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GOVERNMENT NOTICE

DEPARTMENT OF SOCIAL DEVELOPMENT

No. R. 204 **9 March 2012**

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

REGULATIONS"

The Minister of Social Development intends, under section 65 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No.70 of 2008), after consultation with the Ministers for Finance, Correctional Services, Justice and Constitutional Development and Health and in Consultation with the Ministers of South African Police Services, Basic Education, Arts and Culture, Health, Co-operative Governance and Traditional Affairs, Women, Children & People with Disabilities, Correctional Services and Sports and Recreation and after consultation with the Medicines Control Council and in Consultation with the Organs of State and National Youth Commission to make regulations in the Schedule.

Interested parties are invited to submit comments on the proposed regulations to the Director-General: Department of Social Development, Private Bag X901, Pretoria, 0001, fax number 086 214 6700 or e-mail: LuyandaMt@socdev.gov.za or telephone number 012 312 7214 / 083 351 3503 (for attention: Luyanda Mtshotshisa) alternatively call Mr Pierre Viviers @ 012-312 7783 / 082 379 2310 or Mr Mogotsi Kalaeamodimo @ 012 -312 7448 / 082 784 4950 within three months from the date of publication of this notice.

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CHAPTER I

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context indicates otherwise the following words mean-

"adequately ventilated" adequately ventilated as acceptable in terms of the health by-laws applicable within the area of jurisdiction of the local authority concerned;

"approved" approved by the local authority concerned or a professional body established to approve certain standards or by either the Department or Provincial office;

"Constitution" the Constitution of the Republic of South Africa, 1996;

"district office" district office of the Department;

"local authority" a municipality as described in section 2 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) with the following characteristics:

(a) is an organ of state within the local sphere of government exercising legislative and executive authority within an area determined in terms of the Local Government: Municipal Demarcation Act, 1998;

(b) consists of—

(i) the political structures and administration of the municipality; and

(ii) the community of the municipality;

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(c) functions in its area in accordance with the political, statutory and other relationships between its political structures, political office bearers and administration and its community; and

(d) has a separate legal personality which excludes liability on the part of its community for the actions of the municipality;

(g) **"support group"** 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;

(h) **"person"** a natural person or a juristic person;

(i) **"Provincial office"** the provincial head office of the Department; and

(j) **"registration document"** a document that serves as proof that a treatment centre, halfway house, community based service is registered in terms of the law.

Application and objectives of regulations

2.(1) These regulations apply to any person who renders services related to substance abuse and any person who intends to render the said services.

(2) The objectives of these regulations are to-

(a) provide for minimum norms and standards for treatment centres, halfway houses and community-based services;

(b) set the conditions for the provision of financial assistance to service providers who render services related to substance abuse;

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(c) provide guidelines for the registration and management of community-based services, treatment centres and halfway house; and

(d) provide for the general guidelines for the management of community-based services, treatment centres and halfway houses.

CHAPTER II
MINIMUM NORMS AND STANDARDS FOR TREATMENT CENTRES AND HALFWAY HOUSES
[Section 6(1)(a)-(f)]

Minimum norms and standards for programmes that give effect to prevention
[Section 6(1)(a)

3.(1) Programmes that give effect to prevention services must-

(a) be accessible at all times by-

i. providing for the availability of a mental health practitioner or auxiliary worker dedicated to provide substance abuse services in each district;

ii. availing a resource directory;

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iii. providing for the establishment of support structures to assist the professionals referred to in sub-regulation 3(1)(a)(i).

iv. allowing for the marking of centres where programmes are available;

v. being affordable in relation to cost and proximity to individuals, families and schools;

(b) be available to individuals and their families by-

i. each office to have programmes that benefit individuals and families;

ii. being structured in accordance to approved prevention models; and

iii. being sustainable.

(c) link service users with resources in order to maximise existing strengths by-

i. allowing for resource directory; and

ii. providing for a referral system.

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

(e) discourage experimental use of substances so that experimental use of substances does not lead to substance abuse by-

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i. creating awareness on the dangers and effects of substance abuse.

ii. educating and providing information through to individuals and families;

iii. equipping individuals and families with life skills to promote resilience; and

iv. providing parents, teachers, care givers with skills to identify early warning signs of substance experimentation and for early intervention.

(f) promote assessment of the prevalence of substance abuse in the community and any service provider who conducts the said assessment must-

i. address the needs of the community where public education and awareness should be conducted;

ii. develop a community profile indicating the-

aa. geographical location and geographic spread of the schools;

bb. population of the community being served;

cc. resources available to the family; and

dd. extent,

of substance abuse problem within the community being served;

iii. have the appropriate training and competencies to conduct assessments;

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iv. conduct assessment on continuous basis;

v. conduct assessment in response to any well founded complaint or report to the Department;

vi. ensure that assessment is strength based, holistic and appropriate to the cultural context of the programme;

vii. promote decision-making about future prevention programmes;

viii. ensure that families and communities that the prevention programme is targeting participate during the course of assessment;

ix. promote the safety and well being of all persons in the community being assessed;

x. ensure that prevention programmes promote positive social values;

xi. enhance protective factors and must focus on reducing risk factors;

xii. target all forms of substance abuse irrespective of whether such substances are recognised in law or not;

xiii. address specific substance abuse problems in the community being served; and

xiv. refrain from using fear tactics.

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(g) educate individuals and communities and raise awareness about the dangers of substance abuse and any service provider educating the public and raising awareness must-

i. provide the public with information on substance abuse, its impact and available treatment options and available resources;

ii. equip the public with knowledge and information relating to the effects and the impact of substance abuse through awareness raising campaigns, information sessions, brochures, flyers, posters and group discussions;

iii. utilise electronic or print media to raise public awareness about the dangers and consequences of substance abuse;

iv. educate the individuals, families and communities about responsible use of legal substances;

v. inform individuals, families and communities about risks of substance abuse;

vi. raise awareness together with other relevant stakeholders about substance abuse and associated physical and mental health problems as well as social problems;

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vii. address sexual risk behaviour among prevention programme participants in order to reduce the risk of contracting transmittable diseases;

viii. ensure that health promotion activities involve and target all vulnerable groups and increase their capacity; and

ix. improve parenting skills throughout families at risk.

(h) build capacity of persons likely to be affected by substance abuse and that any service provider providing capacity building programmes must provide programmes that-

i. are planned together with the community based on identified needs;

ii. equip the community with life skills to deal with challenges related to substance abuse through forums which include-

aa. workshops;

bb. symposia;

cc. conferences; and

dd. seminars.

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iii. provide support and guidance to community initiatives aimed at addressing substance abuse problems;

iv. link communities with local and external resources; and

v. facilitate establishment of community-based forums to manage community projects on substance abuse.

(i) promote healthy lifestyles for everyone in the community and any service provider who provides programmes referred to in sub-regulation (1) must-

i. identify local recreational facilities and link communities being served to them;

ii. facilitate and coordinate services and prevention programmes aimed at promoting healthy lifestyles with relevant departments through establishment of community structures; and

iii. encourage the communities to participate in-

aa. sports;

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bb. arts; and

cc. cultural activities;

and promote healthy eating habits and safe sex practices.

(j) aim at various target groups and communities taking into account factors which include-

i. culture;

ii. ethnicity;

iii. age;

iv. race;

v. gender;

vi. beliefs and values;

vii. sexual orientation;

viii. language;

ix. level of education;

x. unemployment; and

xi. physical and mental health,

of the service users or community.

(k) promote abstinence from use of substances by-

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i. providing alternatives that are aimed at diverting the attention of substance users and potential substance users;

ii. ensure that substances such as medication are used responsibly only for medical reasons; and

iii. providing support individuals and families.

(2) All information gathered during assessment contemplated in sub-regulation (1)(h) must be-

(a) recorded;

(b) treated with confidentiality; and

(c) kept in a safe and lockable cabinet.

(3) The information referred to in sub-regulation (2) must be provided-

(a) to the District office on quarterly basis; or

(b) at anytime the HOD requests service providers to do so.

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

[Section 6(1)(a)]

4.(1) Programmes that give effect to early intervention services focus on-

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(a) preventing harm to individuals and families who use substances by providing for-

i. immediate counselling; or
ii. referral for professional intervention.

(b) screening of the individual or family for substance use by providing for-

i. interviewing; and
ii. preliminary assessment.

(c) motivating individuals or families to be involved in intensive treatment where necessary by providing for;

i. information on treatment gains; and
ii. knowledge on consequences of substance use.

(d) ensuring that as a priority, those at risk of abusing substances are assisted to remain within their families or communities by providing for-

i. out-patient treatment services or community-based services; and
ii. support services and linking them with available resources.

(e) ensuring that admission is available to individuals or families in need of early intervention services taking into account the factors listed in sub-regulation 3(1)(j);

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(f) promoting accessibility and availability as envisaged in sub-regulations 3(1)(a) and (b).

(g) promoting the preservation of families by-

i. identifying and assessing-

aa. family values;

bb. perceptions;

cc. beliefs; and

dd. attitudes,

towards persons abusing substance and service users;

ii. assessing the family's level of knowledge and understanding about issues related to-

aa. substance abuse;

bb. economic self reliance; and

cc. support systems;

iii. developing a family preservation plan with the involvement of individual and family;

iv. addressing-

aa. family's perceptions;

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bb. beliefs; and

cc. attitudes,

by providing them with information and facts about substance abuse and its effects;

v. encouraging forgiveness and co-operation amongst family members through individual and family counselling;

vi. empowering families with parenting and family management knowledge and skills by referring them to relevant agencies;

vii. equipping parents and families with knowledge and skills to identify and deal with early warning signs of experimentation and use of substances;

viii. creating social and economic opportunities aimed at improving individual's and family's self-reliance by linking them with social and economic development agencies;

ix. encouraging individuals and families to participate in-

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aa. sports;

bb. arts; and

cc. cultural activities,

and promote healthy eating habits and safe sex practices;

x. improving the well-being and resilience of families;

xi. exploiting the strengths of families; and

xii. addressing the particular needs of families in their diverse forms.

(2) The screening process referred to in sub-regulation 1(i) must involve the following:

(a) Identification of the type(s) of substances that have been used and length of period during which the substance have been used.

(b) A provisional psychiatric diagnosis, according to the DSM-IV or ICD 10, that determines if the applicant has a substance dependency and the likelihood of other co-morbid conditions.

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(c) Identification of the current intoxication status and need for detoxification.

(d) Brief social history and needs assessment including-

i. family needs;

ii. socio-economic challenges,

iii. strengths;

iv. priorities; and.

v. vulnerability.

(e) In the case of children, taking the age of the child into consideration, informing parents or caregivers about the results of assessment.

(f) In the case of adults, providing feedback on the results of assessment.

(3) Centres which offer programmes referred to in sub-regulation (1) must ensure that there are-

(a) skilled professionals; or

(b) accredited staff,

to undertake the admission process, including a pre-admission screening where appropriate.

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(4) If it is established that there is a need for detoxification as contemplated in sub-regulation 2(c), the detoxification must take place as per the detoxification policy which must include components such as-

(a) staff with an informed, non-punitive, non-judgmental and supportive approach to detoxification;

(b) assessment of the individual's extent of use of substances;

(c) 24-hour professional nursing and easily accessible medical backup;

(d) standardised, official, best practice detoxification protocols;

(e) service user information and explanation regarding the-

i. likely course of withdrawal;
ii. length and intensity of symptoms;
ii. support; and
iii. treatment to be offered; and
iv. associated risks.

(f) service user participation and informed consent in detoxification decision-making process;

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(g) a documented, individualized detoxification treatment plan including-

i. referral if required based on detoxification protocols;

ii. the service user's individual needs; and

iii. preferences and the centre's capacities,

(h) a safe, quiet and comfortable space for the detoxification process;

(i) adequate monitoring and supportive care;

(j) pharmacotherapy as per protocol for medicated detoxification, including adequate, individual-specific, prescribed medicines;

(k) emergency care and equipment, including referral to hospital, if required; and

(l) feedback and support to family and caregivers, if appropriate.

(5) Programmes referred to in sub-regulation (1) must be-

(a) developmental in approach;

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(b) affordable in relation to the community and the individual 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 individual 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;

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(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 include-

i. a nurse;

ii. a medical practitioner;

iii. a social worker;

iv. a psychologist;

v. a psychiatrist; and

vi. an educator.

(l) targeted at individuals misusing or consuming substances at risky levels;

(m) aimed at individuals displaying early signs of some dependency on substances;

(n) focused on individuals who present with substance related injuries; and

(o) aimed at children at risk of substance abuse in any environment.

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(6) For the purposes of sub-regulation (k), the multi-disciplinary team may be arranged on referral basis.

(7) The multi-disciplinary team referred to in sub-regulation (2) must-

(a) develop a documented intervention plan which must involve the individual and or family and the said intervention plan must specify activities to be embarked on taking into account the-

i. timeframes;

ii. resources to be utilised;

iii. relevant role players; and

iv. capabilities and opportunities of the individual or the family.

(b) discuss the intervention plan with individual or family to ensure understanding and its adoption;

(c) compile process reports for all activities conducted and undertaken;

(d) compile progress reports for progress registered; and

(e) treat all records with confidentiality and keep them in a safe and lockable place.

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Protection of children and service users in treatment centres and halfway houses

[Section 6(1)(b)]

5.(1) The management structure of a treatment centre elected and appointed in terms of regulation 56 must protect children and service users in the treatment centre against-

(a) all forms of ill treatment by one another and must prepare and implement a written policy which—

i. is intended to safeguard children from abuse by one another or service users or neglect by personnel; and

ii. sets out the procedure to be followed in the event of any allegation of abuse or neglect and such procedure must provide in particular for-

aa. liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child accommodated in the treatment centre;

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bb. the prompt referral to the police in whose area the treatment centre or halfway house is situated, of any allegation of abuse or neglect affecting any child accommodated in the treatment centre ;

cc. notification of the investigation and outcome of any child protection enquiries involving any allegation must be referred to the Director-General, the affected child's parents or whoever referred the child to the treatment centre.;

dd. written records to be kept of any allegation of abuse or neglect and of the action taken in response;

ee. consideration to be given to the measures which may be necessary to protect children in following the allegation of abuse or neglect as contemplated in sub-regulation 16(1)(b); and

ff. a requirement for any member of staff of a treatment centre or a halfway house to report any concerns about the welfare or safety of children accommodated therein to any member of management structure, police officer, social worker or any other person with vested interest in the welfare of children,

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iii. deals with the prevention of bullying in the treatment centre or halfway house and which must in particular set out the procedure for dealing with an allegation of bullying; and

iv. enforces that there must be supervision of the area where children and service users spend their time at all times.

(b) discomfort and unfavourable weather conditions and must-

i. provide children and service users with at least three 2-ply blankets during winter and two 2-ply blankets during summer;

ii. provide children and service users with two standard pillows, two standard pillow cases and two single bed sheets;

iii. provide children and service users with accommodation that has windows that can open and has curtains or blinds;

iv. accommodate two persons in a space of $3m^2$; and

v. provide rooms that are adequately ventilated and well lit as prescribed in the building regulations.

(c) the sharing of personal belongings and must if required by service users or children-

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i. provide children and service users with a-

aa. bath soap;

bb. tooth-brush;

cc. tooth paste;

dd. facecloth; and

ee. bath towel.

ii. allow children and service users to keep in a safe and secured place their own-

aa. clothing; and

bb. bedding,

or any other material that may, in the opinion of the centre manager, be necessary for service users' or children's stay in the treatment centre.

(d) the effects of unhygienic premises must be addressed at all times and that the premises must be-

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i. clean at all times;

ii. a separate place from sleeping rooms;

iii. equipped with sufficient refrigeration for the storage of perishable food; and

iv. in line with municipal by-laws applicable where the treatment centre or halfway house is situated; and

v. approved by local authority.

(e) abuse of corrective measures and that personnel implementing corrective measures must-

i. maintain an up to date policy, house rules and procedures to be followed in all corrective measures;

ii. refrain from applying corrective measures that are-

aa. physically;

bb. sexually;

cc. emotionally;

dd. mentally; and

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ee. economically,

abusive to children and services users;

iii. facilitate a fair hearing 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 in a disciplinary forum;

iv. conduct hearings for corrective measures in a language that children and service users understand and use the services of an interpreter or translator where necessary;

v. record proceedings of all disciplinary hearings and the decisions taken;

vi. have disciplinary interventions that are not punitive in nature but therapeutic;

vii. involve a social worker in all corrective measures that involve children in order to ensure protection of the rights of children; and

viii. ensure that children and service users are not denied nutrition and medication as a form of a corrective measure.

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(f) risk of fire by ensuring that there is up-to-date risk assessment and fire management plan that is revised and actionable when necessary and must–

i. take adequate precautions against the risk of fire, including the provision of fire equipment;

ii. provide adequate means of escape for all services users and children including facilities for persons with disabilities;

iii. make arrangements for–

aa. detecting, containing and extinguishing of fires;

bb. giving warnings of fires;

cc. evacuation in the event of fire;

dd. maintenance of all fire equipment; and

ee. reviewing fire precautions and testing of fire equipment at suitable intervals;

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iv. make arrangements for personnel working at the treatment centres or halfway houses to receive appropriate training from a competent person in fire precaution and in fire prevention;

v. ensure, by means of fire drills and practices at suitable intervals that children and service users are aware of the procedure to be followed in case of fire; and

vi. ensure that the fire management plan is approved by the fire chief of the local authority where the treatment centreis situated.

(g) malnutrition and starvation by ensuring that service users and children are provided with food which is—

i. served in adequate quantities according to accepted documented guidelines developed by a dietician and at appropriate intervals;

ii. properly prepared, well balanced and nutritious;

iii. suitable for their needs and which meets their reasonable preferences;

iv. sufficiently varied;

v. served with fresh drinking water and that fresh water must be available at all times; and

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vi. compatible with any special dietary needs of service users and children taking into account the service users' or children's-

aa. health;

bb. religious persuasion;

cc. racial origin, or

dd. cultural background.

(h) illnesses and diseases and must-

i. ensure that children and service users, especially-

aa. pregnant women;

bb. persons with disabilities;

cc. chronic illnesses;

dd. persons living with HIV/AIDS; and

ee. other infectious diseases,

have access to professional and appropriate medical care;

ii. not allow service users and children to issue medication to other fellow service users and children regardless of their-

aa. age;

bb, expertise; and

cc. academic qualification;

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iii. ensure that service users and children do to keep their own medication;

iv. ensure that all medication is centrally kept according to ethical medical practice;

v. immediately refer children and service users who present with contagious diseases or any other emergency to-

aa. a medical practitioner,

bb. clinic,

cc. hospital, or

dd. any other health care facility; and

vi. isolate children and service users who present with contagious diseases and who pose a threat of infecting others.

(i) attack, robbery, assault and other related conduct by members of the general public and that the said management structure-

i. reports all forms of abuse to local South African Police Service station and the District office of Social Development within 24 hours of the occurrence of such conduct or as soon as is practically possible thereafter;

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ii. provides adequate security in a form of perimeter fencing, access control and must appoint security personnel;

iii. searches all persons, vehicles and parcels when entering and leaving the premises of a treatment centre;

iv. conducts, at the discretion of the centre manager body search on all persons suspected of posing a security threat to children and service users and the body search must be carried out in an enclosed area by a person of the same sex;

v. provides services and programmes in a substance controlled environment;

vi. searches the treatment centre for weapons and substances at all times;

vii. conducts drug testing whenever there is a need to do so;

viii. conducts a roll-call of service users and children at least twice a day and at reasonable times;

ix. provides for emergency and evacuation measures taking into account persons with disabilities, children and older persons; and

x. provides lockable a wardrobe for clothing and a cabinet for personal belongings in each room.

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(j) hazardous objects and hazardous activities and must ensure that-

i. all parts of the premises to which children and service users have access are as far as is reasonably possible, free from hazardous activities and objects;

ii. any activities in which children and service users participate are as far as is reasonably possible free from avoidable risks;

iii. unnecessary risks to the health and safety of children and service users accommodated therein are identified and eliminated;

iv. persons working at a treatment centre are trained in first aid; and

v. provide facilities for people with disabilities, elderly people, and people with chronic illnesses.

(k) hazardous buildings and other similar structures and must-

i. submit building plans for approval to a local municipality in which the treatment centre is situated or is to be established.

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ii. ensure that the buildings plans conform to the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and these Regulations before the building may be utilised as a treatment centre;

iii. before any building plans referred to in sub-regulation (k)(i) are submitted, obtain the approval of the treatment centre's or halfway house's property usage right in accordance with the town planning scheme in operation in the local authority concerned;

iv. provide an indoor area consisting of 2m² of free floor area per child or service user for study purposes and the said study area must have–

aa. exterior walls and a roof so constructed as to prevent the permeation of wind and rain;

bb. windows which open in order to provide for sufficient natural light and cross-ventilation; and

cc a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness,

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v. provide an outdoor play area, where children are involved, which must consist of not less than 3m² of play area per child and which must be free of any-

aa. excavations;

bb. steps;

cc. projections;

dd. levels; or

ee. surfaces,

that in the opinion of the official of the Department may be dangerous or may constitute a hazard to children and service users;

(vi) provide for a kitchen area which must, where a treatment centre or halfway house provides food, be approved by the environmental health professional of the local authority where the treatment centre is or is to be established and must-

aa. have a minimum floor size of $12m^2$

bb. have a floor covering of an approved impermeable material which can be cleaned easily;

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cc. have an adequate number of windows in the opinion of a building surveyor from a local authority that can be opened easily for the purposes of cross-ventilation; and

dd. not be used as a thoroughfare by children or service users.

vii. provide approved hand-washing and washing-up facilities, a soap and a towel at all times for the purposes of washing up kitchen utensils and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen;

viii. supply running water to the hand-washing facilities and washing-up facilities referred to in sub-regulation (v);

ix. avail, in the event where there is no running water, a minimum of 25 litres of potable water on a daily basis in a container that is capable of being closed.

x. provide suitable means for the supply of adequate hot water to the kitchen;

xi. keep refrigeration for perishable food in the kitchen at a temperature below 5°C;

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xii. store all food in the kitchen in such a manner that contamination and spoilage is prevented;

xiii. provide an approved source of power for cooking purposes;

xiv. have all working areas in the kitchen with an approved surface that can be cleaned easily;

xv. provide an adequate number of suitable refuse bins with lids in the kitchen and in the areas where it is convenient for service users and children to dump refuse;

xvi. supply adequate cutlery and crockery in the kitchen for use by each child or service user;

xvii. provide adequate and suitable storage space and storage facilities for–

aa. food, crockery, cutlery and kitchen utensils; and

bb. personal belongings of each service user or child,

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xviii. prohibit children and service users from having access to any storage space or storage facility contemplated in sub-regulation xv.

xix. provide for laundry and ironing area which is -

aa. well ventilated;

bb. a size that is in line with the number of children and service users; and

cc. is adequately equipped with washing, drying and ironing facilities,

(l) unhygienic toilet facilities and must-

i. provide children and service users with clean toilet facilities;

ii. ensure that toilet facilities referred to in sub-regulation (i) are in an approved separate area of the premises and must, where no sewer system is available in respect of the premises, include–

(aa) an approved toilet on the premises or immediately adjacent to the premises;

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(bb) one sceptic tank for every eight service users including children, which sceptic tank must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times,

iii. where a sewer system is available in respect of the premises, provide one approved toilet for every 8 service users including children;

iv. where washbasins are available, one washbasin for every eight service users and children, which washbasin must –

(aa) be at such height as to be conveniently used by children and people with disabilities; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is

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supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

v. where no washbasins are available, one suitable container for every eight children, provided that–

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

vi. separate toilet facilities and wash facilities for-

aa. boys;

bb. girls;

cc. females;

dd. males; and

ee. people with disabilities.

vii. provide adequate-

aa. toilet paper;

bb. soap; and

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cc. tissue paper,

in the toilet facilities and wash facilities for use by service users and children at all times.

viii. provide in the toilet facilities a reasonable number of bins with self-closing lids for the disposal of-

aa. paper;

bb. paper towels;

cc. tissues; and

dd. other waste materials;

(m) missing any academic activity at schools by-

i. ensuring that any service user or any child attending school and who happens to be receiving treatment in the treatment centre has his or her homework attended to and delivered to the relevant school on due dates with the assistance of the relevant class teacher;

ii. arranging for examinations to be written in the treatment during exam period; and

(n) overcrowding by ensuring that-

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i. only a maximum of 4 service users and children must be accommodated in a space of 7.5 m^2;

ii. double beds and double bunks are not used; and

iii. there is 1 social worker per 15 service users or children for a short term and 1 social worker to 20 service users or children for longer term;

(o) any form of violation of children's and service users' rights and must-

i. enable children and service users to make both minor and major complaints to the relevant structures;

ii. preclude any person who is the subject of a formal complaint from taking any responsibility for the consideration of or response to that complaint;

iii. expressly forbid any reprisals against children and service users making a complaint;

iv. include provision for informal attempts such as-

aa. negotiation,

bb. mediation; and

cc. arbitration,

aimed at resolving the complaint and for any complainant to have the matter pursued further if not satisfied with the proposed informal resolution;

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v. provide appropriately for the handling of complaints against the manager, management structure and staff members of the treatment centre;

vi. require a written record to be made and kept of the service user or child-

aa. making the complaint;

bb. date of the complaint;

cc. nature of the complaint;

dd. action taken; and

ee. outcome of the complaint,

vii. prohibit limitation or restriction of the issues children and service users may complain about; and

viii. provide for relevant issues to be referred promptly to other institutions, including social workers where child protection issues are involved.

(2) A service user or a child must be encouraged by all relevant structures to-

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(a) report any violation of the service user or the child's rights enshrined in the Constitution to-

i. the management structure;

ii. the manager of the treatment;

iii. a residents' committee;

iv. the South African Human Rights Commission.; and

v. the department.

(3) No person in a treatment centre or in a halfway house may, in any manner prevent or attempt to prevent a child or a service user from exercising any of the service user's or child's rights enshrined in the Constitution or in any other prescript.

(4) The management structure of a halfway house elected and appointed in terms of regulation 56 must ensure at all times that children and service users are protected in a halfway house by complying with sub-regulation (1)(a)-(o) with the necessary changes as required by the context.

Registration and management of community-based services
[Section 6(1)(c)]

Registration of community-based services

6.(1)(a) Any person who wishes to register community-based services as contemplated in section 6(1)(c) of the Act must apply by completing **Form 1** in the Annexure.

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(b) **Form 1** must be available at every office of the Department and must also be accessible from the website of the Department.

(c) In completing the application form referred to in sub-regulation 1(a) the applicant must-

i. attach to **Form 1** all the documents required in terms of **Form 1**; and

ii. submit a completed **Form 1** to the Province where the applicant intends to render the services.

(d) The application referred to in sub-regulation 6(a) may be submitted by-

i. registered mail to the private bag available in **Form 1**; or

ii. handing it in, in the office of the Province.

(2) The HOD may, subject to sub-regulation (3)—

(a) after consideration of an application contemplated in sub-regulation (1), the report referred to in sub-regulation (3) and any other information that the HOD may require; and

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(b) if the HOD is satisfied that the community-based service is or will be managed and conducted in such a way that—

(i) the service provided or to be provided may be entrusted to or conferred on the said service provider; and

(ii) the service complies or will comply with the national norms and standards for community-based services as envisaged in these regulations,

grant full registration to the service provider and issue a registration certificate in a form identical to **Form 2** in the Annexure.

(3) Before granting registration for a community-based service, a social worker or any other person designated by the HOD must-

(a) visit the community-based service to ensure compliance with the applicable national norms and standards; and

(b) submit a report to the HOD on the outcome of the visit.

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(4) The HOD must ensure that all community-based services are monitored and evaluated at least once annually as provided for in section 15 of the Act to ensure continuous compliance with the national norms and standards and other registration requirements.

(5) If a community-based service fails to comply with a condition for registration or the applicable national norms and standards for a community-based service, the HOD-

(a) may give one month's notice to the community-based service and the recipients of the service indicating the HOD's intention to terminate and deregister a community-based service;

(b) must, if the HOD decides to give the notice contemplated in sub-regulation (a), request representations relating to termination or deregistration from the affected parties; and

(c) may after consideration of any representations received from the affected parties, terminate and deregister the community-based service.

(6) Where the HOD has terminated and deregistered a community-based service, the HOD must consult with service providers in the same area or near the area

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where the terminated service was provided with a view to admit the affected service users and children into another community-based service.

Management of community-based services

7. The management structure of the community-based service must manage community-based services by-

(a) promoting, within set norms and standards, the

i. development,

ii. training; and

iii. other technical support,

of all personnel involved in the provision of community based-services;

(b) monitoring and evaluating the effectiveness of the-

i. strategies,

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iii. policies; and

iii. programmes by the Department and the Provincial office; and

(c) undertaking any other function necessary for the-

i. establishment;

ii. design; and

iii. implementation,

of community-based services to ensure the effective delivery of the service of combating substance abuse.

Establishment, management, monitoring and assessment of halfway houses and treatment centres

[Section 6(1)(d)]

Establishment of halfway houses and treatment centres

8.(1)(a) Ay person who wishes to establish a halfway house or a treatment must apply to the Department by completing **Form 3** in the Annexure.

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(b) **Form 3** must be available in every office of the Department and must also be accessible from the website of the Department.

(c) The applicant must-

i. attach to **Form 3** all the necessary documents required in terms of **Form 3** including-

aa. building plans and occupational certificate;

bb. health certificate;

cc. fire management plan; and

ii. submit a completed **Form 3** to the Department the applicant intends to establish a treatment centre or halfway house.

(d) The application referred to in sub-regulation 8(a) may be submitted by-

i. registered mail to private bag X 901, Pretoria, 0001; or

ii. handing it in at the office of the Department.

(2) The Director-General may, subject to sub-regulation (3)—

(a) after consideration of the application contemplated in sub-regulation (1), the report contemplated in sub-regulation (3) and other information that the Director-General may request; and

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(b) if the Director-General is satisfied that the residential facility is or will be managed and conducted in such a way that—

(i) the reception, admission, care and support of service users and children may be entrusted to or conferred on the treatment centre or halfway house;

(ii) the treatment centre or halfway house complies with national and local building regulations and has submitted to the Department a certificate issued by the relevant authority to that effect;

(iii) the treatment centre or halfway house and the facilities therein are accessible in accordance with the national norms and standards contemplated in Part 2 of these regulations;

(iv) the general care and support of service users and children and recreational facilities in the treatment centre or halfway house meet the requirements of Part 2 of these regulations;

(v) all services related to substance abuse referred to in section 7 of the Act are provided in a safe and secure environment;

(vi) the rights and safety of the service users and children are protected; and

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(vii) the treatment centre or halfway house complies with the national norms and standards,

grant full registration and issue a registration certificate in a form identical to **Form 4** in the Annexure.

(3) A social worker or a person designated by the Director-General must-

(a) visit a treatment centre and a halfway house prior to registration in order to ensure compliance with the national norms and standards; and

(b) submit a report on the outcome of the visit to the Director-General.

Management of halfway houses and treatment centres

9. Any person who wishes to manage a halfway house or a treatment centre must comply with regulation 7 for the management of community-based services with the necessary changes as required by the context.

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Monitoring of halfway houses and treatment centres

10.(1) The Director-General must monitor and evaluate every treatment centre and halfway house continuously in order to ensure compliance with the national norms and standards as detailed in Part 2 of these regulations.

(2) The chairperson of a management structure of a halfway house and the chairperson of a management structure of a treatment centre must-

(a) compile a report for each monitoring exercise;

(b) submit to the Director-General monthly statistics relating to-

(i) a number and nature of services rendered; and

(ii) the individuals, families or communities to whom the services are rendered.

Assessment of halfway houses and treatment centres

11.(1) The Director-General must assess a treatment centre and a halfway house at least once in quarter of a year.

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(2) The management structure of a treatment centre and the management structure of a halfway house must provide access to the officials of the Department to assess the treatment centre or the halfway house as contemplated in section 23 of the Act.

(3) The Director-General must where access is unreasonably denied by any person in a treatment centre or halfway house, apply for a search warrant to be issued by a judicial officer.

(4) The warrant contemplated in sub-regulation (3) must-

(a) be for the purposes of conducting assessment as contemplated in section 23 of the Act.

(b) only be issued if it appears from information obtained with regard to the treatment centre or halfway house that there are reasonable grounds to believe that any-

i. of the provisions of these Regulations or provisions of the Act have been or are contravened;

ii. information received by the Department or the Province in connection with the registration of a treatment centre or a halfway house is falsified; or

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(c) it is necessary to carry out the assessment envisaged in sub-regulation (1).

(5) The assessment team contemplated in section 23 of the Act must, when entering a treatment centre or a halfway house in terms of the Act and these regulations-

(a) identify itself; and

(b) produce a warrant contemplated in sub-regulation (3) where applicable or a certificate signed by the Director-General.

(6) The members of the management structure of a treatment centre or a halfway house where assessment is to be conducted bears the responsibility to authenticate the credentials of the persons identifying themselves as assessment team of the Department.

(7) The Director-General must make rules for the manner in which authentication of the identity of the assessment team must be made.

Registration, monitoring and evaluation of out-patient services
[Section 6(1)(e)]

Registration of out-patient services

12.(a) Any person who wishes to register out-patient services must apply by completing **Form 5** in the Annexure.

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(b) The requirements laid down in regulation 6 apply for the registration of out-patient services with the necessary changes as required by the context.

Monitoring of out-patient services

13. The HOD must -

(a) monitor out-patient services at all times to ensure that minimum norms and standards as required by these Regulations are complied with;

(b) ensure that a person who has knowledge and appropriate training in the field of substance abuse monitors the out-patient services;

(c) ensure that a comprehensive package of services which must include any one or combination of the following is offered in an out-patient service.

i. Education for the service user and the service user's family about substance abuse disorders and other related health problems.;

ii. Life and social skills training.

iii. Harm reduction activities.

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iv. A 12-step facilitation.

v. Matrix Model or any other relevant model.

vi. Access to self-help and mutual help support groups;

(d) ensure that out-patient services are evidence-based and holistic in nature.

Evaluation of out-patient services

14. (1) The Provincial office must do the evaluation of out-patient services.

(2) The evaluation contemplated in sub-regulation (1) must be done every five years after implementation of services or at any time the HOD may consider it necessary to do so.

Monitoring and evaluation of reintegration programmes and services
[Section 6(1)(f)]

15. 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;

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(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 at large;

(i) address domestic issues connected to substance abuse;

(j) ensure that best interest of service users and children are of utmost importance; and

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(k) be rendered in a manner that is free of all forms of discrimination.

CHAPTER III
SERVICE PROVIDERS
[Section 7(1)(c)]

Manner for entering into contracts with service providers

16.(1) Any service provider who renders services related to substance abuse as contemplated in section 7(1)(b) of the Act must, if in need of financial assistance from the Department, apply to the Minister to enter in a contract for financial assistance and the contract must include the-

(a) nature of the relationship between the Minister and the service provider;

(b) type of service to be provided by the service provider;

(c) amount of the financial award including capital and operational funding;

(d) obligations of the service provider which include, reporting and accounting;

(e) roles and responsibilities of the service provider and the Minister;

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(f) procedures for monitoring and evaluation;

(g) duration of the contract;

(h) termination of services;

(i) remedies for failure to comply with conditions for the management of assets; and

(j) dispute resolution mechanism.

(2)(a) The application referred to in sub-regulation 16(1) must conform to the following manner:

i. Any service provider referred to in sub-regulation (1) who wishes to apply for financial assistance must complete **Form 6** in the Annexure;

ii. The service provider referred to in sub-regulation (i) must attach to **Form 6** all the documents required in terms of **Form 6** and submit a completed **Form 6** to the Department.

iii. The application referred to in sub-regulation (1) must be submitted by-

aa. registered mail to the private bag available in **Form 6**; or

bb. handing it in at Provincial office.

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(b) The application contemplated in sub-regulation 16(1) must be made at least 90 days before the beginning of the Department's financial year and must be accompanied by a-

i. comprehensive package of services being rendered or to be rendered; and

ii. profile of the community in which the services are or will be rendered.

(c) **Form 6** must be available at every office of the Department and must also be accessible from the website of the Department.

(d) The applicant must-

i. attach to Form 4 all the necessary documents required in terms of Form 4; and

ii. submit the completed Form 4 to the Department.

(e) The application contemplated in this regulation may be submitted by-

i. registered mail to the address specified in **Form 6**; or

ii. handing it in in the office of the relevant Province.

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(f) The application contemplated in sub-regulation (1) must be submitted at least 90 days before the beginning of the Department's financial year and must be accompanied by a-

i. comprehensive package of services being rendered or to be rendered; and

ii. profile of the community in which the service is or will be rendered.

Conditions for receiving of financial assistance by service providers
[Section 7(2) (a)]

17.(1) Any service provider rendering services related to substance abuse who wishes to apply for financial assistance as contemplated in section 7(1)(a) of the Act must-

(a) be registered in terms of the Act;

(b) be registered as a Non-Profit Organisation in terms of the NPO Act, 1997 (Act No. 71 of 1997);

(c) be solvent if an existing service provider or if a new venture, the directors must not have been declared insolvent;

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(d) provide services or intend to provide services to persons affected by substance abuse;

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

(f) promote inclusiveness and diversity in the management structure;

(g) be able to account for the utilisation of financial assistance in terms of the prescripts of the Public Finance Management Act 1 of 1999 (PFMA); and

(h) be legally registered in terms of any other service-specific related legislation.

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

Accounting and compliance measures

18. Upon receipt of financial assistance from the Minister, the service provider referred to in sub-regulation 17(1), must-

(a) keep records of their financial transactions;

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(b) have an accounting policy in place which must be utilised for the purpose of the financial assistance received;

(c) have accounting books audited by a firm of chartered accountants; and

(d) submit a copy of its financial statements to the Minister within a period of six months after the auditing envisaged in sub-regulation 18(c) is conducted.

Remedies for non-compliance with conditions, accounting measures and compliance measures
[Section 7(2)(b)]

19.(1) The Minister may upon non-compliance with any of the conditions, accounting and compliance measures contemplated in regulations 17 and 18-

(a) cancel the contract for financial assistance;

(b) direct the service provider contemplated in sub-regulation 17(1) to return the finance or a *pro rata* thereof to the Department.

(2) The *pro rata* referred to in sub-regulation (2) must be based on the extent of deviation from the compliance with conditions, accounting and compliance measures referred to in regulations 17 and 18.

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(3) The Minister is not limited to the remedies contemplated in sub-regulation (1) as the Minister may utilise any other remedies that exist in law.

[Section 7(2) (d)]

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

20. (1) Assets bought by service providers with government funds must-

(a) only be utilised for the purpose they were purchased for and continue to be used as such even after the funding ceases to be offered until the Minister determines otherwise;

(b) be comprehensively insured;

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

(d) have their book value evaluated and determined on half yearly.

(2) The service provider referred to in sub-regulation (1) —

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(a) must within 30 days of buying, forward to the Minister the description, details and a certified copy of proof of the transaction relating to the buying for purposes of entry into the register opened and maintained by the Minister; and

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

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

21.(1) Service providers contemplated in section 7 of the Act must get permission from the Minister whenever they intend to-

(a) sell;

(b) transfer from one place to another;

(c) destroy; and

(d) write off,

any asset referred to in section 7 of the Act.

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(2) Where the service provider referred to in sub-regulation (1) closes down its business operations, the Minister may direct that the assets contemplated in sub-regulation (1)-

(a) be transferred to another service provider;

(b) if not in a usable condition, be destroyed and written off;

(c) be auctioned to the highest bidder and proceeds thereof be paid to the Department.

CHAPTER IV
COMMUNITY-BASED SERVICES
[Section 12(2)(a) and (b)]

National norms and standards for community-based services
[Section 12(2)(a)]

22.(1) National norms and standards for prevention and early intervention services as envisaged in Chapter II of these regulations apply to community-based services with the necessary changes as required by the context.

(2) The multi-disciplinary team referred to in regulation 3 must-

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(a) involve service users and family during the development of the individual treatment plan;

(b) ensure that the individual treatment plan reflects the-

i. purpose;

ii. objectives;

iii. treatment methods;

iv. activities;

v. time frames; and

vi. responsible role players,

including family members to carry out each activity and resources to be utilized;

(c) discuss individual treatment plan with individuals and or families for adoption; and

(d) update the plan in conjunction with regular assessments and identification of lifestyle risk.

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(e) provide treatment to service users which-

i. must recommend, where necessary, that service users and children be referred for admission to a treatment centre on the same day or have short waiting time;

ii. caters for a wide range of opening hours to facilitate access to services for service users with employment or family responsibilities;

iii. is readily available;

iv. adheres to internationally accepted principles of effective treatment;

v. where, possible refer a service user for detoxification in the manner contemplated in regulation 4;

vi. is suitable for-

aa. individuals;

bb. vulnerable groups; and

cc. communities.

vii. promotes abstinence, substance use reduction and harm reduction;

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viii. focuses on reversing the negative health and social consequences associated with substance use and dependence;

ix. is therapeutic in nature;

x. assists service users and children to utilise their strengths whilst being assisted with their psychological needs;

xi. must be delivered in an emotionally safe environment;

xii. promotes the emotional well being and growth of service users and children; and

xiii. provides psychological care and support to service users and children.

(f) Treatment referred to in sub-paragraph (e) must be conducted by an appropriately qualified service provider who is also able to support, supervise and mentor service users and children.

(3) Aftercare must-

(a) be available regularly;

(b) individualised as per the service user's requirements;

(c) include family and support systems;

(d) have motivational elements;

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(e) focus on reintegration into community;

(f) be developmental in approach;

(g) be time-bound;

(h) provide for a room for relapse;

(i) be brought to the service user and not the service user expected to look for the service;

(j) be accessible after hours for clients who work or have other responsibilities during the day;

(k) be accessible from satellite offices or centres; and

(l) be affordable according to sliding scale.

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

23. The following are the types of community-based services which all community-based service providers are expected to provide:

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(a) Prevention.

(b) Early intervention.

(c) Treatment.

(d) Aftercare.

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

24. 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 not excluding significant others;

(c) making referrals to other service providers for further treatment in the case of need;

(d) introducing youth friendly programmes; and

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(e) complying with the minimum norms and standards as contemplated regulation 1.

CHAPTER V
REGISTRATION OF COMMUNITY-BASED SERVICES
[Section 14(3)]

Conditions and requirements for registration of community-based services

25. (1)Any person who wishes to register community-based services 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 the list of persons who will administer the services including their-

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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 or permanent resident;

(g) not be a person who has a history of dealing in drugs; and

(h) apply in a manner contemplated in Regulation 26.

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

(a) comply with the norms and standards contemplated in **CHAPTER** VI;

(b) be registered as a legal entity in terms of the Act and the case where the person intends to access funding from the Department be registered in terms of the Non Profit 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.

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Application for registration of community-based services

26. Any person who wishes to apply for the registration of community-based services must apply in the manner envisaged in regulation 6.

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

27.(1) The HOD must, after consideration of the application contemplated in section 14(2) of the Act and regulations 25 and 26-

(a) If he or she is satisfied that the person contemplated in regulation 25, has complied with the provisions of regulations 25 and 26, grant such an application; or

(b) If he or she is not satisfied that the person contemplated in Regulations 25 and 26 has complied with the provisions of regulations 25 and 26, decline such an application.

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

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(a) indicate the duration of the registration which may not be longer than a period of five years;

(b) indicate that the granting of the application for registration is subject to the continued compliance with the provisions of regulations 25 and 26; and

(c) issue the person referred to in regulation 25 and 26 with a registration certificate.

(3) Where the HOD has declined the application contemplated in sub-regulation (1)(b) the HOD must provide written reasons for his or her decision and communicate them to the person referred to in regulation 25 and 26.

Temporary registration of community-based services

28.(1) The HOD may, after consideration of an application contemplated in Regulation 26, and -

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

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(b) in his or her opinion the requirements and conditions contemplated in sub-regulation (1)(a) can be complied with within a period of not more than 12 months; and

(c) if in his or her opinion none compliance with the conditions and requirements contemplated in sub-regulation (1)(a) shall not have an adverse effect on the quality of service to and the interest of service users if such conditions and requirements are met within a period not exceeding 12 months grant temporary registration and issue a registration certificate similar to **Form 7**.

(2) A temporary registration contemplated in sub-regulation (1) shall be-

(a) for a period not exceeding 12 months;

(b) subject to the person referred to in regulations 25 and 26 complying with conditions as the HOD may determine;

(c) subject to the person referred to in regulations 25 and 26 complying with conditions referred to in sub-regulation (2)(b) within a period as the HOD may determine which period shall not be longer than 12 months; and

(d) subject to the person referred to in regulation 25 providing quarterly and satisfactory reports on compliance with conditions contemplated in sub-regulation (2)(b) within a period not longer than 12 months.

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

29.(1) The HOD may, subject to sub-regulation (2), terminate or withdraw registration granted in terms of regulations 27(1)(a) and 28(1) and (2) if the person contemplated in regulations 25 and 26 has, during the subsistence of such registration, failed to comply with any condition imposed by the HOD.

(2) Before acting in terms of sub-regulation (1) the HOD must -

(a) give a written notice and the reason, to the person contemplated in regulations 25 and 26, of his or her intention to terminate or withdraw the registration granted in terms of regulations 27(1)(a) and (c) and 28(1) and (2);

(b) call upon such person to, within a period of 30 days, provide written reasons why such registration should not be terminate or withdrawn; and

(c) cause the notice contemplated in sub-regulation (1)(a) to be sent by a registered mail to the Provincial office, by the person referred to in sub-regulation (2)(a).

(3) The HOD must, within 30 days of receipt of written reasons envisaged in sub-regulation (2)(b):

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(a) if he or she is not satisfied by the such reasons, terminate or withdraw the registration; and

(b) notify the person referred to in sub-regulation (2)(a) of such terminate or withdrawal in writing.

(4) The HOD must, within 30 days of expiry of the period of time referred to in sub-regulation (2)(b) and where he or she has not received written reasons contemplated in sub-regulation (2)(b):

(a) terminate or withdraw the registration; and

(b) notify the person referred to in sub-regulation (2)(a) of such termination or withdrawal in writing.

(5) Before the HOD can terminate or withdraw registration in terms of this regulation, he or she must-

(a) give the person referred to in sub-regulation (2)(a) a period of 30 days to close the community-based services; and

(b) make arrangements for the transfer of service users to a person who has a registered community-based services of their choice or to the nearest registered community-based services.

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Termination or withdrawal of registration of community-based services upon application

30.(1) Any person referred to in regulation 66(1) may, in addition to the provisions of section 14(5) of the Act, make a written application, in a form similar to **Form 8**, to the HOD for the termination or withdrawal of registration granted in terms of regulations 25(1)(a) and (c) and 26(1) and (2).

(2) The HOD may, within 30 days of receipt of the application referred to in sub-regulation (1), grant the application for the termination or withdrawal of registration of community-based services.

(3) The HOD must, before granting an application contemplated in sub-regulation (1) -

(a) give the person referred to in sub-regulation (1) a period of 30 days to close the community-based services; and

(b) ensure that the person referred to in sub-regulation (1) has, before closing the community-based services, made arrangements for the transfer of service users to a person of their choice, with a registered community-based services or to the nearest person with a registered community-based services.

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(4) If there is no registered community based services as contemplated in sub-regulation (3)(b) the person referred to in sub-regulation (1) must notify the HOD at the time of the application contemplated in sub-regulation (1) in writing.

(5) The HOD must, upon receipt of the notice contemplated in sub-regulation (4)-

(a) make the necessary arrangement for the transfer of service users to any person with a registered community-based services; or

(b) make arrangements for such service users to receive regular community-based services.

CHAPTER VI
GUIDELINES FOR COMMUNITY-BASED SERVICES
[Section 15(2)(a)-(c)]

Guidelines for functioning of management structures of community-based services

31. The management structures of community-based services contemplated in section 15(2)(a) of the Act must-

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(a) determine and develop of policies for the community-based services;

(b) promote national norms and standards;

(c) share information with the Department on any matter concerning new trends in the use of substances;

(d) provide oversight and direction to the centre in the exercise of its powers and the performance of its duties;

(e) assign duties to personnel of the community-based services based on the knowledge and skills of such personnel;

(f) meet at least four times in a year.

(g) elect a chairperson of the management structure.

(h) approve and review annual budget.

(i) monitor, review and approve the operational plan of the centre.

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Guidelines for composition of management structures of community-based services

32.(1) The management structure of the community-based services as contemplated in section 15(1) of the Act must, taking into account, among other things, the appropriate representation of race, gender and disability be composed of the following persons:

(a) A minimum of one and a maximum of 3 persons under whose name the community-based services are registered.

(b) Two members of the community in which the community-based services are rendered.

(c) Two beneficiaries from the community in which community-based centre services are rendered.

(d) Two members from staff of the community-based centre.

(2) The management structure may co-opt into or invite, to its meetings such members that it considers necessary to assist it in the management of the community-based services.

(3) The members of the management structure referred to in sub-regulation (2) shall-

(a) serve in the management structure; and

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(b) attend its meetings as observers and shall not have voting rights.

Guidelines for election and appointment of members of management structure of community-based services
[Section 15(2)(b)]

33.(1) Any person who renders or wishes to render community-based services must-

(a) constitute a selection panel to consider applications from candidates who applied to be nominated for election; and

(b) assist the panel referred to in sub-regulation (1)(a) to appoint, through a well documented recruitment procedure, members of a management structure of a community-based service provider.

(2) The selection panel referred to in sub-regulation 33(1)(a) must-

(a) invite applications for nomination for members of management structure from members of the public which the community-based centre serves through an advertisement in the local-

i. shop;

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ii. place of worship;

iii. school; or

iv. any other local structure,

accessible to the general public to which the community-based services are rendered or are to be rendered;

(b) process the nominations; and

(c) give each member of the public one chance to vote.

(3) The advertisement contemplated in sub-regulation 2(a) must be placed in a prominent place in the structure referred to therein.

(4) A nomination made in terms of sub-regulation 2 must reach the office of the community-based service before or on the closing date and time appearing in the advertisement referred to in sub-regulation 2.

(5) The nomination contemplated in sub-regulation 33(2) must be in a form similar to **Form 9** in the Annexure and must include at least -

(a) the name of the nominee and the category in which the nominee is nominated;

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(b) a detailed curriculum vitae of the nominee not exceeding two typed pages in length outlining such nominee's expertise;

(c) a written motivation by the nominee 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 centre;

(d) the names and contact details of the person or interested party making the nomination and of the person or interested party seconding the nomination;

(e) a detailed 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;

(f) a certificate of good standing if the nominee is a member of any council or society that demands adherence to a code of conduct for its members;

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

(h) a certified copy of the nominee's national identity document or passport;

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

(j) the activities of the community-based services;

(k) the time commitments reasonably expected from community-based services members of management structure;

(l) the term of office for which the election and appointment are considered;

(m) criteria for disqualification as a member;

(n) requirements with which a nomination must comply;

(o) closing date for nominations; and

(p) address to which nominations for election and appointment must be delivered.

(6) Any nomination form that is incomplete and does not conform to the requirements outlined in sub-regulations (a)-(p) shall be invalid and shall not be considered for purposes of appointment as a member of management structure.

(7) The invitation for nomination contemplated in sub-regulation (2) must be published at least two months prior to the election or expiry of the term of office of the

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current management structure and must state the requirements as contemplated in sub-regulation 5.

(8) The person referred to in sub-regulation 33(1) must appoint all the required members of the management structure and supply the names of such appointed members and the date of commencement of their period of office to the Provincial department as soon as is reasonably possible after the appointment.

(9) In appointing the candidates envisaged in sub-regulation 33(1)(a), the panel must take into consideration the-

(a) relevant expertise and experience in field of substance abuse or nursing;

(b) expertise in a range of health services;

(c) expertise in policy formulation and in education and training;

(d) representivity in terms of race and gender; and

(e) any other relevant factor in the opinion of the panel.

(10) Any candidate appointed to be a member of the management structure must submit-

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(a) a written acceptance of the appointment within seven days of receiving such appointment notification; and

(b) a signed declaration that he or she will uphold the provisions of the Act and other applicable prescript

(c) a declaration that the candidate is not related whether through affinity or consanguinity to any of the staff members or the directors of the organisation rendering community-based services.

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

34. Any person who wishes to be appointed as a member of structure of community based-services as contemplated in section 15(2)(b) of the Act must not be-

(a) a person who in the preceding years (5) years, whether in the Republic or elsewhere, has been convicted of-

i theft;

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ii. fraud;

iii. forgery;

iv. uttering of a forged document;

v. perjury; or

and any offence of which dishonesty is an element;

(b) insolvent and be unrehabilitated;

(c) subject to any legal disability;

(d) declared to be of unsound mind by a competent authority;

(e) having a history of abusing children in case where the person will work directly with children;

(f) below the age of 18 years; and

(g) a non-resident of the Republic of South Africa.

Guidelines for term of office of members of management structure of community-based services

35.(1) A member of a management structure of community-based services-

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(a) shall hold office for a period of 3 years; and

(b) may be re-elected upon the expiry of the term of office.

(2) There is no limit to the number of times a member of management structure may stand for re-election as contemplated in sub-regulation (1)(b).

Guidelines for grounds for removal from office of members of management structure of community-based services

36.(1) Any member referred to in regulation 34 may be removed from management structure if that member-

(a) ceases to be a resident of the Republic of South Africa;

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

(c) resigned after giving at least 30 days written notice of resignation to the chairperson;

(d) been found guilty of misconduct related to his or her performance of duties as a member of a management structure; and

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(2) The notice envisaged in sub-regulation (1)(c) must, in the case of -

(a) a chairperson, be served on the management structure; and

(b) any other member, be served on the chairperson.

(3) The HOD may remove all the members of management structure from office on any other ground other than the grounds contemplated under sub-regulations (1)(a-d) if the HOD has a reason to believe that there has been some violation of-

(a) the Act;

(b) these regulations; or

(c) any other law,

which in the opinion of the HOD has negative effect in the fight against substance abuse.

(4) The chairperson of the management structure may suspend any member of the management structure during an investigation into the misconduct or before a disciplinary hearing against such member is initiated.

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(5) If a member of management structure dies or vacates office the chairperson-

(a) follow the guidelines laid down in regulation 33 and appoint another member; and

(b) cause the member referred to in sub-regulation 5(a) to serve the remaining portion of the deceased's or predecessor's term of office.

(6) In the case where all members of management structure have been removed from office as contemplated in sub-regulation (3), new elections must be held.

(7) Elections must be held within a period of 30 days after the occurrence of any of the events contemplated in sub-regulations (1), (3) (5) and (6).

Guidelines for number of meetings of management structure of community-based services

37.(1) Members of management structure of the community-based centres-

(a) must hold meetings at least once a quarter in a calendar year; and

(b) may convene a meeting at any time at the request by one third of the members referred to in sub-regulation (1).

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(2) Any of the members referred to in sub-regulation (1) may, at any time after giving a 2 days' written notice to the members of the management structure, request an urgent meeting.

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

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

(b) state the general nature of the business of the meeting; and

(c) specify the means of communication by which the meeting will be held.

(4) The chairperson must arrange meetings management meetings and must give notice of a meeting—

(a) in writing; and

(b) not less than seven days in advance except in cases of emergency or where every member referred to in sub-regulation (1) agrees to accept short notice.

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

38.(1) All members of the management structure have equal rights to vote.

(2) The will of the majority of the members present in the meeting and who have a right to vote must be carried out at all times.

(3) Any number of topics may be considered during the meeting depending on the need and urgency thereof.

(4) The chairperson of the management structure-

(a) must chair all meetings of the management structure;

(b) must ensure that an attendance register of all members present in a meeting is kept;

(c) must ensure that minutes of the meeting are properly recorded and filed; and

(d) does not have voting powers but in the case of a tie, has a casting vote.

(5) In the absence of the chairperson contemplated in sub-regulation (4), the members of the management structure present in that meeting must elect amongst themselves a chairperson for the purpose of that meeting who must chair the meeting.

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(6) A quorum for the purposes of the meeting of the members of management structure shall be constituted by at least fifty per cent plus one of the members of the management structure.

(7) 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 referred to in sub-regulation (1); or

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

CHAPTER VII
ESTABLISHMENT OR MANAGEMENT OF TREATMENT CENTRE

Application for registration of treatment centre
[Section 19(2)]

39. 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 by completing **Form 3** in the Annexure.

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Requirements for registration of treatment centre
[Section 19(3)(b)]

40.(1) The person contemplated in regulation 39 must-

(a) complete the form referred to in that regulation;

(b) where applicable, obtain a rezoning certificate from the local authority where the treatment centre is to be established or is established in the case of renewal of registration;

(c) provide the Department with a copy of a planning application submitted to the local authority concerned in terms of applicable planning legislation;

(d) provide the Department with a constitution or business plan of the applicant as the nature of form of ownership may determine;

(e) provide the staff composition of the treatment centre and the management structure or proposal thereof;

(f) provide financial statements of the treatment centre or projections thereof if it is a new venture; and

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(g) provide a comprehensive package of programmes to be rendered to service users and the community.

(h) submit the following documentation that must be approved by the local authority prior to the consideration of the application by the Director-General:

i. Building plans and occupational certificate.

ii. Health Certificate.

iii. Fire Management Plan

(2) By submitting an application for registration, the applicant consents that the Department may conduct any-

(a) hearing;

(b) investigation;

(c) enquiry,

pertaining to the-

i. integrity;

ii. character;

iii. reputation;

iv. prior conduct;

v. habits;

vi. associations;

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vii. financial standing;

viii. ability;

ix. criminal record;

x. competence;

xi. experience; and

xii. and any other aspect relating to suitability of—

(aa) the applicant;

(bb) any director or shareholder, member, trustee or beneficiary, or person holding a membership share, where the applicant is a company, close corporation, trust, non-profit organisation or co-operative; and

(cc) any person,

directly or indirectly involved in the affairs of any person applying for registration of a treatment centre.

(3) The constitution or business plan contemplated in sub-regulation 40(1)(d) must include-

(a) the biographic information of the treatment centre;

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(b) information on the management structure, staff, volunteers and where applicable, current beneficiaries of the services rendered;

(c) objectives, outputs and outcomes of the treatment centre; and

(d) any other such information legally or administratively required, including:

i. Most recently audited financial statements, where applicable.

ii. Registration details required in terms of any law.

iii. Confirmation of banking details.

Consideration of application for registration of treatment centre

41.(1) The Director-General must assess and consider the application for registration 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 and declarations provided by the applicant and any other relevant information;

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

(c) whether all the proposed programmes comply with the minimum norms and standards in terms of these regulations; and

(d) the rights of the general public, the service users and the applicant.

(3) The Director-General may-

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

(b) grant a registration certificate; or

(c) deny the application for registration.

(4) In determining to grant registration or conditional registration as contemplated in section 19(4) of the Act, the Director-General must approve the programmes to be offered by the treatment centre and the respective sites where the programmes are to be rendered.

Conditions for registration of treatment centre
[Section 19(4)]

42.(1) The Director-General may, after consideration of the application for registration of a treatment centre grant conditional registration under the circumstances and with the conditions contemplated in regulation 28 with the necessary changes as required by the context.

(2) Treatment centres must only provide structured treatment programmes according to an approved treatment model which the Department must review after every third year.

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CHAPTER VIII
REGISTRATION OF PRIVATE HALFWAY HOUSE
[Section 21(2) and (4)]

Application for registration of private halfway house

[Section 21(2)]

43. 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 halfway house in a form similar to **Form 3** in the schedule.

Requirements for registration of private halfway house
Section 21(3)(b)

44. Requirements for registration of a treatment centre contemplated in regulation 40 shall apply to the registration of a private halfway house with the necessary changes as required by the context.

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Consideration of application for registration of private halfway house

45. Consideration of an application for registration of a treatment centre contemplated in regulation 41 shall apply to the consideration of an application for registration of a halfway house with the necessary changes as may be required by the context.

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

46.(1) The Director-General must, if the Director-General has granted a conditional registration as contemplated in section 21(4) of the Act, specify those conditions in writing and may, after considering the application contemplated in Regulation 45 grant temporary registration of a private halfway house.

(2) Conditions for registration of a treatment centre as contemplated in regulation 28 shall apply to the registration of a private halfway house with the requirements required by the context.

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CHAPTER IX
STAFF OF PUBLIC TREATMENT CENTRE AND PUBLIC HALFWAY HOUSE
[Section 24(1)(a) and (2)]

Suitability for appointment as manager of public treatment centre or public halfway house
Section 24(1)(a)

47. Any person who wishes to be employed as a manager of a public treatment centre or a public halfway house must-

(a) possess any suitable tertiary academic qualification from a recognised tertiary institution;

(b) have attained a period of five (5) years of suitable management experience;

(c) be a citizen of the Republic of South Africa or a legal resident of the Republic of South Africa;

(d) not be disqualified under any law in the Republic of South Africa; and

(e) have sufficient knowledge, in the opinion of the Minister, of programmes offered in a treatment centre and a halfway house and demonstrable ability to implement such programmes.

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Duties of staff in management and control of public treatment centre and public halfway house

Section 24(2)

48. The staff contemplated in sub-section 24(1) of the Act must-

(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 programmes and 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;

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(g) undertake operational research, on its own or in association or partnership with a tertiary education institution;

(h) report any suspected criminal activity taking place within the treatment centre or halfway house; and

(i) ensure that a treatment centre or a halfway house complies with minimum norms and standards contemplated in **Chapter II** of these regulations.

Powers of staff in management and control of public treatment and public halfway house
Section 24(2)

49.(1) Staff of a public treatment and halfway house has powers to-

(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 approved corrective measures where children and service users break the rules;

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

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(d) purchase or acquire any movable or immovable property for the benefit of the treatment centre or halfway house;

(e) appoint employees at such remuneration and on such conditions subject to the relevant labour legislation; and

(f) exercise any power necessary for the proper administration of a public treatment centre.

(2) The powers referred to in sub-regulation 49(1)(f) must be within the prescripts governing the public service.

CHAPTER X
APPEALS
[Section 25]

Appeal against certain decisions of Director-General

50.(1) Any person who wishes to appeal against the decisions of the Director-General referred to in sections 19, 21, and 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 similar to **Form 10** in the Annexure.

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(2) In lodging the notice of appeal, the appellant must send a notice by registered mail to the Minister stating the decision against which the appeal is lodged.

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

(4) The Minister may, if not all the required information has not been provided, request such or further information from the appellant.

Consideration of appeal against certain decisions of Director-General

51.(1) The Minister must within 90 days of receipt of a notice of appeal referred to in regulation 50 consider the appeal and-

(a) uphold;

(b) set aside; or

(c) vary,

the decision of the Director-General.

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(2) The Minister must provide reasons for upholding the decision of the Director-General and if the decision is set aside, the Minister must direct the Director-General to act in a manner the Minister deems appropriate under the circumstances.

Appeal against decision of Minister

52.(1) The appellant in a matter in which the Minister has given a decision on appeal under regulation 51-

(a) may only, on a question of law, appeal against the decision of the Minister to a High Court ; and

(b) must serve the Minister with a notice to take the appeal to the High Court.

(2) The notice contemplated in sub-regulation (1)(b) must be lodged in writing within 90 days after the date the Minister made the decision on the said appeal.

(3) The notice referred to in sub-regulation (1)(b) must—

(a) set out the ground in respect of which the appeal is lodged;

(b) be lodged with the High Court that has necessary jurisdiction to hear the matter; and

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(c) be served on every party with direct interest in the matter for information purposes.

(4) The appeal against the decision of the Minister must be dealt with as if it is an appeal from a Magistrate's Court.

Service of documents

53.(1) Any notice or any other document to be served in terms of these regulations, must be served,

(a) if it is to be served on a natural person-

i. by hand delivery to that person;

ii. by hand delivery to a responsible individual at that person's business or residential address; or

iii. by sending it by registered mail to that person's business or residential address;

(b) If it is intended for a juristic person-

i. by hand delivery to a responsible person at the registered address or principal place of business of that juristic person;

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ii. by sending it by facsimile to the registered address or principal place of business of that juristic person;

iii. by sending it by registered mail to the registered address or principal place of business of that juristic person;

iv. by conspicuously attaching it to the main entrance of the registered address or the principal place of business of that juristic person; or

v. by hand delivery to any member of that juristic person's board of management structure.

(2) Any notice or other document served according to sub-regulations (1)(a) and (1)(b) is considered to have come to the notice of the person, unless the contrary is proven.

Condonation of late lodgement of appeal

54.(1) Notwithstanding provisions of regulation 50, the Minister may condone an application lodged after a period of 90 days if there is a good cause shown for late lodgement of an appeal.

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(2) In deciding whether good cause exists for condonation of late lodgement of an appeal application, the Minister must take the following factors into account:

(a) The reason for the late lodgement.

(b) The interest of justice in condoning the late lodgement.

(c) Any reasonable prospect of success of the appeal.

CHAPTER XI
MANAGEMENT STRUCTURE OF TREATMENT CENTRE AND HALFWAY HOUSE
[Sections 29(2)(a), (b) and (c)]

Composition of structure of treatment centre and halfway house
Section 29(1)(a)

55. A treatment centre or a halfway house must compose a management structure similar to the management structure composed for community-based services as contemplated in regulation 32.

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Section 29(2)(b)

Election and appointment of members of structure of treatment centre and halfway house

56. Election and appointment of members of management structure for treatment centres and halfway houses must be in the form and manner envisaged for election and appointment of members of management structure of community-based services as outlined in regulation 33.

Qualification of members of structure of treatment centre and halfway house

57. Any person who wishes to be appointed as a member of management structure of treatment centre or halfway house as contemplated in section 15 of the Act must comply with the guidelines for qualification of members of management structure of community-based services as outlined in regulation 34.

Term of office of members of structure of treatment centre and halfway house

58. The term of office of members of management structure of a treatment centre or a halfway house must be similar with the term of office of members of management structure of a community-based service as outlined in regulation 35.

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

59. Any member of management structure of a treatment centre or a halfway house may be removed from the management structure in the similar manner envisaged for members of structure of community-based services contemplated in regulation 36.

Filling of vacancies of members of structure of treatment centre and halfway house

60.(1) The procedure followed for the election and appointment of members of management structure contemplated in regulation 33 must be followed, with the necessary changes as required by the context, when filling the vacancies of the members of structure of a treatment centre and a halfway house.

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Number of and procedure at meetings of management structure of treatment centre and halfway house

Section 29(1)(c)

61. The management structure of a treatment centre and a halfway house must hold a number of meetings similar to the number of meetings envisaged for community based-services in regulation 37 and must follow the procedure envisaged for community based-services outlined in regulation 38 with the necessary changes as required by the context.

CHAPTER XII

INTEGRATED AFTERCARE AND REINTEGRATION SERVICES

[Section 30(1)]

Integrated aftercare and reintegration services into society, workforce, family and community life

62.(1) Integrated aftercare and reintegration services into society, family, workforce and community life must include focus on-

(a) provision of life-skills to help service users to maintain treatment gains, sobriety and avoid relapse;

(b) ensuring professional support and guidance;

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(c) provision for establishment of mutual support to enhance service users' self reliance and optimal functioning;

(d) assisting to reduce conditions which may lead to relapse;

(e) promotion a healthy lifestyle;

(f) raising awareness and education about dangers of substance abuse disadvantages of relapse;

(g) promotion group cohesion amongst service users;

(h) being rendered in a non-discriminatory manner;

(i) ensuring sufficient monitoring of programmes;

(j) being sensitive to linguistic needs, cultural values and religious needs;

(k) being rendered in a home and community-based environment;

(l) focusing on strengths and capacity of service users and other beneficiaries of the service;

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(m) being provided by service providers who have appropriate training;

(n) provision for referral of service users to other appropriate programmes;

(o) improving the well being of families; and

(p) re-integration of learners into the schooling system to address the learner's.

(2) The services listed in sub-regulations 78(1)(a)-(o) must be extended to significant others and families of service users where necessary.

Establishment of support groups
[Section 31(1)]

63.(1) Service users and persons affected by substance abuse may establish support groups by-

(a) initially assessing and 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

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(d) linking and confirming their activities with the Department.

(2) The Department must avail the necessary personnel to monitor the support groups.

CHAPTER XIII
ADMISSION OF VOLUNTARY SERVICE USER TO TREATMENT CENTRE
[Section 32 (1)(a) and (b)]

Application for admission as voluntary service user to treatment centre

64. Any person who wishes to be admitted as a voluntary service user to a treatment centre as contemplated in section 32(1) of the Act, must apply in a form similar to **Form 11** in the Annexure.

Application for admission on behalf of voluntary service user to treatment centre

65.(1) Any person who wishes to apply for admission on behalf of a voluntary service user must be-

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(a) a next of kin of the voluntary service user; or

(b) any other person whom the service user may so choose.

(2) The service user in whose behalf the application for admission is made must complete a consent form similar to **Form 12** in the Annexure.

Application for admission by parent or guardian of service user to treatment centre

66.(1) If a service user is a child, the person in whose control the child is may apply for the admission of the child into a treatment centre.

(2) The person who is in control of a child as contemplated in sub-regulation (1) must apply for the admission of a child by completing a form similar to **form 12** in the Annexure.

CHAPTER XIV

TRANSFER OF PERSONS FROM PRISON, CHILD AND YOUTH CARE CENTRE ALTERNATIVE CARE OR HEALTH ESTABLISHMENT TO PUBLIC TREATMENT CENTRE

[Section 44(4)]

Transfer of persons from prison to public treatment centre

67.(1) Notwithstanding anything to the contrary contained in the Correctional Services Act, 1959 (Act No. 111 of 1998), or in any other law, the Minister of Correctional Services may, in consultation with the Minister, by order in writing transfer

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to a public treatment centre designated by the Minister any involuntary service user who is undergoing a term of imprisonment in any prison which is subject to the provisions of the said Act, if, in the Minister of Correctional Services' opinion-

(a) it is desirable that such an involuntary service user should, before he is returned to the community, receive or undergo treatment or training in a treatment centre; and

(b) such involuntary service user is an involuntary service user who will or will probably benefit from a particular kind of treatment and training provided in a public treatment centre.

(2) The order referred to in sub-regulation (1)must be made at least 48 hours before the intended transfer of an involuntary service user takes effect.

(3) A social worker and a medical practitioner must assess the involuntary service user referred to in sub-regulation (1) first and indicate whether the condition of the said person necessitates transfer to a public treatment centre.

(4) The order referred to in sub-regulation (1) must specify the following:

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(a) Purpose of the transfer to a public treatment centre.

(b) Date and time of the intended transfer.

(c) Level of security needed either to protect the person transferred or to protect the general public from the involuntary service user being transferred.

(d) The name of the prison where the involuntary service user to be transferred is currently serving the sentence and the name of the public treatment centre where the involuntary service user will be retransferred.

(5) The order referred to in sub-regulation (1) must be accompanied by-

(a) an assessment report prepared by the social worker contemplated in sub-regulation (3); and

(b) a medical report contemplated in the said sub-regulation.

(6) The chairperson of a management structure of a public treatment centre where the involuntary service user is transferred to must undertake in writing to the Minister of Correctional Services that the-

(a) the said involuntary service user shall be retransferred to-

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i. the prison where she or he was originally transferred from; or

ii. any agreed alternative establishment as contemplated in section 45(1) of the Act.

Transfer of persons from health establishment to public treatment centre

68.(1) The Minster of Health may, if the involuntary service user concerned will in the Minister of Health's opinion benefit or probably benefit from the treatment or training provided in a public treatment centre transfer the involuntary service user from a health establishment to a public treatment centre;

(2) The superintendent of the health establishment where the involuntary service user to be transferred is currently hospitalised must, in consultation with the medical practitioner in charge of the person to be transferred-

(a) arrange all referrals to a public treatment centre; and

(b) communicate the intention to transfer a person to the psychiatrist on call at the receiving public treatment centre.

(3) A professional nurse on duty must arrange transport for the transfer of the person to be transferred to a public treatment centre and must furnish information including the-

(a) name of involuntary service user;

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(b) vital signs;

(c) details of the receiving doctor at the public treatment centre; and

(d) details of the referring doctor and diagnosis.

(4) The medical practitioner referred to in sub-regulation (1) must write a referral letter on a hospital letterhead to the receiving public treatment centre and the referral letter must include the-

(a) involuntary service user's condition and the interventions;

(b) reason for the transfer of an involuntary service user;

(c) special conditions related to the transfer of an involuntary service user; and

(d) condition of the involuntary service user before transfer.

(5) A professional nurse from the transferring health establishment must-

(a) accompany the involuntary service user to the public treatment centre; and

(b) monitor the involuntary service user during transfer.

(6) The superintendent of the transferring health establishment must-

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(a) provide the receiving public treatment centre with a written summary of the patient's notes and x-rays where applicable;

(b) record the involuntary service user's progress chart in the transfer book; and

(c) record the transfer of the involuntary service user on the daily statistical return and day and night report.

Transfer of persons from child and youth care centre to public treatment centre

69.(1) The Minister must, as contemplated in section 44 of the Act transfer the involuntary service user from a youth care centre in the manner envisaged in regulation 68 with the necessary changes as required by the context.

(2) The youth care or alternative care centre must assign a social worker to accompany the child to the public treatment centre.

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Transfer of persons from alternative care centres to public treatment centre

70. In a case where an involuntary service user is transferred from an alternative care centre the provisions of regulation 68 must apply with the necessary changes as required by the context.

Retransfer of persons to prison

71.(1) The Minster must retransfer a person originally transferred from prison to

(a) the prison the person was transferred from; or

(b) any other prison as the Minister of Correctional Services may direct.

(2) The retransfer contemplated in sub-regulation (1) must be effected by completing a form similar to **Form 13** in the Annexure.

Retransfer of involuntary service users to health establishment

72.(1) The Minster must retransfer the involuntary service user from a public treatment centre to-

(a) a health establishment the said person was transferred from; or

(b) any other place as the Minister of Health may direct.

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(2) The retransfer contemplated in sub-regulation (1) must be effected by completing a form similar to **Form 13** in the Annexure.

Retransfer of persons to youth care centre

73.(1) The Minster must retransfer the involuntary service user from a public treatment centre to-

(a) a youth care centre the involuntary service user was transferred from; or

(b) any other place as the Minister in consultation with the Minister of Children, Women and People with Disabilities may direct.

(2) The retransfer contemplated in sub-regulation (1) must be effected by completing a form similar to **Form 13** in the Annexure.

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Retransfer of persons to alternative care centre

74.(1) The Minster must retransfer the involuntary service user from a public treatment centre to-

(a) the alternative care centre the involuntary service user was originally transferred from; or

(b) any other place the alternative care centre may advise.

(2) The retransfer contemplated in sub-regulation (1) must be effected by completing a form similar to **Form 13** in the Annexure.

CHAPTER XV
INVOLUNTARY SERVICE USER OF TREATMENT CENTRE MAY BE RELEASED ON LICENCE
[Section 47(3)]

Release of service user on licence

75.(1) A treatment centre may release a service user on license as contemplated under section 47(1) of the Act and a social worker must supervise the involuntary service user in a manner stipulated in a form similar to **Form 14** in the Annexure.

(2) A copy of a licence referred in sub-regulation (1) must be forwarded to the social worker under whose supervision the involuntary service user is.

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(3) In the case of a non South African citizen, the leave of absence must be confirmed with the Department of Home Affairs.

CHAPTER XVI
PERSON WHO IS NOT CITIZEN OR PERMANENT RESIDENT OF REPUBLIC OF SOUTH AFRICA
[Section 49(6)]

Condition for administration or admission of person who is not South African Citizen or permanent resident to treatment centre

76.(1) Any person who is not a citizen or permanent resident of the Republic of South Africa as contemplated in section 49(6) of the Act may be admitted to a treatment centre for treatment, rehabilitation or skills development on condition that such a person-

(a) is in possession of any form of identification legally recognised in the Republic of South Africa which must associate the person with the country the person claims to originate from; and

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(b) in the case of a public treatment centre, resides within the area the treatment centre serves of which some proof in the form of a utility bill or any other relevant document shall be produced upon admission;

(2) In a situation where the form of identification referred to in sub-regulation (1)(a) is not available, the service user applying for admission into a treatment centre must obtain an affidavit from the Department of Home Affairs.

(3) The affidavit referred to in sub-regulation (2) must be signed by the Commissioner of Oaths from the Department of Home Affairs and the Minister of Home Affairs must confirm in the said affidavit that-

(a) the person applying to be admitted in the treatment centre is a citizen of the country the service user claims to originate from;

(b) is legally residing in the Republic of South Africa;

(c) is in need of treatment for substance abuse;

(d) the admission fees and any other fees, where applicable, shall be payable by the service user.

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CHAPTER XVII
CONDITIONS FOR SERVICE USER TO HAVE ACCESS TO MANAGEMENT AND MANAGEMENT TO HAVE ACCESS TO SERVICE USER
[Section 50]

Conditions for access to management structure by service user

77.(1) Any service user may have access to management structure of a treatment centre on condition that the purpose for access relates to-

(a) personal health records;

(b) a treatment plan;

(c) registering a complaint; and

(d) a general request.

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

(a) the service user;

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(b) a house committee representative;

(c) a member of the family; or

any person the service user may so choose to communicate the service user's need for access to the management.

Conditions for access to service user by management structure

78. The management structure of a treatment centre may 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 treatment plan;

(c) changes relating to personnel involved in service users' treatment;

(d) getting personal information related to treatment;

(e) getting information related to personal health; and

(f) Any other matter related to the proper administration of a treatment centre.

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CHAPTER XVIII
MAINTENANCE OF DISCIPLINE IN TREATMENT CENTRE, HALFWAY HOUSE, OUT-PATIENT SERVICES AND COMMUNITY-BASED SERVICES
[Section 51(5)]

Composition of appeal committee

79. The appeal committee, which the Minister must establish as contemplated in section 51(4) of the Act, must comprise of-

(a) two representatives of the community the treatment centre, halfway house, out-patient centre or community-based centre serves;

(b) regional manager of the Provincial office;

(c) one ordinary staff member of the institution concerned who was not involved in the decision against which the appeal is directed; and

(d) a social worker.

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Duties of appeal committee

80.(1) The appeal committee must-

(a) receive and scrutinise appeals relating to discipline from appellants;

(b) investigate the appeals referred to in sub-regulation (1)(a) and decide on the action to be taken;

(c) advise the appellant of the appellant's rights during the appeal process including the right to be represented by a family member or service user or any other person during the hearing and the right to call witnesses where necessary;

(d) set a date for the hearing of an appeal and communicate that to the appellant and all the relevant people; and

(e) make a decision on the appeal brought before it and communicate its decision to the appellant in the language the appellant clearly understands.

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(2) The appeal committee may after hearing the appeal-

(a) confirm the corrective measure against which the appeal is made;

(b) set aside the corrective measure;

(c) substitute the original decision,

appealed against with the one which in opinion of the appeal committee is more suitable than the one originally decided upon.

(3) The appeal committee must direct the relevant treatment centre, halfway house, community-based centre or out-patient centre to execute the decision of the appeal committee.

(4) The decision of the appeal committee must be in writing and a copy thereof must be furnished to the-

(a) appellant;

(b) treatment centre or halfway house or community-based centre or out-patient centre that took the decision to discipline the service user; and

(c) Department.

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CHAPTER XIX
METHOD OF DEALING WITH ABSCONDER FROM TREATMENT CENTRE
[Section 52(6)]

Period for bringing apprehended involuntary service user before magistrate

81. An involuntary service user who has been apprehended after absconding from a treatment centre must be brought before a magistrate within 48 hours of apprehension or as soon as is reasonably and practically possible thereafter.

CHAPTER XX
GENERAL PROVISIONS
[Section 65(3)(b)]

Offenses and penalties

82.(1) Contravention of any of the rules of a treatment centre constitutes an offense and in the case of children the offense is punishable in the following manner:

(a) First time offense shall carry a penalty of forfeiture of playtime time for a period of a week.

(b) Second time offense shall carry a penalty of forfeiture of the playtime time for a period of two weeks.

(c) Third time offense and subsequent times shall carry a penalty of forfeiture of the playtime time for a period of a month.

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(2) In the case of adults, the offense is punishable in the following manner:

(a) First time offense shall carry a penalty of 30 minutes of labour in the treatment centre and forfeiture of playtime for a period of a week.

(b) Second time offense shall carry a penalty of 1 hour of labour for 2 days in the treatment centre and forfeiture of playtime for two weeks.

(c) Third time offense and subsequent times shall carry a penalty of 1 hour of labour for a period of two days and forfeiture of playtime for a period of a month.

(3) If a service user breaches more than one rule, the penalty may be doubled.

Short Title and commencement

83. These Regulations are called the Regulations for Treatment of and Prevention for Substance Abuse Act, 2008 and shall come into force by Notice in the *Gazette*.

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ANNEXURE

SUMMARY OF FORMS

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FORM 1

APPLICATION FOR REGISTRATION OF COMMUNITY-BASED SERVICES

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

(For an applicant that is an organization)

_____ (full name of organization) herein represented by _____ (full names and identity number),

in his or her capacity as _____duly authorized in terms of resolution no _____dated _____(attach a certified copy of the resolution)

OR

(For an applicant that is an individual)

_____ (full names and identity number of individual applicant),
apply for registration of the services listed in section B hereof.

Section A: Basic details of the Service Provider (Organization or individual)

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1. Name of Organization/ Individual
2. Registration number (if applicable) Non Profit Organizations number (if any):
2.1 Company or trust registration number (if any):
2.2 Any other registration details (specify):

_____

_____

_____

_____

a. Has your registration ever been suspended or cancelled:
YES/NO

If yes, please provide details:

_____

_____

_____

_____

_____

3. Address details

3.1 Physical and postal address of Administration Office:

_____

_____

_____

_____

_____

3.2 Physical addresses and telephone numbers of service locations (identify facility)

((i)_____

_____ postal code_____

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(ii)_____

_____postal code_____

(iii)_____

_____postal code_____

(iv)_____

_____postal code_____

(If there are more service locations please attach a list)

4. Financial details

4.1 Do you have a bank account? YES/NO

If yes, provide following details

(i) Bank:

_____

_____

_____

Account name:

_____

_____

_____

Type Account:

_____

_____

_____

Account no:

_____

_____

_____

Branch Code:

_____

_____

_____

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4.2 Do you have an auditor? YES/NO

If yes, provide details

(i) Name:

_____

_____

_____

(ii) Address :

_____

_____

_____

(iii) Telephone number:_____

_____

_____

4.3 Audited Financial Statements

Please attach a copy of your Audited Financial Statements for the past six months. If you do not have Audited Financial Statements please give the reasons therefore and attach financial reports.

_____

_____

_____

_____

_____

5. Governance Details

5.1 Constitution: Please attach a certified copy.

5.2 Details of Governing Body:

Please attach a list of members of your organization with names and identity numbers.

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Please disclose and provide details of family interests or relationships pertaining to the organisation and staff:

_____

_____

_____

5.3 Do you hold General Members Meetings YES/NO

If yes, attach a copy of the minutes of the last meeting

6. Beneficiaries

How many persons benefit from the services provided?

_____

_____

_____

_____

Declaration

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 withdrawal of registration.

_____ _____ _____

Signature Place Date

Full Name:

_____

_____

Capacity:

_____

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Copy of ID to be attached

Section B: Community-based services

1. Name of applicant (as in section A)

(i) Organisation or Company:

(ii) Individual :

2. Description of Community -based care and support services

When was the services first established : (date)

What services are rendered (please tick) (Attach copy of your services plan

☐ Awareness raising

☐ Substance abuse educational programmes

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- ☐ Transport
- ☐ Life skills programme
- ☐ Early Intervention
- ☐ Referrals
- ☐ Treatment
- ☐ Aftercare + re-integration
- ☐ Family support services
- ☐ Marriage enrichment services
- ☐ Statutory services
- ☐ Recreation
- ☐ Income Generation
- ☐ Socialisation
- ☐ Culture and Spiritual
- ☐ Home visits
- ☐ Advice
- ☐ Group Support
- ☐ Education and Training
- ☐ Counselling (social work)
- ☐ Temporary accommodation
- ☐ Other, Please specify

_____

_____

_____

_____

_____

_____

_____

_____

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On how many days or hours per week do you operate? Tick

1	2	3	4	5	6	7

Does the service operate over weekends and public holidays?

3. Beneficiaries

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

(i) Total Number of persons:

_____

_____

(ii) Prevention/early intervention/treatment/aftercare + reintegration

_____

_____

_____

_____

4. Funding of the Services

Do you receive a grant/ subsidy from the Department of Social Development

YES / NO

If yes, what amount do you receive on a monthly basis:

R_____

Do you receive a grant from the local authority YES / NO

If yes, what amount do you receive per month or per annum:

R_____

Have you applied for funding from the Department of Social Development which was turned down? YES/NO

If yes give details:

_____

_____

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_____

_____

_____

Do beneficiaries pay for the services YES / NO

If yes what do beneficiaries pay for the services per month/per day/per hour R _____ per individual?

If no, please give your reasons:

_____

_____

_____

_____

_____

_____

5. Human Resources

Do you have paid staff members YES /NO

Do you have volunteers?

If so, how many?

Do you pay transport costs of volunteers?

If yes, give breakdown of employed staff and volunteers:

POSITION	NO	TASKS

CONTINUES ON PAGE 162—PART 2

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If you do not use paid staff members, how do you render the services?

(a) Volunteers YES/NO

(b) Partnership workers, provided by other organizations YES/NO

How many volunteers on a monthly basis render services_____ and the estimated total hours of volunteer work _____?

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

Facilities in service delivery (please tick):

☐ Hall

☐ Offices

☐ Kitchen

☐ Store Room

☐ Dining Room

☐ Clinic

☐ Library

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☐ Bathrooms/Showers

☐ Toilets

☐ Wash Basins

☐ Other (specify)

_____

_____

_____

_____

_____

If you do not have the above facilities at your disposal, how do you render the services?

Give details:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Basic amenities and equipment to render services

Please tick below:

☐ Kettle or urns

☐ Stove

☐ Fire

☐ Fridge

☐ Water supply

☐ Power supply

☐ Catering utensils

☐ Plates, cups etc

☐ Tables and chairs

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☐ Recreation equipment

☐ Primary Health Care equipment

☐ Assistive devices (wheel chairs, tripods, commodes, walking sticks)

☐ Other, provide list:

Please attach a list of the equipment used in the facility

7. 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:

☐ A new service

☐ An outreach service from residential care facilities

☐ Other, please specify:

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

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FORM 2

REGISTRATION CERTIFICATE

OF COMMUNITY-BASED SERVICES

DEPARTMENT OF SOCIAL DEVELOPMENT

PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008

(ACT NO. 70 OF 2008)

Registration Certificate No. _____

Issued to (name Of Community-Based Services)

_____

_____

_____

It is hereby certified that the above-mentioned Community-Based Service situated at (physical address and beneficiaries)

_____

_____

_____

_____

_____

_____

_____

_____

has been registered in terms of section 13 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008) to deliver community-based services to .....

.....beneficiaries.

This certificate is valid with effect from _____ (dd/mm/yyyy) until.....

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This certificate is issued in terms of section 6 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008) and is not transferable.

(OFFICIAL STAMP)

HEAD OF DEPARTMENT

DATE: .....

PLACE.....

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FORM 3

APPLICATION FOR REGISTRATION OF A TREATMENT CENTRE OR HALFWAY HOUSE IN TERMS OF THE PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008 (ACT 70 OF2008)

The following documents must be attached to the application for registering the treatment centre:

1. A copy of the constitution of the facility
2. Recommendation and Health Clearance Certificate from Local Authority
3. Local Authority building plans/schematic sketch of building
4. Detailed treatment programme
5. Daily programme (daily, weekly and monthly)
6. House rules for residents
7. Admission criteria
8. Financial statements (for the past 6 months)/projections
9. Means test
10. Medical and psychiatric treatment policy
11. Management structure and staff component
12. Nutritional programme
13. Fees structure

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PART A
IDENTIFYING PARTICULARS OF FACILITY

1. Name of proposed/existing facility

Address

Tel:

Fax:

E-mail address:

Emergency number:

Registration number of company/NPO number

2. In which area is/will the facility be built/ operating?

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3. Has the site already been acquired for the said facility? If this has not been acquired the applicant must provide full details of the site to the Department when such a site is acquired.

4. Buildings

4.1. Physical structure (building)

4.2 Location of the facility (area)

4.3 Name, address of the developer (if applicable)

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

5. Provide details of other registered facilities, in your area.

NAME OF FACILITY

DATE OF REGISTRATION

REGISTRATION NR

LOCATION NUMBER OF BEDS

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PART B
SITUATION ANALYSIS

6. State how the number of beds was determined:

(Use separate sheet if necessary)

7. Provide a copy of your feasibility study. If a copy has not been provided, give reasons for this.

(Use separate sheet if necessary)

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

(Use separate sheet if necessary)

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

(Use separate sheet if necessary)

10. How will/does the facility meet the demand for such service?

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(Use separate sheet if necessary)

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

(Use separate sheet if necessary)

12 Any other information deemed necessary for this application

(Use separate sheet if necessary)

PART C
PATIENT PROFILE

13. Number of residents for which registration is required:

ADULTS CHILDREN (under 18 years)

Male Females Male Female

In-patience

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Hostel/Houses

TOTAL

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

(Use separate sheet if necessary)

15. Treatment period

Time Frame

Short Term (6 weeks)

Long term (6 weeks +)

Re-admission

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

Skills training;

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

18. Specify the dependence producing substance applicable to patients treated at the treatment facility

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ADULTS/
CHILDREN_____

_____

Male/ Female

_____

Alcohol_____

_____

Dagga_____

_____

Mandrax_____

_____

Heroin_____

_____

Cocaine_____

_____

Crack_____

_____

Ecstasy_____

_____

LSD_____

_____

Inhalants_____

_____

Prescription drug_____

Other(specify)_____

_____

PART D

19 **MANAGEMENT STRUCTURE**

PORTFOLIO NAME ADDRESS &CONTACTDETAILS

PROFESSION QUALIFICATION AND EXPERIENCE

Chairperson_____

_____

_____

_____

_____

_____

_____

_____

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Vice-
chairperson

Treasurer

Secretary

Auditors

Other

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PART E

20 Personnel

Provide a detailed list of your staff established containing the following information:

NAME PROFESSION NAME OF BOARD/COUNCIL
&
REGISTRATION
NUMBER

SALARY FULL TIME PART-TIME

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

SIGNED BY CHAIRMAN OF THE APPLICANT:

FULL NAMES AND SURNAME:

SIGNATURE:

DATE:

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WITNESSES (BOARD MEMBERS)

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FORM 4

REGISTRATION CERTIFICATE

OF TREATMENT CENTRE/HALFWAY HOUSE

DEPARTMENT OF SOCIAL DEVELOPMENT

PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008

(ACT NO. 70 OF 2008)

Registration Certificate No. _____

Issued to (name Treatment Centre or Halfway House)

_____

_____

_____

It is hereby certified that the above-mentioned Treatment Centre or halfway house situated at (physical address and beneficiaries)

_____

_____

_____

_____

_____

_____

_____

_____

has been registered in terms of section 6 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008) to deliver services related to substance abuse to .....

.....beneficiaries.

This certificate is valid with effect from _____ (dd/mm/yyyy) until.....

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This certificate is issued in terms of section 6 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.....

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FORM 5

APPLICATION FOR REGISTRATION OF OUT-PATIENT SERVICES

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

(For an applicant that is an organization)

_____ (full name of organization) herein represented by _____ (full names and identity number),

in his or her capacity as _____duly authorized in terms of resolution no _____dated _____(attach a certified copy of the resolution)

OR

(For an applicant that is an individual)

_____ (full names and identity number of individual applicant),
apply for registration of the services listed in section B hereof.

Section A: Basic details of the Service Provider (Organization or individual)

1.Name of
Organization/Individual_____
_____

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2. Registration number (if applicable)

b. Non Profit Organizations number (if any):_____

c. Company or trust registration number (if any):_____

d. Any other registration details (specify):_____

e. Has your registration ever been suspended or cancelled:

YES/NO

If yes, please provide details:

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3. Address details

3.1 Physical and postal address of Administration Office:

_____

_____

_____

_____

3.2 Physical addresses and telephone numbers of service locations (identify facility)

(i) _____ postal code _____

(ii)_____ postal code _____

(iii)_____ postal code _____

(iv)_____ postal code _____

(If there are more service locations please attach a list)

4. Financial details

4.1 Do you have a bank account? YES/NO

If yes, provide following details

(ii) Bank:

_____

_____

Account name:

_____

Type Account:

_____

Account no:

_____

_____

Branch Code:

_____

4.2 Do you have an auditor? YES/NO

If yes, provide details

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(iv) Name:

_____

_____

_____

(v) Address :

_____

(vi) Telephone number:_____

4.4 Audited Financial Statements

Please attach a copy of your Audited Financial Statements for the past six months. If you do not have Audited Financial Statements please give the reasons therefore and attach financial reports.

_____

_____

_____

_____

_____

_____

_____

_____

5. Governance Details

3.3 Constitution: Please attach a certified copy.

3.4 Details of Governing Body:

Please attach a list of members of your organization with names and identity numbers. Please disclose and provide details of family interests or relationships pertaining to the organisation and staff:

_____

_____

_____

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5.3 Do you hold General Members Meetings YES/NO

If yes, attach a copy of the minutes of the last meeting

4 ASSOCIATION WITH REGISTERED IN-PATIENT TREATMENT CENTRE

4.1 Are you linked to an in-patient treatment centre?

4.2 If not, why not. Provide reasons:.....

.....

.....

.....

.....

4.3 What is the name of the in-patient treatment centre?.....

4.4 Physical address of in-patient treatment centre?.....

.....

4.5 Contact details of the in-patient treatment centre:

Phone:.....

.....

Fax:.....

.....

Email.....

.....

6.6 What is the nature of your association to the in-patient treatment centre?.....

.....

.....

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.....

.....

7. Beneficiaries

How many persons benefit from the services provided?

_____

_____

_____

_____

_____

Declaration

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 withdrawal of registration.

_____ _____ _____

Signature Place Date

Full Name:

_____

_____

_____

Capacity:

_____

_____

_____

Copy of ID to be attached

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Section B: Community-based out-patient treatment services

5 Name of applicant (as in section A)

_____

_____

(iii) Organisation or Company:

_____

_____

(iv) Individual :

_____

_____

_____

6 Description of Community -based out-patient treatment services

6.1 When was the services first established : (date)

_____

_____

_____

_____

6.2 What services are rendered (please tick) (Attach copy of your services plan

☐ Awareness raising
☐ Substance abuse educational programmes
☐ Transport
☐ Life skills programme
☐ Early Intervention
☐ Referrals
☐ Treatment
☐ Aftercare + re-integration
☐ Family support services
☐ Marriage enrichment services
☐ Statutory services
☐ Recreation

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- ☐ Income Generation
- ☐ Socialisation
- ☐ Culture and Spiritual
- ☐ Home visits
- ☐ Advice
- ☐ Group Support
- ☐ Education and Training
- ☐ Counselling (social work)
- ☐ Temporary accommodation
- ☐ Other, Please specify

6.3 On how many days or hours per week do you operate? Tick

1	2	3	4	5	6	7

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Does the service operate over weekends and public holidays?

7 Beneficiaries

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

(iii) Total Number of persons:

_____

_____

(iv) Prevention/early intervention/treatment/aftercare + reintegration

_____

_____

_____

_____

_____

_____

8 Funding of the Services

8.1 Do you receive a grant/ subsidy from the Department of Social Development

YES / NO

If yes, what amount do you receive on a monthly basis:

R_____?

8.2 Do you receive a grant from the local authority YES / NO

If yes, what amount do you receive per month or per annum:

R_____?

Have you applied for funding from the Department of Social Development which was turned down? YES/NO

If yes give details:

_____

_____

_____

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_____

_____

_____

_____

Do beneficiaries pay for the services YES / NO

If yes what do beneficiaries pay for the services per month/per day/per hour R _____ per individual?

If no, please give your reasons:

_____

_____

_____

_____

_____

_____

5. Human Resources

Do you have paid staff members YES /NO

Do you have volunteers?

If so, how many?

Do you pay transport costs of volunteers?

If yes, give breakdown of employed staff and volunteers:

POSITION	NO	TASKS

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If you do not use paid staff members, how do you render the services?

(c) Volunteers YES/NO

(d) Partnership workers, provided by other organizations YES/NO

How many volunteers on a monthly basis render services_____ and the estimated total hours of volunteer work _____?

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

8.3 Facilities in service delivery (please tick):

☐ Hall

☐ Offices

☐ Kitchen

☐ Store Room

☐ Dining Room

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☐ Clinic
☐ Library
☐ Bathrooms/Showers
☐ Toilets
☐ Wash Basins
☐ Other (specify)

_____
_____
_____
_____
_____

If you do not have the above facilities at your disposal, how do you render the services?
Give details:

_____
_____
_____
_____
_____
_____
_____
_____

Basic amenities and equipment to render services:- Please tick below
☐ Kettle or urns
☐ Stove
☐ Fire
☐ Fridge
☐ Water supply
☐ Power supply
☐ Catering utensils
☐ Plates, cups etc
☐ Tables and chairs

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☐ Recreation equipment

☐ Primary Health Care equipment

☐ Assistive devices (wheel chairs, tripods, commodes, walking sticks)

☐ Other, provide list:

Please attach a list of the equipment used in the facility

7. 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:

☐ A new service

☐ An outreach service from residential care facilities

☐ Other, please specify:

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

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FORM 6

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)

Temporary Registration Certificate No. _____

Issued to (name of Community-Based Service)

_____

_____

_____

It is hereby certified that the abovementioned Community-Based Service situated at:
(Physical address and capacity)

_____

_____

_____

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:

_____

_____

_____

_____

This certificate is valid for a period of six months with effect from _____

(dd/mm/yyyy) to _____ (dd/mm/yyyy).

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HEAD OF DEPARTMENT

DATE: .....

PLACE.....

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FORM 7

APPLICATION FOR FINANCIAL ASSISTANCE

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

I,_____(full names and surname) on behalf of .....(organisation's name and NPO number, hereby applies for a financial award referred to in section 7(1) of the Prevention of and Treatment of Substance Abuse Act, 2008 (Act no.70 of 2008)

I provide the following services to (number) _____ persons (see attached list) at the place known as

_____

__situated at (physical address)

_____

_____

_____

_____

_____

Service provided Registration number:	
Date of establishment of service:	
Number of staff delivering service (Attach register of names)	

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Number of beneficiaries (Attach register of names)			
Physical address			
Postal address			
Telephone No e-mail Cell No		Fax	

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
- Audited financial statements for at least six months
- Names and contact details of Auditors
- Background information on receiving previous financial awards

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- Provide reference and contact details of persons / organizations supporting the application
- Disclose all sources of funding / income
- Register of list of beneficiaries
- Register of names of staff members rendering the services

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FORM 8

APPLICATION FOR VOLUNTARY ADMISSION
Section 32 (1) of Prevention of and Treatment for Substance Abuse Act, 2008(Act No. 70 of 2008)

Name of rehabilitation centre/public/ private treatment centre where admission is desired:

Name of Treatment Centre:

Particulars of service user:

Surname:.....
.....

First
Names:.....
.....
.....
.....
.....
.....
.....
Address:.....
.....
.....
.....
.....
.....

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I am fully aware of the implications of Section 32(1) and (6) of Act 70 of 2008 and undertake to abide by the rules of the above named centre

.....

.....

Signed Date:

To: .....

From:.....

.....

.....

.....

.....

.....

.....

1. I support the application and refer the person to you for treatment
2. the person can/ cannot contribute financially towards his/her residence and treatment
3. the following documents are attached:

(a) Medical certificate
(b) Social Report
(c) My reference number is.....

.....

.....

Social Worker Date

Address:

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FORM 9

CONSENT FORM FOR APPLICATION ON BEHALF OF ANOTHER PERSON [SECTION 32 (1) OF THE PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT 70 OF 2008

NOTE

☐ Where the consent of both parents is required, a separate form should be completed by each service user

IN THE MATTER OF AN APPLICATION FOR ADMISSION TO TREATMENT CENTRE OR HALFWAY HOUSE

I,

_____(full name), Identity number:_____,

residing at

_____

_____

_____

_____

_____

Being the parent or acting on behalf of service user_____

_____

_____

_____

_____

(full name of child)

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hereby voluntarily consent to the admission to treatment centre -

☐ (a)_____;
located at
(name of a treatment centre)

☐ (b)
_____
_____
_____
_____
_____
(residential address)

_____
_____
_____
_____
_____

Signature of parent or 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: _____Chairperson of Management Structure

Insert an X in appropriate block and *Delete whichever is not applicable

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FORM 10

AN APPEAL TO THE MINISTER OF SOCIAL DEVELOPMENT AGAINST A DECISION OF THE DIRECTOR-GENERAL OF SOCIAL DEVELOPMENT IN TERMS OF SECTIONS 19, 21, OF THE PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008

Name of appellant:

_____

_____

_____

_____

_____

Name of in or out-patient centre

_____

_____

_____

_____

Physical address in or appellant:_____

_____

_____

_____

_____

_____

This is appeal against a decision of the Director-General of the Department of Social Development against the exercise of the Director-General's discretion in respect of a decision relating to:

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Indicate decision against which this appeal is lodged (Indicate yes or no)	Grounds on which appeal is lodged
	Section 21: Consideration of application for registration of halfway house
	Section 19: Consideration of application for registration of treatment centre
	Section 19(4): Consideration of application for conditional registration
	Section 19(7): Consideration of application for renewal of registration
	Section 22(1): Consideration on which registration was granted
	Section 19(6) + 21(6): Cancellation of registration
	Other grounds of appeal

The reasons provided by the provincial head of social development for his or her decision are attached.

My reasons for appealing against the decision are attached hereto.

_____

_____

APPELLANT

_____

_____

DATE

NOTE: The appeal must be lodged with the Minister responsible for social development where the decision was taken by the Director-General.

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FORM 11

APPLICATION TO TERMINATE OR WITHDRAW COMMUNITY-BASED SERVICES

Section 14

DEPARTMENT OF SOCIAL DEVELOPMENT

PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, 2008 (ACT NO. 70 OF 2008)[Act]

To: The Head of Department
Department of Social Development

Application is hereby made, in terms of section 14 (3) of the Act, to terminate or withdraw the following community-based services. The termination or withdrawal will take effect from.....

Service to be terminated or withdrawn_____
The reasons for the termination or withdrawal are—

_____
_____
_____
_____
_____
_____

Take further notice that as required in terms of section 14(3) of the Act, the following arrangements are being made to inform the service users and children in my/our care of the intended termination of the service.

_____

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_____

_____

It is our intention to refer the service users currently benefiting from our services to another service provider who provides similar services in the following area._____

_____

_____

_____

The details of the said service provider will be forwarded to the Department 30 days before the termination or withdrawal date mentioned above.

Details of organization/individual:

Name: _____

ID No. | | | | | | | | | | | | | |

Registration certificate No: _____

Physical address:_____

_____

_____

Postal address:

_____

_____

_____

Tel. No. _____ _____Fax No. _____

Cell No. _____ E-mail address _____

List of beneficiaries, names, addresses and ID numbers

I undertake to fulfil any obligations in terms of the Act before the date of termination or withdrawal.

_____

COMMUNITY-BASED SERVICE PROVIDER

Name: .....

Capacity: .....

Date: .....

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FORM 12

NOMINATION FORM FOR CANDIDATES TO BE APPOINTED AS MEMBERS OF THE MANAGEMENT STRUCTURE FOR COMMUNITY-BASED SERVICES/TREATMENT CENTRE/HALF WAY HOUSE

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 or directly from the community-based centre/treatment centre/halfway house requesting nominations.

A nomination which does not comply with the above requirements or 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 provisions of Regulation 33 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 centre/treatment centre/halfway house to serve on the management structure.

2. Nominations are invited for the appointment of persons nominated by organizations in the social development sector and by the public.

3. Candidates appointed must comply with the qualifications set out in the Regulations.

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4. Each candidate must be nominated separately in the following form:

NOMINATION FORM

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

.....

.....

.....

for nomination as candidate to be appointed by community-based centre/treatment centre/halfway house as a member of the management structure.

Signature of person nominating

.....

Print full names and surname

.....

(2) Each person who signs a nomination form must lodge a declaration in the following form with the nomination:

DECLARATION BY PERSON WHO SIGNS NOMINATION

I (print full names and surname)

.....

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

.....

.....

.....

.....

.....

SIGNATURE OF PERSON NOMINATING

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I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration. Sworn to / affirmed and signed before me at

..... on ..... 20.....

.....

COMMISSIONER OF OATHS

Office held .....

(3) Simultaneously with the lodging or not later than the date determined in subparagraph (4), each candidate must lodge with the Minister-

(a) A curriculum vitae of not more than 150 words, including, where possible, a telephone and fax number where the candidate may be reached;

(b) Passport photograph on which the candidate's name is indicated on the back;

(c) His or her consent to the nomination in the following form:

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CONSENT TO NOMINATION

I (print full names and surname)
.....
.....
declare that-

(a) I consent to nomination;
(b) I am permanently resident in the Republic at (state full residential address)
.....
.....
(c) I agree to accept the nomination.

.....
SIGNATURE OF NOMINEE

I certify that the deponent has acknowledged that he / she knows and understands the contents of this declaration. Sworn to / affirmed and signed before me at ..... on ..... 20.....

.....
COMMISSIONER OF OATHS

Office held .....

(4) Each nomination shall be lodged with the Community-Based Centre by post, e-mail, fax or hand before .....

(5) A nomination which does not comply with the above requirements or which has not been lodged with the Community-Based Centre at the address stated below by the said date is invalid.

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FORM 13

TRANSFER AND RE-TRANSFER OF SERVICE USERS FROM TREATMENT CENTRES
PREVENTION OF AND TREATMENT FOR SUBSTANCE ABUSE ACT, NO 70 OF 2008

Department of Social Development/Service Provider reference number:

_____

Court reference number:

_____

1. IDENTIFYING PARTICULARS

Particulars of the service user
Name ID number:.....

_____
_____
_____
_____
_____

Particulars of the current institution
Name ID number:

_____
_____
_____
_____
_____

Current residential address of institution

_____
_____
_____
_____

Current postal address of institution

_____
_____
_____
_____

Court where the court order was initially issued:

_____
_____

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Court order issued in terms of which section of Act?

_____

_____

_____

2. MOVEMENT OF A SERVICE USER (Provide information where applicable).

2.1) Retransfer to health establishment
Effective date of transfer: _____
Provide reason(s) for the transfer:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Name and residential address of treatment centre

_____

_____

_____

_____

_____

Postal address of treatment centre

_____

_____

_____

_____

_____

2.2) Retransfer to prison
Effective date of transfer: _____
Provide reason(s) for the transfer:

_____

_____

_____

_____

_____

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Name of facility/place/premises/person for temporary safe care
ID number (if person)

Residential address

Postal address

2.3) Retransfer to child and youth care centre
Effective date of retransfer:
Provide reason(s) for the retransfer:

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Name of the CYCC

Residential address

Postal address

2.4) Re-transfer to alternative care centre

Date for finalization of the retransfer: _____

Name of service user ID number

Residential address

Postal address

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FORM 14

Release of service user on license (section 4) (1)
Act for the Prevention and Treatment for Substance Abuse Act, No 70 of 2008

Ref No:

TO: _____

1. On the recommendation of the Management of the Treatment Centre:....., the Director-General has approved your release on license in terms of Section 47 (1) of Act 70 of 2008 as from ----------
-----until----------on condition that you:

(a) remain under the supervision of the Social Worker, to whom you must report forthwith (within 14 days) and with whom you must co-operate at all times;
(b) will not leave the above-mentioned address without informing your supervisor;
(c) will remain from the use of alcohol/drugs;

2. Should you fail to comply with any of the foregoing conditions, the Management may revoke the license and recall you
3. This license can be altered at any time without the furnishing of reasons.

MANAGER OF THE TREATMENT CENTRE DATE:

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