

(a) comprehensive package of services being rendered or to be rendered; and

(b) profile of the community in which the services are or will be rendered.

(3) The service provider referred to in sub-regulation 1 must attach all the required documents to Form 1 and submit the application by—

(a) registered mail to the address provided on Form 1; or

(b) hand delivery at the Provincial office.

(4) Form 1 must be available at the Department, district and provincial offices and must also be accessible from the website of the Department.

**[Section 7(2)(a)]**

**Conditions for receiving of financial assistance by service providers**

4.(1) Any service provider rendering substance abuse related services and who wishes to receive financial assistance as contemplated in section 7(1)(a) of the Act must—

(a) be registered as a service provider in terms of the Act;

(b) be registered as a non-profit organisation in terms of the Non-profit Organisations Act, 1997 (Act No. 71 of 1997);

(c) be solvent;

(d) where applicable, demonstrate ability to provide effective and efficient services;

(e) promote inclusiveness in the management structure; and

(f) be able to account for the utilisation of financial assistance.

(2) Financial assistance contemplated in this regulation must be utilised for the purpose for which it was provided.

(3) A service provider that receives financial assistance in terms of section 7(1)(a) of the Act must—

(a) keep records of its financial transactions;

(b) have its financial statements audited.; and

(c) submit a copy of its financial statements to the Minister within six months of the end of its financial year.

### **[Section 7(2)(b)]**

#### **Remedies for non-compliance with conditions for receiving financial assistance**

5. (1) The Minister may give the service provider a notice to remedy non-compliance by the service provider with the conditions contemplated in regulation 4 if:

(a) the service provider has made submissions addressing the non-compliance in response to a notice contemplated in sub-regulation (1); or

(b) the Minister thinks the submissions:

(i) propose appropriate action to remedy the non-compliance;

(ii) set out adequate reasons in the opinion of the Minister for the non-compliance; or

(iii) are otherwise satisfactory.

(2) The notice must be in writing and must inform the service provider that-

(a) within a period of 90 days of receiving the notice, the service provider must give a written undertaking to the Minister to remedy the non-compliance; and

(b) the Minister may impose sanctions on the service provider if the service provider does not comply with the conditions for receiving financial assistance.

(3) The undertaking must:

(a) contain a description and acknowledgment of the service provider's non-compliance with conditions for receiving financial assistance;

(b) set out what action the service provider proposes to take to remedy the non-compliance;

(c) set out the period within which the proposed action is required to be taken;

(d) contain an acknowledgment that a failure by the service provider to comply with the undertaking may lead the Minister to seek any remedy under sub-regulation (4) and any other remedy available in terms of the law; and

(e) be such that the service provider must meet any requirements specified in the notice.

4. In the case of a failure by a service provider to comply after the notice and an undertaking contemplated in sub-regulations 5(1) and 5(2)(a), respectively, the Minister may-

(a) withdraw the funding of the service provider; and

(b) recover the funding already granted to the service provider.

#### **[Section 7(2)(d)]**

#### **Conditions for management of assets bought by service providers with Government funds**

6.(1) Assets bought by service providers with government funds must—

(a) only be utilised for the purpose they were purchased until the Minister determines otherwise;

(b) where possible, be comprehensively insured;

(c) be recorded in an asset register which must be updated whenever there are changes; and

(d) have their book value evaluated and determined biannually.

(2) Service providers referred to in sub-regulation (1)—

(a) must within 30 days of buying an asset, forward to the Minister the description, details and a certified copy of proof of the transaction relating to the purchase to be entered in the register maintained by the Minister; and

(b) bears full responsibility for those assets and must ensure that mechanisms are put in place to prevent theft, losses, wastage and misuse of those assets.

**[Section 7(2)(d)]**

**Conditions for disposal of assets bought by service providers with Government funds**

7.(1) A service provider contemplated in section 7(1)(a) of the Act must get permission from the Minister whenever the service provider intends to—

- (a) sell;
- (b) transfer from one place to another;
- (c) destroy;
- (d) write off; or
- (e) otherwise dispose of any asset bought with Government funds.

(2) If a service provider ceases to provide a service in relation to substance abuse, the Minister may direct that the assets contemplated in regulation 6-

- (a) be transferred to another service provider;
- (b) if not in a usable condition, be destroyed and written off; or
- (c) be auctioned to the highest bidder and proceeds thereof be paid to the

Department.

**CHAPTER 3**

**PREVENTION AND EARLY INTERVENTION**

**[Section 6(1)(a)]**

**Minimum norms and standards for programmes that give effect to prevention**

8.(1) Programmes that give effect to prevention of substance abuse must—

- (a) at all times be available and accessible to persons affected by substance abuse and to their families;

(b) link service users with resources in order to maximise the use of existing infrastructure;

(c) create developmental opportunities for new capacities that seek to promote resilience and increase ability of service users;

(d) discourage experimental use of substances so that it does not lead to substance abuse;

(e) promote assessment of the prevalence of substance abuse in the community;

(f) educate individuals and communities and raise awareness about the dangers of substance abuse;

(g) build capacity of persons likely to be affected by substance abuse;

(h) promote healthy lifestyles for everyone in the community; and

(i) identify specific groups and communities to be targeted for prevention.

(2) In order to comply with the norms and standards contemplated in sub-regulation (1), a service provider conducting a prevention programme must ensure that the requirements contained in Annexure A are met.

### **Minimum norms and standards for programmes that give effect to early intervention services**

**9.(1)** Programmes that give effect to early intervention services must—

(a) prevent harm to individuals and families who abuse substances;

(b) screen individuals for substance abuse;

(c) motivate individuals and their families to be involved in intensive treatment where necessary;

(d) ensure that those at risk of abusing substances are assisted to remain within their families or communities;

(e) ensure that no person in need of early intervention services is excluded from a programme;

(f) promote accessibility and availability to such programmes; and

(g) endeavour to keep families affected by substance abuse intact.

(2) In order to comply with the norms and standards contemplated in sub-regulation (1) a service provider conducting an early intervention programme must ensure that the requirements contained in Annexure B are met.

(3) Service providers who conduct early intervention programmes must ensure that persons with appropriate qualifications conduct the admission process to the programme.

**CHAPTER 4  
COMMUNITY-BASED SERVICES**

**Part I  
General Provisions**

**[Section 12(2)(a)]**

**Minimum norms and standards for community-based services**

10.(1) The minimum norms and standards for prevention and early intervention services contemplated in Chapter 3 apply to community-based services with the necessary changes as required by the context.

- (2) Aftercare programmes conducted by community-based services must—
- (a) be available regularly;
  - (b) individualised as per the service user's requirements;
  - (c) include family and support systems;
  - (d) have motivational elements;
  - (e) focus on reintegration into the community;
  - (f) be developmental in approach;
  - (g) be for a specific period of time;
  - (h) provide room for relapse;
  - (i) be easily accessible for the service user by being—
    - (i). available after hours for service users who work or have other responsibilities during the day; and
    - (ii). conducted from satellite offices or centres; and
  - (k) be affordable in relation to the economic class of each person.

**[Section (12(2)(b))]****Types of community-based services**

11. The types of community-based services are—

- (a) prevention;
- (b) early intervention;
- (c) treatment;
- (d) aftercare; and
- (e) reintegration.

**[Section 12(2)(b)]****Manner for provision of community-based services**

12. Community-based services must be provided by—

- (a) developing individual treatment plans that may include psychological, social and medical services;
- (b) extending treatment services to individuals, families and groups and significant others;
- (c) making referrals to other service providers for further treatment in the case of need;
- (d) providing youth friendly programmes; and
- (e) complying with the minimum norms and standards as contemplated in regulation 13.

**[Section 6(1)(c)]****Minimum norms and standards for registration of community-based services**

13. Community-based services must comply with the minimum norms and standards for treatment centres and halfway houses in as far as they relate to prevention and early intervention as contemplated in the Annexures A and B.

**Part II**  
**Registration of community-based services**  
**[Section 14(3)]**

**Conditions for registration of community-based services**

**14.(1)** Any person who wishes to register a community-based service as contemplated in section 14(2) of the Act must—

(a) identify and provide information with regard to the need for community-based services in the area;

(b) indicate the number of service users who are likely to be offered the service;

(c) give details of the type of services to be offered;

(d) provide a list of persons who will administer the services including their—

(i) full names;

(ii) identity numbers; and

(iii) qualifications.

(e) provide information relating to resources available to provide the service as the HOD may determine;

(f) be a South African citizen, permanent resident or refugee;

(g) not be a person who has been convicted of an offence related to substance abuse or the supply of illegal substances; and

(h) apply in a manner envisaged in regulation 15.

(2) In addition to the provisions of sub-regulation (1), the person contemplated therein must—

(a) comply with the norms and standards as contemplated in Part III of this Chapter;

(b) in the case where the person intends to access funding from the Department, be registered in terms of the Nonprofit Organisations Act, 1997 (Act No.71 of 1997); and

(c) provide such additional information as the HOD may require for proper consideration of the application.

### **Application for registration of community-based services**

15.(1) Any person who wishes to provide community-based services must apply to the HOD for registration of the community-based service by completing an application form substantially similar to Form 2, whichever may be applicable, of Annexure F.

(2) Forms 2A and 2B must be available at the Department's offices, provincial office and district office and must also be accessible from the website of the Department.

(3) The applicant must submit the completed form, together with the required documents, to the HOD of the province where he or she intends to render the services.

(4) Alternatively, the application form may be submitted by—

- (a) registered mail to the address of the office of the Provincial Department chosen in sub-regulation (3); ;
- (b) hand delivering at the relevant office of the Provincial Department;
- (c) faxing it to the Provincial office; or
- (d) Email.

### **Approval or declining of application for registration of community-based services**

16.(1) The HOD must, subject to sub-regulation (3), after consideration of an application contemplated in section 14(2) of the Act read with regulations 14 and 15, and if he or she is—

(a) satisfied that the applicant has complied with the requirements of regulations 14 and 15, grant the application; or

(b) not satisfied that the applicant has complied with the requirements of regulations 14 and 15, decline the application.

(2) In granting the application as contemplated in sub-regulation (1)(a), the HOD must—

(a) indicate—

- (i) the duration of the registration, which may not be longer than a period of five years; and

(ii) that the registration may be withdrawn or terminated if the applicant does not comply with any requirement in terms of these regulations.

(b) issue the applicant with a registration certificate in a form substantially similar to Certificate A of Annexure G.

(3) Before granting registration for a community-based service, the place where the service is to be provided, must be visited by a social worker or person designated by the HOD to ensure compliance with the applicable minimum norms and standards, and that social worker or designated person must submit a report to the HOD on the outcome of the visit.

(4) If the HOD has declined the application, he or she must provide written reasons for his or her decision to the applicant.

### **Temporary registration of community-based services**

17.(1) The HOD may, after consideration of an application contemplated in regulations 14 and 15, if—

(a) not all the conditions for registration have been complied with; and

(b) in his or her opinion—

(i) the conditions contemplated in paragraph (a) can be complied with within a period not exceeding 12 months; and

(ii) non-compliance with the conditions and requirements contemplated in paragraph (a) shall not have an adverse effect on the quality of service to, and the interest of service users if such conditions are met within a period not exceeding 12 months,

grant temporary registration and issue a temporary registration certificate in a form substantially similar to Certificate B of Annexure G.

(2) A temporary registration certificate must be—

(a) for a period not exceeding 12 months; and

(b) subject to the applicant—

(i) complying within a period not exceeding 12 months with any conditions that the HOD may impose; and

(ii) providing quarterly progress reports with regard to his or her compliance with the conditions imposed by the HOD.

### **Termination or withdrawal of registration of community-based services by HOD**

18.(1) Where, in the opinion of the HOD, the service provider has failed to comply with a provision of these Regulations or any condition contemplated in regulation 17(2)(b) the HOD may require the service provider to-

(a) within a period of 90 days, rectify failure to comply with any such condition; and

(b) require the service provider to, at the end of the 90 referred to in sub-regulation 1(a), provide a written report detailing how the service provider has complied with the conditions referred to in sub-regulation 1(a).

(2) If at the end of the period referred to in sub-regulation (1)(a) and after consideration of a report contemplated in sub-regulation 1(b) the HOD is not satisfied that the service provider has complied with the any condition contemplated in regulation 17(2)(b) the HOD may—

(a) give written notice to the provider of the HOD's intention to terminate or withdraw the registration granted in terms of regulations 16 or 17; and

(b) call upon the service provider to, within a period of 30 days, provide written reasons why such registration should not be terminated or withdrawn.

(3) Upon receipt of and after having considered the reasons as contemplated in sub-regulation (2)(b), the HOD may, if he is satisfied that the service provider has no valid reason why such registration should not be withdrawn or terminated,

(a) terminate or withdraw registration granted in terms of regulations 16 or 17; and

(b) must, in writing, inform the service provider of a community-based service of the termination or withdrawal of the registration.

(4) The service provider must within 30 days of receipt of the notice of termination or withdrawal stop providing the community-based service.

(5) Where the HOD has terminated or withdrawn registration of a community-based service, the HOD must consult with service providers in the same area or near where the services which were provided by the service provide whose registration has been withdrawn or terminated with a view to facilitate the admission

of the affected service users and children into a community-based service programme provided by another service provider.

(6) The HOD may also terminate or withdraw registration of community-based services where all members of management structure have been removed as contemplated in sub-regulation 24(3).

### **Part III**

#### **Management structure of community-based services**

##### **[Section 15(2)(a)]**

#### **Guidelines for functioning of management structures of community-based services**

**19.** The management structures of community-based service contemplated in section 15 of the Act must—

- (a) determine and develop policies for the community-based service;
- (b) promote minimum norms and standards;
- (c) share information with the Department on any matter concerning new trends in the abuse of substances;
- (d) provide oversight and direction to the community-based service in the exercise of its powers and the performance of its duties;
- (e) assign duties to personnel of the community-based service based on the knowledge and skills of such personnel;
- (f) meet at least four times a year;
- (g) elect a chairperson of the management structure;
- (h) approve and review annual budget; and
- (i) monitor, review and approve the operational plan of the community-based service.

#### **Guidelines for composition of management structures of community-based services**

**20.(1)** The management structure of the community-based service as contemplated in section 15 of the Act must, taking into account, among others, the appropriate representation of race, gender and disability, be composed of a maximum of two—

(a) of the persons under whose name the community-based service is registered;

(b) members of the community in which the community-based service is rendered;

(c) beneficiaries from the community in which community-based service is rendered; and

(d) member of the staff of the community-based service.

(2) The persons referred to in sub-regulation (1)(a) automatically become members of the management structure.

(3) The management structure may co-opt into its management structure or invite, to its meetings such members that it considers necessary to assist it in the management of the community-based services provided such people shall not have voting rights.

### **[Section 15(2)(b)]**

#### **Guidelines for election and appointment of members of management structure of community-based services**

21.(1) Any person who provides community-based services must form a selection panel to consider nominations for, and appoint members to, the management structure contemplated in regulation 20.

(2) The selection panel referred to in sub-regulation (1) must—

(a) ask for nominations for election and appointment, from members of the community where the community-based services are to be provided, for members of the management structure contemplated in regulation 20;

(b) display the request for nominations in a prominent place at locations in the community that are accessible to the general public of that community; and

(c) consider the nominations received and compile a shortlist of candidates for appointment to the management structure.

(3) The request for nominations contemplated in sub-regulation (2)(b) must contain at least the—

(a) service area of the community-based service;

- (b) activities of the community-based service;
- (c) time commitment reasonably expected from members of the management structure of the community-based service;
- (d) term of office for which the election and appointment are considered;
- (e) criteria for disqualification as a member of management structure;
- (f) requirements with which a nomination must comply;
- (g) closing date of the nominations; and
- (h) address to which nominations for election and appointment must be delivered.

(4) A nomination contemplated in sub-regulation (2) must be on a form substantially similar to Form 3 in Annexure F, and must include at least the—

(a) name of the nominee; and (b) names and contact details of the person making the nomination; and

(c) names and contact details of the person seconding the nomination;

(5) Any nomination form that is incomplete and does not conform to the requirements contained in sub-regulation (4) is invalid and may not be considered for purposes of appointing a member of the management structure.

(6) A request for nominations for members of an existing management structure must be made at least two months prior to the expiry of the term of office of the current management structure.

(8) Shortlisted nominees must on request furnish the selection panel contemplated in sub-regulation (1) with a—

(a) detailed curriculum vitae not exceeding two typed pages in length;

(b) written motivation not exceeding two typed pages in length outlining and detailing his or her vision for the community-based service, and future contribution he or she intends making towards the development of the community-based service;

(c) certificate of good standing if he or she is a member of any professional body that prescribes adherence to a code of conduct for its members;

(d) declaration under oath to execute the functions of the community-based service and to ensure adherence to the Act and any other applicable prescript if appointed; and

(e) certified copy of his or her national identity document or passport.

(9) Upon receipt of completed nomination forms the selection panel must-

- (a) count all the nominations received;
- (b) establish if the nominees are not disqualified in terms of regulation 22;
- (c) if there is only one or only two nominees from each group of persons contemplated in regulations 20(a)-(d), appoint that nominee or such nominees automatically;

- (d) if there are more than two nominations received from the group of persons contemplated in regulations 20(a)-(d), call upon the persons who made the nominations to vote by show of hands and elect two nominee to the management structure;

- (e) appoint the nominees who get the most votes after the election contemplated in sub-regulation 21(9)(d).

- (e) prepare appointment letters and request the chairperson of the selection panel to sign such letters; and

- (f) cause such letters to be delivered to the appointed persons.

(10) The selection panel contemplated in sub-regulation (1) must appoint all the members of the management structure and supply the names of such appointed members and the date of commencement of duty to the HOD within 30 days after the appointment has been made.

(11) In appointing the members of the management structure, the selection panel contemplated in sub-regulation (1) must take into consideration the—

- (a) relevant expertise and experience in the prevention and treatment of substance;

- (b) expertise in a range of health services;

- (c) representivity in terms of race and gender; and

- (d) any other factor which in the opinion of the panel is relevant.

(12) Any nominee appointed as a member of the management structure must submit a written acceptance of the appointment within seven days of receiving the notification of appointment.

(13) The appointed members of management structure must, within 7 days after being appointed convene a meeting and elect a-

- (a) chairperson;

- (b) deputy chairperson;

- (c) secretary;
- (d) treasurer; and
- (e) public relations officer.

### **Guidelines for qualification of members of management structure of community-based services**

**22.** No person may be nominated for appointment to the management structure of a community-based service, if he or she—

- (a) has not reached the age of 18 years;
- (b) has, in the preceding five years, whether in the Republic or elsewhere, been convicted of any offence which involves—
  - (i) dishonesty; or
  - (ii) substance abuse; or
  - (iii) physical and emotional abuse of children;
- (c) is an unrehabilitated insolvent;
- (d) has been declared to be of unsound mind by a competent authority; or
- (e) resides outside the Republic of South Africa even if he or she is a South Africa citizen.

### **Guidelines for term of office of members of management structures of community-based services**

**23.(1)** A member of a management structure of a community-based service facility—

- (a) holds office for a period not exceeding three years; and
  - (b) may be re-elected and re-appointed upon the expiry of the term of office.
- (2) There is no limit in the number of times a member of a management structure may be re-elected and re-appointed.

## **Guidelines for grounds for removal from office of members of management structures of community-based services**

24.(1) Any member of a management structure of a community-based service may be removed from the management structure if he or she—

(a) becomes disqualified from appointment on any of the grounds mentioned in regulation 22;

(b) has been absent from two or more consecutive meetings of a management structure in one calendar year without the prior permission of the chairperson or without a reasonable ground; and

(c) has been found guilty of misconduct related to his or her performance of duties as a member of a management structure.

(2) Any member of the management structure may resign his or her office by giving 30 days written notice to the chairperson of the management structure of his or her intention to resign.

(3) The HOD may remove all the members of the management structure from office if the HOD has reason to believe that the management structure has contravened—

(a) the Act; or

(b) any other law,

in such a way that it caused or is likely to cause harm to the fight against substance abuse in the community.

(4) If a member of the management structure dies or vacates his or her office, the selection panel must, in accordance with the election and appointment procedure outlined in regulation 21, elect and appoint another person in his or her place for the remainder of the deceased's or predecessor's term of office.

(5) Where all members of the management structure have been removed from office in terms of sub-regulation (3), a new management structure must be elected and appointed in terms of regulation 21.

**[Section 15(2)(c)]****Guidelines for number of meetings of management structure of community-based services**

**25.**(1) The management structure of a community-based service—

(a) must hold at least one meeting every three months; and

(b) may convene a meeting at any time at the request of at least one third of the members of the management structure.

(2) Any member may, after giving two days' written notice to the other members of the management structure, request an urgent meeting of the management structure.

(3) A notice given in terms of sub-regulation (2) must—

(a) specify the date, time and place of the meeting; and

(b) state the purpose of the meeting.

(4) The chairperson must, subject to sub-regulation (2), arrange meetings of the management structure and must give notice of a meeting—

(a) in writing; and

(b) not less than seven days prior to the date of the meeting, except in cases of emergency or where every member agrees to accept short notice.

**Guidelines for procedure at meetings of management structure of community-based services**

**26.**(1) A quorum a meeting of the management structure shall be constituted by a simple majority of its total members.

(2) The decision of the majority of the members of a management structure present at any meeting thereof constitutes a decision of the management structure.

(3) The chairperson of the management structure must ensure that—

(a) an attendance register of all members present in a meeting is kept; and

(b) minutes of the meeting are properly recorded and filed.

(4) The chairperson does not have a deliberative vote, but have only a casting vote in the case where votes are tied.

(5) In the absence of the chairperson the members of the management structure present at that meeting must elect amongst themselves a chairperson for that meeting.

(6) The proceedings of, or resolutions passed in a meeting of, a management structure are not invalid merely because—

(a) the chairperson omitted to send a notice to a member of the management structure; or

(b) a member did not receive a notice of the meeting.

## **CHAPTER 4**

### **TREATMENT**

#### **Part I**

#### **Treatment centres and halfway houses: Registration**

##### **[Section 19(2)]**

#### **Application for registration of treatment centre**

27. Any person who desires to establish or manage a treatment centre as contemplated in section 19(2) of the Act must apply in writing to the Director-General for registration of the treatment centre in a form substantially similar to Form 4 in Annexure F.

##### **[Sections 19(2)(b) and 21(3)(b)]**

#### **Requirements for registration of treatment centre and private halfway house**

28.(1) Any person who wishes to register a treatment centre or private halfway house must-

(a) apply as contemplated in regulations 27 and 30;

(b) ensure that a treatment centre or a private halfway house complies with the minimum norms and standards as contemplated in these Regulations and any

other policy document of the Department relating to minimum norms and standards for treatment centres and halfway houses;

(c) ensure that a treatment or a private halfway house complies with the provisions of the Act; and

(d) provide any document required in terms of Form 4 or Form 5 as the case may be, including a rezoning certificate where applicable and a business plan.

### **Consideration of application for registration of treatment centre or private halfway house**

29.(1) Upon receipt of an application as contemplated in regulations 27 and 30, the Director-General must assess and consider such an application within 90 days of receipt thereof.

(2) In assessing the application referred to in sub-regulation (1), the Director-General must consider-

(a) all the information provided by the applicant and any other relevant information;

(b) whether the applicant has met all other relevant requirements of the Act; and

(c) whether all the proposed prevention, early intervention and treatment programmes comply with the relevant minimum norms and standards in terms of these regulations

(3) if the Director-General is not satisfied with any information required for the proper consideration of the application, he or she may request such additional information as he or she may require;

(4) The Director-General may also conduct a physical inspection of the facilities which will be used for the proposed treatment centre or halfway house

(5) Once the Director-General has satisfied himself or herself with the contents of the applications and attachments thereto, he or she may-

(a) impose conditions in terms of section 19(3) or 21(4) of the Act for registration;

(b) grant a registration certificate; or

(c) reject the application for registration, of a treatment centre or private hallway house.

**[Section 21(2)]****Application for registration of private halfway house**

30. Any person who desires to establish or manage a private halfway house as contemplated in section 21(2) of the Act must apply in writing to the Director-General for registration of a private halfway house in a form substantially similar to Form 5 in Annexure F.

**[Section 21(4)]****Conditions for registration of private halfway house**

31. The Director-General must, if he or she has granted a conditional registration as contemplated in section 21(4) of the Act, specify those conditions in writing.

**[Section 25]****Appeal against certain decisions of Director-General**

32.(1) Any person aggrieved by a decision made by the Director-General in terms of section 17, 19, 21 or 23(6) of the Act may, within 90 days of becoming aware or being notified of the decision taken by the Director-General, lodge a notice of appeal to the Minister in a form substantially similar to Form 6 in Annexure F.

(2) The appellant must send a notice of appeal by registered mail to the Minister stating the decision appealed against.

(3) The notice referred to in sub-regulation (1) must set out clearly the grounds on which the appeal is based.

## **Part II**

### **Treatment centres and halfway houses: Management and staff**

#### **Minimum norms and standards for management of halfway houses and treatment centres**

33.(1) A treatment centre or a halfway house must comply with national and local building regulations and must submit to the Director-General a certificate issued by the relevant authority to that effect.

(2) A treatment centre or a halfway house and the facilities thereof must comply with the relevant provisions of these regulations.

(3) All categories of services contemplated in section 5(2) of the Act provided by treatment centres and halfway houses must be in a safe and secure environment.

(4) The rights and safety of the service users and children in treatment centres or halfway houses must be protected.

#### **Minimum norms and standards for monitoring of out-patient services**

34. Out-patient services must be evidence-based and holistic in nature and must be presented as a comprehensive package of services which must include any one or a combination of the following:

- (a) Education for the service user and the service user's family about the dangers of substance abuse and other related health problems;
- (b) life and social skills training;
- (c) harm reduction activities; and
- (d) access to self-help and mutual help support groups.

#### **[Section 29(2)(a)]**

#### **Composition of management structures of treatment centres and halfway houses**

35.(1) The management structure of the a treatment centre or a hallway house as contemplated in section 29 of the Act must, taking into account, among

other things, the appropriate representation of race, gender and disability, be composed of a maximum of two—

(a) persons under whose name the treatment centre or halfway house is registered;

(b) members of the community in which the treatment centre or halfway house is established;

(c) beneficiaries from the community the treatment centre or hallway house serves; and

(d) members of the staff of the treatment centre or halfway house.

(2) The persons referred to in sub-regulation (1)(a) automatically become members of the management structure. However, in the case of a public treatment centre or a public halfway house the Director-General must designate the said officials.

(3) The management structure may co-opt into its management structure or invite, to its meetings such members that it considers necessary to assist it in the management of the treatment centre or halfway house provided such people shall not have voting rights.

### **[Section 29(2)(b)]**

#### **Election and appointment of members of management structure of treatment centre or halfway house**

**36.(1)** Any person who manages a treatment centre or halfway house must form a selection panel to consider nominations for, and appoint members to, the management structure contemplated in regulation 35.

(2) The selection panel referred to in sub-regulation (1) must—

(a) ask for nominations for appointment, from members of the community where the treatment centre's or halfway house's services are provided, for members of the management structure referred to in sub-regulation (1);

(b) display the request for such nominations in a prominent place at locations in the community that are accessible to the general public of that community; and

(c) consider the nominations received and compile a shortlist of candidates for appointment to the management structure.

(3) The request for nominations contemplated in sub-regulation (2)(b) must contain at least the—

- (a) service area of a treatment centre or halfway house;
- (b) activities of the treatment centre or halfway house;
- (c) time commitment reasonably expected from members of the management structure of a treatment centre or halfway house;
- (d) term of office for which the appointment is considered;
- (e) criteria for disqualification as a member;
- (f) requirements with which a nomination must comply;
- (g) closing date for nominations; and
- (h) address to which nominations for election and appointment must be delivered.

(4) A nomination contemplated in sub-regulation (2) must be on a form substantially similar to Form 3 in Annexure F, and must include at least—

- (a) the name of the nominee;
  - (b) the names and contact details of the person making the nomination;
  - (c) the names and contact details of the person seconding the nomination;
- and
- (d) a motivation supporting the nomination of such nominee, including the nominee's actual or potential leadership qualities, the expertise in a particular field and the nominee's ability to assume the responsibilities and functions entrusted by the Act.

(5) A request for nominations for members of an existing management structure must be made at least two months prior to the expiry of the term of office of the current management structure.

(6) The selection panel contemplated in sub-regulation (1) must ask for nominations from the-

- (a) members of the public in which the treatment centre or halfway house is situated;
- (b) staff members in the case of an existing treatment centre or halfway house; and
- (c) representatives of the service users;

for the appointment of the members of the management structure contemplated in regulation 27.

(7) A shortlisted nominee must on request furnish the selection panel contemplated in sub-regulation (1) with a—

(a) detailed curriculum vitae not exceeding two typed pages in length;

(b) written motivation not exceeding two typed pages in length outlining and detailing his or her vision for the treatment centre or halfway house, and future contribution he or she intends making towards the development of the treatment centre or halfway house;

(c) certificate of good standing if he or she is a member of any professional body that prescribes adherence to a code of conduct for its members; and

(d) certified copy of his or her national identity document or passport.

(8) Upon receipt of completed nomination forms the selection panel must—

(a) count all the nominations received;

(b) establish if the nominees are not disqualified in terms of regulation 37;

(c) if there is only one or only two nominees from each group of persons contemplated in regulations 35(1)(a)-(d), appoint that nominee or such nominees automatically;

(d) if there are more than two nominations received from the group of persons contemplated in regulations 35(1)(a)-(d), call upon the persons who made the nominations to vote by show of hands and elect two nominees to the management structure;

(e) appoint the nominees who get the most votes after the election contemplated in sub-regulation 36(9)(d).

(f) prepare appointment letters and request the chairperson of the selection panel to sign such letters; and

(g) cause such letters to be delivered to the appointed nominees.

(9) The selection panel contemplated in sub-regulation (1) must oversee the election process of members, where necessary, appoint all the members of the management structure and supply the names of such appointed members and the date of commencement of duty to the Director-General within one month of the elections.

(10) In electing and appointing the members of the management structure, the selection panel contemplated in sub-regulation (1) must take into consideration the—

- (a) relevant expertise and experience in the prevention and treatment of substance abuse;
- (b) expertise in a range of health services;
- (c) representivity in terms of race and gender; and
- (d) any other factor which in the opinion of the panel is relevant.

(11) Any nominee appointed as a member of the management structure must submit a

- (a) written acceptance of the appointment within seven days of receiving the notification of appointment; and
- (b) declaration under oath to execute the functions of the treatment centre or halfway house and to ensure adherence to the Act and any other relevant prescripts.

(12) The appointed members of management structure must, within 7 days after being appointed convene a meeting and elect a-

- (a) Chairperson;
- (b) Deputy chairperson;
- (c) Secretary;
- (d) Treasurer; and
- (e) Public relations Officer.

### **Qualification of members of management structure of treatment centre or halfway house**

37.(1) No person may be nominated for appointment to the management structure of a treatment centre or halfway house, if he or she—

- (a) has not reached the age of 18 years;
- (b) has, in the preceding five years, whether in the Republic or elsewhere, been convicted of any offence of which involves—
  - (i) dishonesty is an element ; or
  - (ii) substance abuse; or
  - (ii) physical and emotional abuse of children; is an element;

- (c) is an unrehabilitated insolvent;
- (d) has been declared to be of unsound mind by a competent authority; or
- (e) resides outside the Republic of South Africa even if he or she is a South African citizen.

#### **Term of office of members of management structure of treatment centre and halfway house**

**38.(1)** A member of a management structure of a treatment centre or halfway house—

- (a) holds office for a period not exceeding three years; and
- (b) may be re-elected and re-appointed upon the expiry of the term of office.

(2) There is no limit in the number of times a member of a management structure may be re-elected and re-appointed.

#### **Grounds for removal from office of members of management structure of treatment centre and halfway house**

**39.(1)** Any member of a management structure of a treatment centre or halfway house may be removed from the management structure if he or she—

(a) becomes disqualified from appointment on any of the grounds mentioned in regulation 38;

(b) has been absent from two or more consecutive meetings of a management structure in one calendar year without the prior permission of the chairperson or without a reasonable ground; and

(c) has been found guilty of misconduct related to his or her performance of duties as a member of a management structure.

(2) Any member of the management structure may resign his or her office by giving 30 days written notice to the chairperson of the management structure of his or her intention to resign.

(3) The Director-General may remove all the members of the management structure from office if the Director-General has reason to believe that the management structure has contravened—

- (a) the Act; or

(b) any other law,  
in such a way that it caused or is likely to cause harm to the fight against substance abuse in the community.

(4) If a member of a management structure dies or vacates his or her office, the chairperson selection panel must, in accordance with the election and appointment procedure contained outlined in regulation 36, elect and appoint another person in his or her place for the remainder of the deceased's or predecessor's term of office.

(5) Where all members of the management structure have been removed from office in terms of sub-regulation (3), a new management structure must be elected and appointed in terms of regulation 36.

#### **Filling of vacancies of members of management structures of treatment centres or halfway houses**

40.(1) If a member of the management structure of a treatment centre or halfway house dies or vacates his or her office, the chairperson must, in accordance with the procedure contained in regulation (36) appoint another person in his or her place for the remainder of the deceased's or predecessor's term of office.

(2) Where all members of the management structure have been removed from office in terms of sub-regulation 39(3), a new management structure must be elected and appointed in the manner envisaged in regulation 36.

#### **Number of meetings of management structure of treatment centre or halfway house**

41.(1) The management structure of a treatment centre or halfway house—  
(a) must hold at least one meeting every three months; and  
(b) may convene a meeting at any time at the request of at least one third of the members of the management structure.

(2) Any member may, after giving two days' written notice to the other members of the management structure, request an urgent meeting of the management structure.

(3) A notice given in terms of sub-regulation (2) must—

- (a) specify the date, time and place of the meeting; and
- (b) state the purpose of the meeting.

(4) The chairperson must, subject to sub-regulation (2), arrange meetings of the management structure and must give notice of a meeting—

- (a) in writing; and
- (b) not less than seven days prior to the date of the meeting, except in cases of emergency or where every member agrees to accept short notice.

#### **Procedure at meetings of management structure of treatment centre or halfway house**

**42.(1)** A quorum a meeting of the management structure shall be constituted by a simple majority of its total members.

(2) The decision of the majority of the members of a management structure present at any meeting thereof constitutes a decision of the management structure.

(3) The chairperson of the management structure must ensure that—

(a) an attendance register of all members present in a meeting is kept; and

(b) minutes of the meeting are properly recorded and filed.

(4) The chairperson does not have a deliberative vote, but have only a casting vote in the case where votes are tied.

(5) In the absence of the chairperson the members of the management structure present at that meeting must elect amongst themselves a chairperson for that meeting.

(6) The proceedings of, or resolutions passed in a meeting of, a management structure are not invalid merely because—

(a) the chairperson omitted to send a notice to a member of the management structure; or

(b) a member did not receive a notice of the meeting.

**[Section 24(1)(a)]****Suitability for appointment as manager of public treatment centres or public halfway houses**

**42.** A candidate for appointment as manager of a public treatment centre or a public halfway house must—

- (a) have an academic qualification in the field of management obtained from a recognised tertiary institution;
- (b) have at least five years of management experience;
- (c) be a refugee, citizen or permanent resident of the Republic of South Africa;
- (d) not be subject to a disqualification contemplated in regulation 37); and
- (e) in the opinion of the Director-General, have sufficient knowledge of programmes offered in treatment centres and halfway houses, and demonstrable ability to implement such programmes.

**[Section 24(2)]****Duties of staff of public treatment centres and public halfway houses**

- 43.** The staff of a public treatment centre or public halfway house—
- (a) facilitate the admission of service users and children into a treatment centre or public halfway house;
  - (b) educate service users and children about dangers of substance abuse;
  - (c) ensure proper provision of treatment to service users and children;
  - (d) ensure that the treatment centre or halfway house is hygienic at all times;
  - (e) provide a safe and a secured environment for service users and children in line with the norms and standards contemplated in these regulations;
  - (f) promote and facilitate the training of personnel for the benefit of the treatment centre or halfway house;
  - (g) report any suspected criminal activity taking place within the treatment centre or halfway house; and

(h) ensure that the treatment centre or halfway house complies with the provisions of the Act.

### **Powers of staff of public treatment centres and public halfway houses**

**44.** (1) The staff of a public treatment centre or public halfway house may—

(a) enter any room where service users reside or sleep and search for substances and any material that is prohibited within the premises of the treatment centre or halfway house;

(b) apply corrective measures where children and service users break the rules;

(c) use any resources of the treatment centre or halfway house, within the rules of a treatment centre or halfway house, for the benefit of the treatment centre or halfway house; and

(d) exercise any power necessary for the proper administration of a public treatment centre or public halfway house.

(2) The powers referred to in sub-regulation (1)(d) must be within the prescripts governing the public service.

## **Part III**

### **Treatment centres and halfway houses: Service users**

#### **[Section 6(b)]**

### **Minimum norms and standards for protection of children and service users in treatment centres and halfway houses**

**45.** The manager of a treatment centre or a halfway house must ensure that children and service users are protected—

(a) against all forms of ill-treatment by any person;

(b) by providing shelter and adequate protection against extreme cold weather conditions in accordance with the guidelines contained in Annexure C;

(c) by ensuring that products and objects used for personal hygiene are not shared;

(d) against the effects of unhygienic premises;

(e) against abuse of disciplinary procedures, and personnel implementing disciplinary procedures must follow the guidelines provided for in Annexure D

(f) against risk of fire and must have an up-to-date risk assessment and fire management plan and must have in place the basic fire safety measures contained in Annexure E;

(g) against malnutrition and starvation;

(h) against illnesses and contagious diseases by appropriate isolation measures;

(i) against violent crime committed by members of the general public by implementing appropriate security measures at treatment centres and halfway houses;

(j) against hazardous objects and hazardous activities and must have personnel who are adequately trained in first aid to deal with emergencies relating to hazardous objects;

(k) by being placed in buildings that are constructed and maintained in accordance with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and comply with the applicable municipal by-laws;

(l) by ensuring that any service user or child in a treatment centre or halfway house who attends school is given an opportunity to attend classes, do their homework, and are given an opportunity to study and prepare for examinations;

(m) against overcrowding in sleeping quarters of service users and children; and

(n) by providing for a formal complaints procedure that may be used by service users and children in treatment centres and hallway houses and ensuring that there is no form of victimisation at such centre or halfway house.

### **[Section 32(1)(a), (b) and (c)]**

#### **Application for admission by voluntary service user to treatment centre**

**46.** Any person contemplated in section 32(1)(a) of the Act, who wishes to apply for admission as a voluntary service user to a treatment centre, must apply on a form substantially similar to Form 7A in Annexure F.

### **Application for admission by person acting on behalf of voluntary service user to treatment centre**

47.(1) Any person contemplated in section 32(1)(b) of the Act, who wishes to apply for the admission, on behalf of a voluntary service user, to a treatment centre, must apply on a form substantially similar to Form 7B in Annexure F.

(2) A voluntary service user on whose behalf the application for admission is made in terms of section 32(1)(b) of the Act must complete a consent part of Form 7C in Annexure F.

### **Application for admission of child by parent or guardian to treatment centre**

48. Any person contemplated in section 32(1)(c) of the Act, who wishes to apply for the admission of a child in a treatment centre, must apply on a form substantially similar to Form 7C in Annexure F.

## **CHAPTER 11**

### **Transfer and retransfer of involuntary service user**

#### **[Sections 44(4) and 45(1)]**

### **Transfer and retransfer of involuntary persons from prison, health establishment, public treatment centre, youth care centre or alternative care centre**

49.(1) Any person entrusted with the power to transfer involuntary service users from prison, health establishment, public treatment centre, youth care centre or alternative care centre must-

(a) conduct a medical assessment to establish whether a service user to be transferred complies with section 44(2)(a) and (b) of the Act;

(b) if it is established that section 44(2)(a) and (b) have been complied with, the transferring person must conduct a risk assessment to determine whether the service user is likely to escape from a public treatment centre and whether the involuntary service user is not a danger to-

- (i). himself;
- (ii). community;
- (iii). other service user; and
- (iv). staff members of the public treatment centre.

(c) communicate intention to transfer the involuntary service user to an identified public treatment centre to establish whether there is space available or not.

(d) if there is space available arrange transport to transfer the involuntary service user to a public treatment centre.

(2) Once the involuntary service user completes the treatment programme the manager of a public treatment centre must-

(a) communicate the intention to retransfer the involuntary service user or child to the institution that transferred the involuntary service user or child or to any other place as contemplated in section 45(1) of the Act;

(b) arrange transport to retransfer the involuntary service user or child to the place referred in sub-regulation (2)(a) as contemplated; and

(c) ensure that the retransfer of an involuntary service user is effected by completing a form substantially similar to Form 9 IN Annexure F.

### **[Section 47(3)]**

#### **Release of service user on licence**

50. A copy of a licence for the release of a service user must be furnished to the social worker under whose supervision the involuntary service user is.

### **[Section 49(6)]**

#### **Condition for administration or admission of person who is not South African citizen or permanent resident for treatment, rehabilitation or skills development**

51(1) Any person who is not a refugee, permanent resident or a citizen of the Republic of South Africa and who wants to be admitted to a treatment centre for

treatment, rehabilitation or skills development must apply for a medical treatment permit from the Department of Home Affairs of the Republic of South Africa.

(2) In the case of a minor the name of a person, who is present in South Africa and who accepts or has accepted to act as such minor's guardian while in the Republic or certifies that such minor will be accompanied by a parent or guardian to the Republic, must be provided.

### **[Section 50]**

#### **Conditions for access to management structure by service user**

**52.(1)** Any service user must have access to the management structure of a treatment centre on condition that the need for access relates to—

- (a) personal health records;
- (b) a treatment plan;
- (c) the registering of a complaint; and
- (d) a general request.

(2) Access contemplated in sub-regulation (1) may be initiated by—

- (a) the service user;
- (b) a house committee representative;
- (c) a member of the service user's family; or
- (d) any person the service user may choose to communicate the service user's wishes to the management.

#### **Conditions for access to service user by management structure**

**53.** The management structure of a treatment centre must have access to the service user on condition that the purpose for access relates to—

- (a) communicating changes regarding policies and rules in the treatment centre;
- (b) changes in the treatment plan of the service user;
- (c) changes relating to personnel involved in the service users' treatment;

- (d) getting personal information related to the treatment;
- (e) getting information related to personal health; and
- (f) any other matter related to the proper administration of a treatment centre.

### **[Section 51(5)]**

#### **Composition of appeal committee**

- 54.** An appeal committee, established by the Minister, must comprise of —
- (a) an official from the legal services section of the Department;
  - (b) an official from the substance abuse section of the Department; and
  - (c) a social worker from the Department who may not be the same person as an official contemplated in sub-regulation 54(b).

#### **Duties of appeal committee**

- 55.(1)** The appeal committee must—
- (a) consider appeals relating to the disciplinary process from the appellants; and
  - (b) investigate the appeals referred to in subparagraph (a) and decide on the approach to follow as contemplated in section 51(6) of the Act.
- (2) The decision of the appeal committee must be in writing and a copy thereof must be furnished to the—
- (a) appellant;
  - (b) institution that took the decision to discipline the service user; and
  - (c) Department.

**[Section 52(6)]****Period for bringing apprehended involuntary service user before magistrate**

56. An involuntary service user who has absconded from a treatment centre and has been apprehended must be brought before a magistrate within 48 hours after being apprehended.

**CHAPTER 5****INTEGRATED AFTERCARE AND REINTEGRATION SERVICES****[Section 6]****Minimum norms and standards for monitoring and evaluation of reintegration programmes and services**

57. The monitoring and evaluation of reintegration programmes and services must—

- (a) focus on the strengths of the service users, children, families and communities where service users reside;
- (b) enable families of the service users to be involved in the reintegration programmes;
- (c) address parenting skills with parents and role clarification of significant others;
- (d) ensure that family centred programmes are catered for the benefit of the whole family;
- (e) be aimed at high risk families, communities and institutions;
- (f) aim at empowerment of individuals, families and significant others;
- (g) provide for individual, family and community development;
- (h) address substance abuse and deviant behaviour in the community;
- (i) address domestic issues connected to substance abuse;
- (j) ensure that best interest of service users and children are of utmost importance; and
- (k) be rendered in a manner that is free of all forms of unfair discrimination.

**[Section 30]****Integrated aftercare and reintegration services of service user into society, workforce and family and community life**

**58.(1)** A service provider rendering integrated aftercare and reintegration services must—

- (a) provide—
  - (i). life-skills training to help service users to maintain treatment gains, sobriety and avoid relapse; and
  - (ii). for the establishment of mutual support to enhance service users' self reliance and optimal functioning.
- (b) ensure that—
  - (i) service users receive professional support and guidance;
  - (ii) there is sufficient monitoring of programmes; and
  - (iii) services are provided by service providers who have appropriate training;
- (c) assist in reducing conditions which may lead to relapse;
- (d) promote—
  - (i) a healthy lifestyle; and
  - (ii) group cohesion amongst service users.
- (e) raise awareness and educate about the dangers of substance abuse and the disadvantages of relapse;
- (f) render the services in a—
  - (i) non-discriminatory manner; and
  - (ii) home and community-based environment.
- (g) be sensitive to the linguistic needs, cultural values and religious needs of service users;
- (h) focus on the strengths and capacity of service users and other beneficiaries of the service;
  - (i) refer service users to other appropriate programmes;
  - (j) improve the well-being of families; and
  - (k) re-integrate learners into the schooling system to educate other learners.

(2) The service providers may render the services in sub-regulation (1) to significant others and families of service users.

### **[Section 31]**

#### **Establishment of support groups**

59. Service users and persons affected by substance abuse may establish support groups by—

- (a) initially assessing, identifying and tailoring each service user's needs;
- (b) complying with all safety standards to avoid relapse;
- (c) involving suitably qualified professionals to do counselling; and
- (d) linking and confirming their activities with the Department.

## **CHAPTER 6**

### **GENERAL PROVISIONS**

#### **[Section 65]**

#### **Repeal of regulations**

60. These regulations repeal regulations made in terms of the Prevention of Drug Dependency Act, 1992 (Act 20 of 1992) and published under Government Notice No. 710 of 30 April 1993.

#### **Short Title**

61. These regulations are called the Regulations for Prevention of and Treatment for Substance Abuse, 2013.

## **ANNEXURE A**

### **(Regulations 8 and 13)**

#### **REQUIREMENTS TO COMPLY WITH NORMS AND STANDARDS FOR PREVENTION PROGRAMMES**

##### **Accessibility and availability of programme**

1. A service provider must—
  - (a) with the assistance of the Department or the Department of Health ensure that there is a mental health practitioner or social auxiliary worker dedicated to provide prevention services in the community where the programme is conducted;
  - (b) avail itself of a resource directory;
  - (c) in the absence of a social worker in the community be able to refer a child or service user to a professional for assistance;
  - (d) provide for the establishment of support structures to assist the professionals referred to in paragraph (a);
  - (e) advertise clearly where centres which conduct prevention programmes are situated; and
  - (f) limit the cost of programmes by ensuring that it is conducted at a centre in close proximity to the community being served.

##### **Nature of programme**

2. A programme must—
  - (a) benefit all persons and families;
  - (b) be structured in accordance with approved prevention models; and
  - (c) be sustainable.

##### **Prevention of experimental use of substances**

3. A programme must—
  - (a) create awareness on the dangers and effects of substance abuse;
  - (b) educate and provide information to individuals and families;

- (c) equip individuals and families with life skills to promote resilience; and
- (d) provide parents, teachers and care givers with skills to identify early warning signs of substance experimentation to ensure early intervention.

#### **Assessment of prevalence of substance abuse**

- 4. Any service provider who conducts an assessment must—
  - (a) determine the needs of the community where public education and awareness should be conducted;
  - (b) develop a community profile within the community being served indicating the—
    - (i) geographical location and geographic spread of schools;
    - (ii) population density;
    - (iii) resources available to the family; and
    - (iv) extent of substance abuse problem.
  - (c) have the appropriate training and competencies to conduct assessments;
  - (d) conduct assessment on at least twice a year;
  - (e) conduct an assessment in response to any well founded complaint or report to the Department;
  - (f) ensure that assessment is strength based, holistic and appropriate to the cultural context of the programme;
  - (g) ensure maximum participation by the community in the assessment process;
  - (h) promote the safety and well-being of all persons in the community being assessed;
  - (i) ensure that prevention programmes promote positive social values;
  - (j) enhance protective factors and must focus on reducing risk factors;
  - (k) target all forms of substance abuse irrespective of whether such substances are recognised in law or not;
  - (l) address specific substance abuse problems in the community being served; and
  - (m) refrain from using fear tactics.

## **Recording of information**

5. All information gathered during an assessment contemplated in paragraph (f) must be—
- (a) recorded;
  - (b) treated with confidentiality;
  - (c) kept in a safe or lockable cabinet; and
  - (d) must be furnished to the District office on quarterly basis and to the HOD when requested by the HOD.

## **Education regarding the dangers of the abuse of substances**

6. A service provider educating the public regarding the dangers of substance abuse must—
- (a) provide the public with information on substance abuse, its impact and available treatment options and available resources;
  - (b) equip the public with knowledge and information relating to the effects and the impact of substance abuse through—
    - (i) awareness raising campaigns;
    - (ii) information sessions;
    - (iii) brochures, flyers and posters; and
    - (iv) group discussions;
  - (c) educate the individuals, families and communities about responsible use of legal substances;
  - (d) inform individuals, families and communities about risks of substance abuse;
  - (e) raise awareness together with other relevant stakeholders about substance abuse and associated physical and mental health problems as well as social problems;
  - (f) address sexual risk behaviour among prevention programme participants in order to reduce the risk of contracting transmittable diseases;
  - (g) ensure that health promotion activities involve and target all vulnerable groups and increase their capacity; and
  - (h) improve parenting skills throughout families at risk.

**Capacity building programmes**

7. A service provider who conducts capacity building programmes must—
- (a) plan the programme together with the community based on identified needs;
  - (b) equip the community with life skills to deal with challenges related to substance abuse through forums which include—
    - (i) workshops;
    - (ii) symposia;
    - (iii) conferences; or
    - (iv) seminars;
  - (c) provide support and guidance to community initiatives aimed at addressing substance abuse problems;
  - (d) link communities with local and external resources; and
  - (e) facilitate establishment of community-based forums to manage community projects on substance abuse.

**Promotion of healthy lifestyles**

8. A service provider who conducts programmes promoting a healthy lifestyle must—
- (a) identify local recreational facilities and link communities being served to them;
  - (b) facilitate and coordinate services and prevention programmes aimed at promoting healthy lifestyles with relevant Departments through establishment of community structures; encourage the communities to participate in—
    - (i) sports;
    - (ii) arts; and
    - (iii) cultural activities; and
  - (c) promote healthy eating habits and safe sex practices.

**Identification of groups and communities**

9. A service provider, when identifying groups and communities, must take the following factors into account:

- (a) culture;
- (b) ethnicity;
- (c) age;
- (d) race;
- (e) gender;
- (f) beliefs and values;
- (g) sexual orientation;
- (h) language;
- (i) level of education;
- (j) unemployment; and
- (k) physical and mental health.

#### **Promotion of abstinence from substance abuse**

10. A service provider must–
- (a) provide alternatives that are aimed at diverting the attention of substance users and potential substance users;
  - (b) advocate that substances, such as medication, are used only for medical reasons; and
  - (c) provide support to individuals and families to avoid the use of substances.

**ANNEXURE B****(Regulations 9 and 13)****REQUIREMENTS TO COMPLY WITH NORMS AND STANDARDS FOR EARLY INTERVENTION PROGRAMMES****Prevention of harm from substance abuse**

1. An early intervention programme must provide for—
  - (a) immediate counselling; or
  - (b) referral for professional intervention.

**Screening for substance abuse**

2. An early intervention programme must include—
  - (a) interviewing; and
  - (b) preliminary assessment,as part of the screening of a person and the family of a person who uses substances.

**Screening process**

3. The screening process referred to in item 1(b) must involve—
  - (a) identification of the type or types of substances that have been used and length of period during which the substance have been used;
  - (b) a provisional psychiatric diagnosis that determines if the person concerned has a substance dependency and the likelihood of other co-morbid conditions;
  - (c) the determination of the severity of substance abuse;
  - (d) a brief social history and needs assessment of the person including—
    - (i) family needs;
    - (ii) socio-economic challenges;
    - (iii) strengths;
    - (iv) priorities; and

- (v) vulnerability;
- (e) taking the age of a child who is subject to screening into consideration and informing parents or caregivers about the results of assessment; and
- (f) providing feedback on the results of screening process.

#### **Motivation of persons using substances**

4. An early intervention programme must motivate a person using substances and his or her family to participate in the programme by imparting—
- (a) information on treatment gains; and
  - (b) knowledge on the consequences of substance use.

#### **Maintaining family and community ties**

5. An early intervention programme must encourage the maintenance of family and community ties by—
- (a) out-patient treatment services or community-based services; and
  - (b) support services and linking persons and their families with available resources.

#### **Keeping families intact**

6. An early intervention programme must be aimed at keeping the family of a person using substances intact by—
- (a) identifying and assessing—
    - (i) family values;
    - (ii) perceptions;
    - (iii) beliefs; and
    - (iv) attitudes,towards persons abusing substances and service users;
  - (b) assessing the family's level of knowledge and understanding about issues related to—
    - (i) substance abuse;
    - (ii) economic self reliance; and

- (iii) support systems;
- (c) developing a family preservation plan with the involvement of service users and family;
- (d) addressing the—
  - (i) family's perceptions;
  - (ii) beliefs; and
  - (iii) attitudes,by providing them with information and facts about substance abuse and its effects;
- (e) encouraging forgiveness and co-operation amongst family members through individual and family counselling;
- (f) empowering families with parenting and family management knowledge and skills by referring them to relevant agencies;
- (g) equipping parents and families with knowledge and skills to identify and deal with early warning signs of experimentation and use of substances;
- (h) creating social and economic opportunities aimed at improving service user's and family's self-reliance by linking them with social and economic development agencies;
- (i) encouraging service users and families to participate in—
  - (i) sports;
  - (ii) arts; and
  - (iii) cultural activities,and promote healthy eating habits and safe sex practices;
- (j) improving the well-being and resilience of families;
- (k) exploiting the strengths of families; and
- (l) addressing the particular needs of families in their diverse forms.

### **Accessibility of early intervention programmes**

7. Early intervention programmes must be—
- (a) developmental in approach;
  - (b) affordable in relation to the community and the service user to whom the programme is being administered;

- (c) accessible to everyone in the community who needs the programme, including people with disabilities;
- (d) appropriate in terms of methodology that is being used;
- (e) in line with different age groups of the community and be age specific with special focus on children;
- (f) provided in the language the community or each service user clearly understands;
- (g) culturally sensitive taking into account the diversity of the population of the community concerned and the socio-cultural attitudes and stereotypes around drinking and substance use;
- (h) gender sensitive and appropriate in understanding stereotypes around substance abuse and gender issue;
- (i) religiously conscious by recognising various types of religious denominations and their attitudes towards substance use;
- (j) sensitive of the service user's level of knowledge and understanding of substances;
- (k) provided by a multi-disciplinary team which must consist of—
  - (i) a nurse;
  - (ii) a medical practitioner;
  - (iii) a social worker; and
  - (iv) a psychiatrist,and may include—
  - (aa) a psychologist; and
  - (ab) an educator;
- (l) directed at service users misusing or consuming substances at risky levels;
- (m) aimed at service users displaying early signs of some dependency on substances;
- (n) focused on service users who present with substance related injuries; and
- (o) aimed at children at risk of substance abuse in any environment.

## **ANNEXURE C**

### **(Regulation 44(1)(b) and (c))**

#### **GUIDELINES REGARDING ADEQUATE SHELTER AND HYGIENE AT TREATMENT CENTRES AND HALFWAY HOUSES**

##### **Blankets and bedding**

1. Service users and children in treatment centres and halfway houses must at least have—
  - (a) three 2-ply blankets during winter and two 2-ply blankets during summer; and
  - (b) two standard pillows, two standard pillow cases and two single bed sheets.

##### **Basic products for proper hygiene**

2. Treatment centres and halfway houses must ensure that service users and children have their own—
  - (a) bath soap;
  - (b) tooth-brush;
  - (c) tooth paste;
  - (d) facecloth;
  - (e) bath towel; and
  - (f) sanitary towels.

##### **General structural requirements**

3. Save where otherwise required in these regulations, the following structural requirements shall apply to all private hospitals:
  - (a) The walls of the treatment unit shall be not less than 2,6 m high, measured from the floor to the ceiling and constructed of approved impervious material.
  - (b) In the treatment unit, all toilets, bathrooms and sluice rooms, and wherever else necessary, the joint between the floor and the walls shall be so rounded as to permit effective cleaning.

- (c) Each corridor or passageway used by service users and children shall be not less than 2 m wide and where service users and children are moved within the treatment unit the corridor shall be at least 2,5 in wide.
- (d) All rooms shall be satisfactorily lighted and ventilated.
- (e) Dustproof ceilings of smooth, impervious material, painted with a white or light-coloured suitable washable paint, shall be provided throughout all service users' and children's accommodation and treatment areas.
- (f) The floors of all rooms and corridors shall be of concrete or a similar impervious material brought to a smooth finish and, except where otherwise provided in these regulations, covered with a washable, impervious material.
- (g) All interior wall surfaces must be given a smooth, hard plaster finish with rounded corners, painted with a light-coloured durable washable paint or alternatively satisfactorily covered with a similar washable, impervious material.
- (h) Where walls have been painted, the walls behind wash-hand basins shall be specially clad to a height of at least 500 mm above, and to a distance of at least 500 mm beyond the sides of such wash-hand basins in glazed tiling or a special washable, impervious material so as to form an impervious finish continuous with the paintwork.
- (i) Effectively placed and adequate fire-hydrants, fire-hoses, fire-extinguishers, fire escapes and emergency exits shall be provided and satisfactorily maintained.
- (j) Wash-hand basins must be provided in the immediate vicinity of all toilets, urinals and sluices.
- (k) An air conditioning system must be installed in the room provided for the storage of medicine in order to ensure a constant room temperature.

### **Service users' and children's accommodation**

4.(1) In this regulation any fixture must, for purposes of determining minimum measurements, be regarded as a wall or part of a wall of a room in which a service user or child is accommodated.

(2) No service user or child must be accommodated in any room with a floor area of less than 10m<sup>2</sup> or in a single room where there is not a minimum space of -

- (a) 0,9 m between any side of any bed and the nearest wall on that side; and
- (b) 1,2m between the foot of any bed and the opposite wall.

- (3) No service user or child must be accommodated in a room with more than one bed unless provision is made for a minimum space of -
- (a) 0,75m between any side of any bed and the nearest wall;
  - (b) 0,9m between the sides of any adjacent beds; and
  - (c) 1,2m between the foot of any bed and the opposite wall or a minimum of 1,5 m between the foot of any bed and the opposite bed.
- (4) No service user's or child's room shall be used for the accommodation of both male and female service users or children.
- (5) Each service user's or child's room must communicate directly with a corridor or passageway.
- (6) Doors giving access to rooms in which service user or children are or are to be accommodated shall be at least 1,2m wide.
- (7) Each service user's or child's room must be-
- (a) provided with a wash-hand basin fitted with taps with hot and cold water.
  - (b) identified by displaying at the entrance the-
    - i. number of the room; and
    - ii. approved number of beds in such room.

### **Ancillary facilities**

5.(1) Where several service users' or children's rooms share toilet facilities or where a service user's or child's room with its own facilities contains more than two beds, the following must be provided:

- i. At least one bath or shower per 12 service users or children or part of such number provided that the proportion of baths to showers must correspond with the function of the treatment unit.
  - ii. At least one toilet per eight service users or children or part of such number, but in male rooms a urinal may be substituted for every third toilet; and
  - iii. At least one wash-hand basin per eight service users or children or part of such number.
- (2) Adequate bathing facilities must be provided.
- (3) The size and equipment of the kitchen must be adequate for the function of supplying food and must be so placed that it does not cause a nuisance.

- (4) Adequate provision must be made for-
  - (a) facilities for taking delivery of, storing and preparing hot and cold food, and serving such food to service users and children;
  - (b) facilities for the removal, washing-up and storage of crockery and cutlery;
  - (c) facilities for the effective extraction of steam, smoke, vapour and heat.
- (5) Adequate and suitable provisions must be made for-
  - (a) garbage bins which can be properly emptied and cleaned and which are provided with closefitting lids; and
  - (b) wash-band basins for kitchen staff.
- (6) Suitable change room, rest room and ablution facilities for employees must be provided.
- (7) Suitable and adequate waiting rooms, ablution facilities and wash-hand basins must be provided for visitors

**ANNEXURE D****(Regulation 44(1)(e))****GUIDELINES WITH REGARD TO IMPLEMENTATION OF DISCIPLINARY PROCEDURES**

1. Treatment centres and halfway houses must–
  - (a) refrain from applying disciplinary procedures that are abusive to children and services users;
  - (b) ensure a fair hearing during disciplinary proceedings and children or service users may be represented by a person of their own choice, at their own cost, who is an adult and not disqualified in terms of any law to represent a person at a disciplinary hearing;
  - (c) conduct disciplinary hearings in a language that children and service users understand, and use the services of an interpreter or translator where necessary;
  - (d) record proceedings of all disciplinary hearings and the decisions taken; and
  - (e) ensure that children and service users are not denied nutrition and medication as a form of a disciplinary sanction.
2. Treatment centres and halfway houses may–
  - (a) have disciplinary interventions that are not punitive but therapeutic in nature; and
  - (b) involve a social worker in all disciplinary procedures that involve children in order to ensure protection of the rights of children.

**ANNEXURE E****(Regulation 44(1)(f))****BASIC FIRE SAFETY MEASURES AT TREATMENT CENTRES AND HALFWAY HOUSES**

Treatment centres and halfway houses must—

- (a) take adequate precautions against the risk of fire by providing fire alarms and fire fighting equipment on the premises;
- (b) provide clearly marked escape routes for all services users, children and persons with disabilities;
- (c) conduct regular fire drills that includes evacuation of the premises in the event of fire;
- (d) provide appropriate training from a competent person in fire precaution and in fire prevention for personnel working at the treatment centres or halfway houses; and
- (e) ensure that the fire management plan is approved by the fire chief of the local authority where the treatment centre or halfway house is situated.

**ANNEXURE F****FORMS****LIST OF FORMS IN ANNEXURE F**

<b>FORM NO.</b>	<b>HEADING</b>	<b>REGULATION NO.</b>
Form 1	Application to enter into contract	3
Form 2	Application for registration of community-based services	15
Form 3	Nomination form for candidates to be appointed as members of the management structure for community-based services/treatment centre/halfway house	22/35
Form 4	Registration of a treatment centre	27
Form 5	Registration of private halfway house	29
Form 6	Notice of appeal	31
Form 7A	Application for admission by a voluntary service user to a treatment centre	46
Form 7B	Application for admission on behalf of a service user to a treatment centre	47
Form 7C	Application for admission on behalf of a child to a treatment centre	48
Form 9	Transfer and Retransfer of involuntary service user	49

**FORM 1**

**APPLICATION TO ENTER INTO CONTRACT**

(Regulation 3(2))

I, \_\_\_\_\_ (full names and surname) on behalf of .....(organisation's name and NPO number), hereby apply to enter into a contract referred to in section 7(1)(c) of the Act. I provide the following services to (number) \_\_\_\_\_ persons (see attached list) at (physical address)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Service provided			
Registration number:			
Date of establishment of service:			
Number of staff delivering service (Attach register of names)			
Number of beneficiaries ( Attach register of names)			
Physical address			
Postal address			
Telephone No		Fax	
e-mail			
Cell No			

I declare that the above information is true and correct. I understand that any misrepresentation or omission of pertinent information may be considered as sufficient grounds for rejecting the application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Signature of**

**applicant** \_\_\_\_\_ **Place** \_\_\_\_\_ **Date** \_\_\_\_\_

—

**Documents to be attached to the form**

- Business plan of organization and a list of services rendered by organization
- Names and certified copies of ID of members of the organization
- Constitution of the organization
- NPO registration certificate, if registered as an NPO
- Any other registration certificates or documents that can support the application
- Names and contact details of Auditors
- Provide reference and contact details of persons / organizations supporting the application
- Disclose all sources of funding / income

**FORM 2****APPLICATION FOR REGISTRATION OF COMMUNITY-BASED SERVICES****[Regulation 15(1)(a)]****Application by a natural person**

Name of applicant: \_\_\_\_\_

Surname of applicant : \_\_\_\_\_

Identity Number of applicant: \_\_\_\_\_

**Application by a person representing a juristic person**

I \_\_\_\_\_ (full names and identity number) in  
my capacity as \_\_\_\_\_ of  
\_\_\_\_\_ (full name of organization) being duly authorized to  
act on behalf of \_\_\_\_\_ (name of  
organization) hereby apply for registration of community-based services.

**Section A: Basic details of the Service Provider**

1. Registration number of non-profit organisation or company or trust (where applicable)

\_\_\_\_\_

2 Other registration details (specify):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has your registration ever been suspended or cancelled?

 YES/NO

If yes, please provide details:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



If yes, provide following details

(i) Bank:

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(ii) Account name:

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(iii) Type Account:

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(iv) Account no:

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(v) Branch Code:

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4.2 Do you have an auditor?

YES/NO

If yes, provide details:

(a) Name:

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(b) Address :

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(c) Telephone  
number: \_\_\_\_\_

(d) Attach a copy of your Audited Financial Statements for the past six months  
(where applicable)

4.3 If you do not have Audited Financial Statements please give the reasons  
thereof.







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(c) On how many days per week are the services made available?

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(d) During which hours of the day are the services rendered?

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(e) Does the service operate over weekends and public holidays?

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## 2. Beneficiaries

Please give a breakdown of persons who benefit from the services on a weekly basis

(a) Total Number of persons:

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(b) Total number of persons receiving—





POSITION	NO	TASKS

(d) If you do not use paid staff members or volunteers do you use partnership workers, provided by other organizations?  YES/NO

#### 6. Service Locations

Provide a list of places and areas where services are rendered.

AREA	PLACE
(i)	
(ii)	
(iii)	
(iv)	
(v)	

If you render services at more locations please attach a list.

Provide sketch plans of the above facilities

7. Facilities at main service location (please tick):

- Hall
- Offices
- Kitchen
- Store Room
- Dining Room
- Clinic
- Library
- Bathrooms/Showers



- Fire
- Fridge
- Water supply
- Power supply
- Catering utensils
- Plates, cups, etc
- Tables and chairs
- Recreation equipment
- Primary Health Care equipment
- Assistive devices (wheel chairs, tripods, commodes, walking sticks)
- Other, provide list:

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Please attach a list of the equipment used in the facility

9. Business Plan

Do you render your services according to a business plan? YES/NO

If yes, please attach your business plan to section B

If no, please indicate the reasons below:

- An outreach service from residential care facilities
- Other, please specify:

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If your services are linked to other services, please give details:

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**FORM 3**

**NOMINATION FORM FOR CANDIDATES TO BE APPOINTED AS MEMBERS OF THE MANAGEMENT STRUCTURE FOR COMMUNITY-BASED SERVICES/TREATMENT CENTRES/HALFWAY HOUSES**

**(Regulation 22(4))**

Each nomination must be lodged with the relevant community-based centre/treatment centre/halfway house by post, fax or hand before.....

Nomination forms are available at [www.socdev.gov.za](http://www.socdev.gov.za).

A nomination which has not been lodged with the community-based centre/treatment centre/halfway house at the address stated below by the said date is invalid.

**REQUEST FOR NOMINATIONS**

1. In terms of the regulation 22 and 39 of the Regulations made in terms of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008) nominations are hereby invited for candidates to be appointed by the community-based service/treatment centre/halfway house to serve on the management structure.
2. Nominations are invited for the appointment of persons nominated by organisations in the social development sector and by the public.
3. Interested candidates must familiarise themselves with regulations 22 and 39 to see if they qualify to be nominated.
4. Each candidate must be nominated separately in the following form:

**NOMINATION FORM**

I nominate (print the full names and surname of the candidate)

.....

.....

.....

as candidate to be appointed as a member of the management structure of community-based services/treatment centre/halfway house(delete whichever is not applicable).

Signature of person nominating

.....

Print full names and surname

.....

**DECLARATION BY PERSON WHO SIGNS NOMINATION**

I (print full names and surname)

.....

declare that I am resident in the Republic (state full residential address)

.....

.....

.....

**SECONDMENT OF THE NOMINATION**

I (print full names and surname).....

second the nomination

of.....

.....

**SIGNATURE OF PERSON NOMINATING**

**DATE:**

.....

**SIGNATURE OF THE PERSON SECONDING**

**DATE:**

**FORM 4****APPLICATION FOR REGISTRATION OF A TREATMENT CENTRE IN TERMS  
OF THE PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT,  
2008 (ACT NO. 70 OF 2008)  
(Regulation 27)**

The following documents must be attached to the application for registration of a private treatment centre:

1. Feasibility study
2. A copy of the constitution of the facility.
3. Rezoning certificate/Letter confirming whether rezoning of land is possible (where applicable).
4. Local Authority building plans/schematic sketch of building.
5. Detailed treatment programme.
6. Daily programme.
7. House rules for residents.
8. Admission criteria.
9. Financial statements (of the previous year, where applicable)
10. Means test.
11. Medical and psychiatric treatment policy.
12. Management structure and staff component.
13. Nutritional programme.
13. Fees structure.
14. Business Plan



3. Buildings

(a) Description of building/buildings

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(b) Will there be any other buildings and/or activities on the site other than the proposed facility? If so, provide details:

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5. Details of other registered facilities, in your area/s.

Name of facility

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**PART B**

**SITUATION ANALYSIS**

1. What clinical disciplines are/will be practiced in the facility?

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(Use separate sheet if necessary)

2. What is the extent of the present demand for the services that is/will be provided?

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(Use separate sheet if necessary)

3. Have you taken into account existing private and public facilities in your calculation and projections. If yes, how?

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(Use separate sheet if necessary)

4. Any other information deemed necessary for this application

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(Use separate sheet if necessary)

**PART C**

**PATIENT PROFILE**

1. Number of residents for which registration is required:

Adults: Males

\_\_\_\_\_ Females \_\_\_\_\_

Children

Males \_\_\_\_\_ Females \_\_\_\_\_

Total \_\_\_\_\_

2. Will you provide out-patient services? If Yes, supply details

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(Use separate sheet if necessary)

3. Treatment period

Time Frame

Short Term (6 weeks)

Long term (6 weeks +)

Re-admission

4. Specify special programmes for long term treatment e.g. education;

Skills training;

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5. What arrangements are being made with reference to detoxification?

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6. Specify the dependency producing substance applicable to patients treated or to be treated at the treatment facility

	Alcohol	Dagga	Mandrax	Heroin	Cocaine	Crack	Ecstasy	LSD	Inhalants	drugs	Prescription	Other
Adult males												
Adult females												
Male children												
Female children												

**PART D**  
**MANAGEMENT STRUCTURE**

1. Portfolio name address & contact details

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2. Profession, qualification and experience

Chairperson \_\_\_\_\_

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Vice-chairperson

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Treasurer \_\_\_\_\_

Secretary \_\_\_\_\_

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Other \_\_\_\_\_

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**PART E**  
**PERSONNEL**

Provide a detailed list of your staff established containing the following information:  
Name, profession, name of board/council, registration number and salary (state whether employees are employed on full time/part-time basis)

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**FORM 5****APPLICATION FOR REGISTRATION OF A PRIVATE HALFWAY HOUSE IN  
TERMS OF THE PREVENTION OF AND TREATMENT FOR SUBSTANCE  
ABUSE ACT, 2008 (ACT NO. 70 OF 2008)****(Regulation 30)**

The following documents must be attached to the application for registration of a private halfway house:

1. Feasibility study.
2. A copy of the constitution of the facility.
3. Rezoning certificate/Letter confirming whether rezoning of land is possible (where applicable).
4. Local Authority building plans/schematic sketch of building.
5. Daily programme.
6. House rules for residents.
7. Admission criteria.
8. Financial statements of the previous year where applicable.
9. Means test.
10. Medical and psychiatric treatment policy.
11. Management structure and staff component.
12. Nutritional programme.
13. Fees structure.
14. Business plan.

**PART A**

**IDENTIFYING PARTICULARS OF FACILITY**

1. Name of facility

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Address

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Tel: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail address:

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Emergency number: \_\_\_\_\_

Registration number of company/NPO number

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2. Area/s of operation

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The applicant hereby applies for registration as a Halfway house in terms of the Prevention and Treatment of and Prevention for Substance Abuse Act, 2008

SIGNED:

**CHAIRMAN OF THE APPLICANT:**

**FULL NAMES AND SURNAME:**

\_\_\_\_\_

DATE: \_\_\_\_\_

WITNESSES (Management structure members) \_\_\_\_\_

\_\_\_\_\_

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**FORM 6**

**APPEAL TO THE MINISTER OF SOCIAL DEVELOPMENT AGAINST A  
DECISION OF THE DIRECTOR-GENERAL OF SOCIAL DEVELOPMENT IN  
TERMS OF SECTION 25 OF THE PREVENTION OF AND TREATMENT FOR  
SUBSTANCE ABUSE ACT, 2008 (ACT NO. 70 of 2008)**

**(Regulation 34)**

Name of appellant:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of treatment centre or halfway house:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Physical address of  
appellant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is appeal against the following decision/s of the Director-General of the Department of Social Development:

Section in terms of which decision was made	Decision against which appeal is lodged
Section 17	
Section 19	

Section 21	
Section 23(6)	

Reasons for appeal are attached hereto.

APPELLANT

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DATE:

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**FORM 7A**

**APPLICATION FOR ADMISSION AS SERVICE USER TO TREATMENT CENTRE**

**Section 32 (1)(a) of Prevention of and Treatment for Substance Abuse Act,**

**2008 (Act No. 70 of 2008)**

**(Regulation 47)**

Name of treatment centre where admission is desired:

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First Name of service user

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Surname .....

Address of service user

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Reason for application:.....

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.....  
.....

1. My reference number is .....(only in the case of  
returning service users)

.....  
.....  
.....

Date of admission:

.....Dur  
ation of stay in the treatment centre

**Signature of the**

**applicant:**.....

**FORM 7B**

**APPLICATION ON BEHALF OF ANOTHER PERSON  
SECTION 32 (1)(b) OF THE PREVENTION OF AND TREATMENT FOR  
SUBSTANCE ABUSE ACT, 2008 (ACT NO. 70 OF 2008)  
(Regulation 48**

**ADMISSION TO TREATMENT CENTRE**

I,

\_\_\_\_\_ names),

Identity number: \_\_\_\_\_ residing  
at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereby give consent to be admitted to treatment centre/ mentioned below  
and also appoint: \_\_\_\_\_  
to facilitate the admission on my behalf-

(a) \_\_\_\_\_  
(name of the treatment centre)

(b) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(physical address of the treatment centre)

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***Signature of person acting on behalf of service user***

SIGNED BEFORE ME after I have explained to the said parent or person acting on behalf of service user as set out in section 32(1) of the Act, and have informed \*him/her that –

- (i) \*he/she may withdraw this consent in writing before a centre manager of the treatment centre at any time during a period of up to 60 days after having given this consent;

PLACE: \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 7C**

**APPLICATION FOR ADMISSION TO A TREATMENT CENTRE ON BEHALF OF  
A CHILD: SECTION 32 (1)(c) OF THE PREVENTION OF AND TREATMENT FOR  
SUBSTANCE ABUSE ACT, 2008 (ACT NO. 70 OF 2008)**

**(Regulation 48**

I,

Full names,

Identity number:

residing at:

hereby apply for admission of the child whose details appear below to the  
treatment centre:

(name of the treatment centre)

(physical address the treatment centre)

Name of the  
child

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**Identity No. of the child**

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**Residential address of the child**

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**Signature of person acting on behalf of the child**

**PLACE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**FORM 8**

**TRANSFER AND RETRANSFER OF INVOLUNTARY SERVICE USER FROM OR TO CHILD AND YOUTH CARE CENTRE, ALTERNATIVE CARE OR HEALTH ESTABLISHMENT TO PUBLIC TREATMENT CENTRE AND RETRANSFER**

**PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008**

**(ACT NO. 70 OF 2008)**

**(Regulation 47)**

Department of Social Development/Service Provider reference number:

\_\_\_\_\_

Reference number:

\_\_\_\_\_

**1. PARTICULARS OF SERVICE USER OR CHILD**

Name \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ID

Number: \_\_\_\_\_

Particulars of the transferring treatment centre

Name: \_\_\_\_\_

Physical address of treatment centre

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Effective date of transfer: \_\_\_\_\_

(b) Retransfer to child and youth care centre: Name and address of youth care centre:

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Effective date of retransfer: \_\_\_\_\_

(c) Re-transfer to alternative care centre: Name and address of alternative care centre

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Effective date of the retransfer: \_\_\_\_\_

**ANNEXURE G  
REGISTRATION CERTIFICATES**

**CERTIFICATE A  
REGISTRATION CERTIFICATE  
OF COMMUNITY-BASED SERVICE**

**DEPARTMENT OF SOCIAL DEVELOPMENT  
PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008  
(ACT NO. 70 OF 2008)  
(Regulation 15(2)(b))**

Registration Certificate No. \_\_\_\_\_

Issued to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

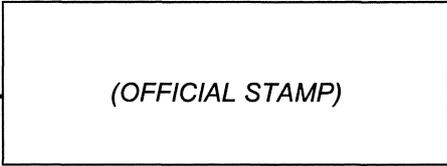
It is hereby certified that the above-mentioned Community-Based Service situated at;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

has been registered in terms of section 14 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008) to deliver community-based service to .....  
.....beneficiaries.

This certificate is valid with effect from \_\_\_\_\_  
until.....

This certificate is issued in terms of section 14 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008), and is not transferable.



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**HEAD OF DEPARTMENT**

**DATE:** .....

**PLACE**.....

**CERTIFICATE B**  
**TEMPORARY REGISTRATION CERTIFICATE**  
**OF COMMUNITY-BASED SERVICE**

**DEPARTMENT OF SOCIAL DEVELOPMENT**  
**PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008**  
**(ACT NO. 70 OF 2008)**  
**(Regulation 17(1))**

Temporary Registration Certificate No. \_\_\_\_\_

Issued to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is hereby certified that the abovementioned Community-Based Service situated at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

has been registered in terms of section 14 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008), subject to the following conditions:

Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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This certificate is valid for a period of twelve months with effect from: \_\_\_\_\_

to: \_\_\_\_\_.

This certificate is issued in terms of section 14 of the Prevention of and Treatment for Substance Act, 2008 (Act No. 70 of 2008), and is not transferable.

\_\_\_\_\_  
**HEAD OF DEPARTMENT**  
**DATE:** .....  
**PLACE**.....

(OFFICIAL STAMP)