

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 526

Cape Town,
Kaapstad,

21

April

2009

No. 32150

THE PRESIDENCY

No. 436

21 April 2009

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

No. 70 of 2008: Prevention of and Treatment for Substance Abuse Act, 2008.

MOPRESIDENTE

No. 436

21 April 2009

Go itsisiwi fano gore MoPresidente o saennwe Molao o o latelang o o phasalediwang kitso ya botlhe fano:—

No. 70 wa 2008: Molao wa Thibelo le Kalafi ya Tirisobothaswa ya Sere, 2008.

*(English text signed by the President.)
(Assented to 19 April 2009.)*

ACT

To provide for a comprehensive national response for the combating of substance abuse; to provide for mechanisms aimed at demand and harm reduction in relation to substance abuse through prevention, early intervention, treatment and re-integration programmes; to provide for the registration and establishment of treatment centres and halfway houses; to provide for the committal of persons to and from treatment centres and for their treatment, rehabilitation and skills development in such treatment centres; to provide for the establishment of the Central Drug Authority; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the drug trade has increased globally in intensity and reach;

AND WHEREAS substance abuse in South Africa has increased rapidly and demands a comprehensive national response;

AND WHEREAS South Africa continues to combat substance abuse through a wide range of programmes in order to reduce supply, demand and harm caused by substances;

AND WHEREAS a uniform law to deal with the prevention of and treatment for substance abuse and the harm associated therewith, the rehabilitation of service users in the various institutions and the reintegration of service users in their communities is urgently required,

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

ARRANGEMENT OF SECTIONS

CHAPTER 1

DEFINITIONS AND OBJECTS OF ACT

5

1. Definitions
2. Objects of Act

*(English text signed by the President.)
(Assented to 19 April 2009.)*

MOLAO

Go tlhola mekgwa ya go lwantsha tirisobotlhaswa ya diritibatsi ka thibelo, Tsereganyo ya go sale gale, kalafi le mananeo a busetsang kgolaganyo; go baakanyetsa kwadiso le tlhomo ya ditikatikwe tsa kalafi le dintlo tse e leng mafelo ipobolo; go neelana ka ditikatikwe e e tla nnang mafelo a batho bao ba ikaeletseng go bona thuso ya kalafi le katiso, go baakanyetsa go tlhongwa ga Bolaodi jwa Bogareng jwa Diritibatsi le go baakanyetsa merero e e tshwaraganeng le tseo. Go tlamelela tsibogo ya bosetšhaba e e feleletseng ya go fedisa gotlhelele tirisobotlhaswa ya sere; go tlamelela mekgwa e e lebisitsweng kwa phokotsong ya patlo le kotsi malebana le tirisobotlhaswa ka thibelo, tsereganyo ya e sale gale, kalafi le mananeo a kopanyo gape; go tlamelela kwadiso le tlhomo ya ditikatikwe tsa kalafi le dintlwana tsa kalafi; go tlamelela boitlamo jwa batho go ya le go tswa ditikatikweng tsa kalafi le jwa kalafi ya bona, tsosoloso le tswेतso ya dikgono mo ditikatikweng tsa kalafi tse di jalo; go tlamelela tlhomo ya Bothati jwa Bogareng jwa Seritibatsi; le go tlamelela merero e e amanang le tseo.

MATSENO

FALE kgwebo ya seritibatsi e oketsegile ka gotlhe ka bontsi le go fitlhelega;

LE FALE tirisobotlhaswa mo Aforika Borwa e oketsegile ka bonako mme e tlhoka tsibogo ya bosetšhaba e e feleletseng;

LE FALE Aforika Borwa e tswelela go fedisa gotlhelele tirisobotlhaswa ya sere ka mefuta e e bulegileng ya mananeo gore go fokodiwe tlanelo, tlhokego le kotsi tse di bakwang ke dire;

LE FALE molao o o tshwanang wa go dirana le thibelo le kalafi ya tirisobotlhaswa ya sere le kotsi e e golagangwang le yona, tsosoloso ya badirisi ba tirelo mo ditheong tse di farologaneng le go kopanngwa gape ga badirisi ba tirelo mo baaging ba teng go tlhokega ka bonako.

O TLHOMILWE KA JALO ke Palamente ya Rephaboleki ya Aforika Borwa, jaaka o latela:—

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4. Ditheo tsa go kaela tsa tlamelelo ya ditirelo
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6. Tsweletso le tsamaelano le bonnye jwa ditlwaelo le boemo
7. Tshegetso ya ditirelo tse di dirwang ke batlamedi ba tirelo 10

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9. Maikemisetso a go tlamela mananeo a thibelo
10. Tlhomo le maikemisetso a mananeo a tsereganyo ya e sale gale 15
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12. Dikaedi tsa ditirelo tse di ikaegileng ka baagi 20
13. Tlhomo le tshiamelo ya ditirelo tse di ikaegileng ka baagi
14. Kwadiso ya ditirelo tse di ikaegileng ka baagi
15. Kagego ya botsamaisi jwa ditirelo tse di ikaegileng ka baagi
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17. Tlhomo le tlhomololo ya tikatikwe ya kalafi ya setšhaba
18. Mabaka a batho ba amogelwang kwa ditikatikweng tsa kalafi 30
19. Kwadiso le phimolo ya kwadiso ya tikatikwe ya kalafi
20. Tlhomo ya ntlwana ya kalafi ya setšhaba
21. Kwadiso ya ntlwana ya kalafi ya poraefete
22. Tsamaelano le maemo a kwadiso a tikatikwe ya kalafi le ntlwana ya kalafi 30
23. Go tlhokomela le tshekatsheko ya tikatikwe ya kalafi le ntlwana ya kalafi 35
24. Badiri ba tikatikwe ya kalafi ya setšhaba le ntlwana ya kalafi ya setšhaba
25. Boikuelo
26. Loso, kgobalo e e masisi kgotsa tirisobotlhaswa ya modirisi wa tirelo kgotsa motho ofe yo o amilweng ke tirisobotlhaswa ya sere mo tikatikweng ya kalafi kgotsa ntlwana ya kalafi 40
27. Tlhomo ya ditirelo tsa molwetse wa kwa ntle
28. Bana ba ba dirisang dire ka tshotlo kgotsa ba amilweng ke tirisobotlhaswa ya sere
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- 30. Establishment of aftercare and reintegration services
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- 32. Admission of voluntary service user to treatment centre
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30. Tlhomo ya tlhokomelo ya kwa morago le ditirelo tsa kopanyo gape
31. Dithlopha tsa tshegetso

KGAOLO 8

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**KAMOGELO, TSHUTISO LE THOMELO GO YA TIKATIKWENG YA
KALAFI**

32. Kamogelo ya modirisi wa tirelo ya boithaopo kwa tikatikweng ya kalafi
33. Kamogelo ya modirisi wa tirelo e e seng ya boithaopo kwa tikatikweng ya kalafi 10
34. Kamogelo le tshutiso ya bana
35. Boitlamo jwa motho kwa tikatikweng ya kalafi morago ga potsiso
36. Boitlamo jwa motho kwa tikatikweng ya kalafi morago ga botshwaro
37. Kgotlatshekelo e ka laolela patlisiso go ya ka Molao o
38. Tekanyetso ya bogolo jwa motho 15
39. Go isiwa pele ga taolelo
40. Tsholo ya nakwana ya motho go emetswe patlisiso kgotsa tloso go ya tikatikweng ya kalafi
41. Boikuelo kgatlhanong le tebisiso gape ya ditaolelo tse di rileng
42. Kamogelo kgotsa tshutiso go ya tikatikweng ya kalafi 20
43. Tshutiso ya modirisi wa tirelo e e seng ya boithaopo go tswa le go ya tikatikweng ya kalafi
44. Tshutiso ya modirisi wa tirelo e e seng ya boithaopo go tswa kgolegelong, tikatikweng ya tlhokomelo ya ngwana le moša, tlhokomelo ya thefosano kgotsa tlhomo ya boitekanelo go ya tikatikweng ya kalafi ya setšhaba 25
45. Tshutiso gape go tswa tikatikweng ya kalafi ya setšhaba go ya kgolegelong, tikatikweng ya tlhokomelo ya ngwana le baša, tlhokomelo ya thefosano kgotsa tlhomo ya boitekanelo
46. Khunologo ya go se nne teng go tswa tikatikweng ya kalafi
47. Modirisi wa tirelo e e seng ya boithaopo wa tikatikwe ya kalafi a ka lokololwa mo laesenseng kgotsa a gololwa 30
48. Khutliso ya laesense
49. Kamogelo go tikatikwe ya kalafi ya batho ba e seng baagi ba Aforika Borwa kgotsa banni ba leruri
50. Modirisi wa tirelo go nna le phitlhelelo kwa botsamaising le semenogane 35

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51. Tshegetso ya kgalemo mo tikatikweng ya kalafi, ntlwana ya kalafi, ditirelo tsa molwetse wa kwa ntle le ditirelo tse di ikaegileng ka baagi
52. Mokgwa wa go mekamekana le molofi go tswa tikatikweng ya kalafi 40

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54. Komiti khuduthamaga 45
55. Bokwaledi jwa Bothati jwa Bogareng Jwa Seritibatsi
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57. Tlhomo ya Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere
58. Ditiro tsa Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere
59. Komiti ya khuduthamaga ya Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere 50
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Act No. 70, 2008

PREVENTION OF AND TREATMENT FOR
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63. Offences and penalties
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65. Regulations
66. Repeal of laws and savings
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CHAPTER 1

DEFINITIONS AND OBJECTS OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—
- “**abuse**” means the sustained or sporadic excessive use of substances and includes any use of illicit substances and the unlawful use of substances; 15
- “**aftercare**” means ongoing professional support to a service user after a formal treatment episode has ended in order to enable him or her to maintain sobriety or abstinence, personal growth and to enhance self-reliance and proper social functioning; 20
- “**Central Drug Authority**” means the Central Drug Authority established by section 53;
- “**child**” means a person under the age of 18 years;
- “**child and youth care centre**” means a “child and youth care centre” as defined in the Children’s Act; 25
- “**Children’s Act**” means the Children’s Act, 2005 (Act No. 38 of 2005);
- “**community-based services**” means services provided to persons who abuse or are dependent on substances and to persons affected by substance abuse while remaining within their families and communities;
- “**Criminal Procedure Act**” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977); 30
- “**Department**” means the Department of Social Development in the national sphere of government;
- “**detoxification**” means a medically supervised process by which physical withdrawal from a substance is managed through administration of individually prescribed medicines by a medical practitioner in a health establishment, including a treatment centre authorised to provide such a service under the National Health Act; 35
- “**Director-General**” means the head of the Department;
- “**halfway house**” means a public or private halfway house that has been established or registered to provide a sober living environment for service users who have completed a formal treatment programme for substance abuse and require a protected living environment in order to prepare them for reintegration into society; 40
- “**health establishment**” means “health establishment” as defined in section 1 of the National Health Act; 45
- “**Health Professions Act**” means the Health Professions Act, 1974 (Act No. 56 of 1974);
- “**HOD**” means a provincial head of department responsible for social development; 50

MOLAO WA THIBELO LE KALAFI YA
TIRISOBOTLHASWA YA SERE, 2008

Act No. 70, 2008

61. Ditiro tsa Dikomiti tsa Selegae tsa Kgato ya Sere
62. Tsamaelano le tiragatso ya Lcano Legolo la Bosetšhaba la Seritihatsi ka mafapha a puso a a farologaneng, ditheo le bannaleseabe

KGAOLO 11

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63. Ditlolomolao le dikotlhao
64. Kemedi
65. Melawana
66. Phimolo ya melao le dipolokelo
67. Setlhogo se se khutshwane le tshimologo

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KGAOLO 1

DITLHALOSO LE DIDIRISIWA TSA MOLAO

Ditlhaloso

1. Mo Molaong o, ntle le fa diteng mo tirisong di bontsha ka tsela e nngwe—
“tiriso botlhaswa” e kaya tiriso e e tsweleng kgotsa e e seng ya tlwaelo e e feteletseng ya dire mme e tsenyeletsa tiriso efe ya dire tse di seng mo molaong le tiriso e e seng ka fa molaong ya dire; 15
“tlhokomelo ya kwa morago” e kaya tshegetso e e tsweleng ya seporofesene go modirisi wa tirelo morago ga paka ya kalafi e e rulaganeng e fedile go mo kgontsha go tshegetsa tlhaphogelo kgotsa go itima, kgolo ya sebele le go oketsa go itshepa ka esi le go dira go go siameng ga loago; 20
“Bothati jwa Bogareng jwa Seritibatsi” bo kaya Bothati jwa Seritibatsi jwa Bogareng bo bo tlhomilweng ka karolo 53;
“ngwana” o kaya motho yo o kwa tlase ga bogolo jwa dingwaga di le 18;
“tikatikwe ya tlhokomelo ya ngwana le moša” e kaya “tikatikwe ya tlhokomelo ya ngwana le moša”-jaaka e tlhalositswe mo Molaong wa Bana; 25
“Molao wa bana” o kaya Molao wa Bana, 2005 (Molao Nomoro. 38 wa 2005);
“ditirelo tse di ikaegileng ka baagi” di kaya ditirelo tse di tlamelwang go batho ba ba dirisang ka botlhaswa kgotsa ba ikaegile mo direng le go batho ba ba amiwang ke tirisobotlhaswa ya sere fa ba setse mo gare ga malapa a bona le baagi; 30
“Molao wa Tsamaiso ya Bosenyi” o kaya Molao wa Tsamaiso ya Bosenyi, 1977 (Molao Nomoro. 51 wa 1977);
“Lefapha” le kaya Lefapha la Tlhabololo ya Loago mo sedikong sa puso ya bosetšhaba;
“pheapafatso” e kaya tirego e e tlhokometsweng ya kalafi e ka yona go tloswa ka sebele go tswa sereng go laolwang ka tsamaiso ya melemo e e kgethetsweng mong ke ngaka mo tlhomong ya boitekanelo, go tsenyelediwa tikatikwe ya kalafi e e neilweng bothati go tlamela tirelo e e jalo ka fa tlase ga Molao wa Bosetšhaba wa Boitekanelo; 35
“Mokaedi-Kakaretso” o kaya HOD; 40
“ntlwana ya kalafi” e kaya ntlwana ya kalafi ya bosetšhaba kgotsa poraefete e e tlhomilweng kgotsa e kwadisitswe go tlamela tikologo e e tshelang e tlhapogetswe go badirisi ba tirelo ba ba konoseditseng lenaneo la kalafi le le rulagantsweng la tirisobotlhaswa ya sere mme e tlhoka tikologo e e tshelang e e sireleditsweng go ba siamisetsa kopanyo gape go ya mo setšhabeng; 45
“tlhomo ya boitekanelo” e kaya “tlhomo ya boitekanelo” jaaka e tlhalositswe mo go karolo 1 ya Molao wa Bosetšhaba wa Boitekanelo;
“Molao wa Boitekanelo wa Diporofesene” o kaya Molao wa Boitekanelo wa Diporofesene, 1974 (Molao Nomoro. 56 wa 1974);
“HOD”-e kaya tlhogo ya porofense ya lefapha e e ikarabelelang tsweliso ya loago; 50
“Molao wa khudugo” o kaya Molao wa Khudugo, 2002 (Molao Nomoro. 13 wa 2002);
“tirelo ya mo teng ya molwetse” e kaya tirelo ya kalafi ya bonno e e tlamelwang kwa tikatikweng ya kalafi; 55

- “**Immigration Act**” means the Immigration Act, 2002 (Act No. 13 of 2002);
- “**in-patient service**” means a residential treatment service provided at a treatment centre;
- “**involuntary service user**” means a person who has been admitted to a treatment centre upon being— 5
- (a) convicted of an offence and has in addition to or in lieu of any sentence in respect of such offence been committed to a treatment centre or community based treatment service by a court;
- (b) committed to an in-patient treatment centre by way of a court order after such court has held an enquiry; or 10
- (c) transferred from a prison, child and youth care centre, alternative care or health establishment, for treatment of and rehabilitation for substances;
- “**local drug action committee**” means the committee established by the municipality to give effect to the National Drug Master Plan; 15
- “**magistrate**” includes an additional magistrate and assistant magistrate;
- “**management structure**”, in relation to any treatment centre and halfway house, means the management structure of such treatment centre or halfway house established in terms of section 29;
- “**MEC**” means the member of the Executive Council responsible for social development in the province; 20
- “**medical practitioner**” means “medical practitioner” as defined in section 1 of the Health Professions Act;
- “**Mental Health Care Act**” means the Mental Health Care Act, 2002 (Act No. 17 of 2002); 25
- “**mental health care user**” means “mental health care user” as defined in section 1 of the Mental Health Care Act;
- “**mental health practitioner**”, for the purposes of this Act, means a psychiatrist or registered medical practitioner or a nurse, occupational therapist, psychologist or social worker who has been trained to provide psycho-social, mental health care, treatment and rehabilitation services; 30
- “**Mini Drug Master Plan**” means the strategy by national departments, provincial substance abuse forums and local drug action committees that sets out measures to control and reduce the supply of, demand for and harm caused by substances;
- “**Minister**” means the member of Cabinet responsible for social development; 35
- “**National Drug Master Plan**” means the plan referred to section 3(4);
- “**National Health Act**” means the National Health Act, 2003 (Act No. 61 of 2003);
- “**out-patient service**” means a non-residential service provided by a treatment centre or halfway house to persons who abuse substances and to persons affected by substance abuse and which is managed for the purposes of providing a holistic treatment service; 40
- “**persons affected by substance abuse**” means any member of a family or community not abusing or dependent on substances but who requires services related to substance abuse;
- “**police official**” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995); 45
- “**prescribed**” means prescribed by regulation;
- “**private halfway house**” means a halfway house that is privately owned and registered to provide a sober living environment for service users who have completed a formal treatment programme for substance abuse and who require a protected living environment in order to prepare them for reintegration into society; 50
- “**programme**” means activities that give effect to the services defined in this Act;
- “**public halfway house**” means a halfway house that is owned and financed by the government or an organ of state to provide a sober living environment for service users who have completed a formal treatment programme for substance abuse and who require a protected living environment in order to prepare them for reintegration into society; 55

“modirisi wa tirelo e e seng ya boithaopo” o kaya motho yo o amogetsweng kwa tikatikweng ya kalafi mo go:—

- (a) bonweng molato wa tlolomolao mme mo tlaleletsong kgotsa ka ntlha ya kotlhao efe malebana le tlolomolao e e jalo e tlameletswe go tikatikwe ya kalafi kgotsa tirelo ya kalafi e e ikaegileng ka baagi ka kgotlatshekelo; 5
- (b) o tlameletswe kwa tikatikweng ya kalafi ya molwetse wa mo teng ka mokgwa wa taolelo ya kgotlatshekelo morago ga fa kgotlatshekelo e e jalo e tshwere patlisiso; kgotsa
- (c) a sutisitswe go tswa kgolegolong, tikatikweng ya tlhokomelo ya ngwana le moša, tlhokomelo ya thefosano kgotsa tlhomo ya boitekanelo, ya kalafi le tsosoloso mo direng; 10

“komiti ya selegae ya kgato ya seritibatsi” e kaya komiti e e tlhomilweng ke mmasepala go diragatsa kwa Leanong Legolo la Bosetšhaba la Seritibatsi; **“magiseterata”** o tsenyeletsa magiseterata wa tlaleletso le magiseterata wa mothusi; 15

“kagego ya botsamaisi” mo kamanong le tikatikwe ya kalafi efe le ntlwana ya kalafi, ekaya kagego ya botsamaiso jwa tikatikwe ya kalafi e e jalo kgotsa ntlwana ya kalafi go ya ka karolo 29;

“MEC” le kaya leloko la kgotlakuduthamaga le le ikarabelelang tswelotso ya loago mo porofenseng; 20

“ngaka” e kaya “ngaka” jaaka e tlhalosiwa mo go karolo 1 ya Molao wa Boitekanelo wa Diporofesene;

“Molao wa Tlhokomelo ya Boitekanelo jwa Monagano” o kaya Molao wa Tlhokomelo ya Boitekanelo jwa Monagano, 2002 (Molao Nomoro. 17 wa 2002);

“modirisi wa tlhokomelo ya boitekanelo jwa monagano” o kaya modirisi wa tlhokomelo ya boitekanelo jwa monagano- jaaka a tlhalositswe mo go karolo 1 ya Molao wa Tlhokomelo ya Boitekanelo jwa Monagano; 25

“ngaka ya monagano” ya mabaka a Molao o, e kaya mosaekhaeteri kgotsa ngaka e e kwadisitsweng kgotsa mooki, mosupetsakgono ya ditiro, mosaekholoji kgotsa modiredi loago yo o katisitsweng go tlamela monagano-loago, tlhokomelo ya boitekanelo jwa monagano, ditirelo tsa kalafi le tsosoloso; 30

“Leano Legolo la Seribatsi le lennye” le kaya togamaano ya mafapha a bosetšhaba, diforamo tsa porofense tsa tirisobotlhaswa ya sere le dikomiti tsa selegae tsa kgato ya seritibatsi tse di bayang dikgato go laola le go fokotsa tlamelo, tlhokego le kotsi tse di bakwang ke dire; 35

“Tona” o kaya leloko la Kabinete le le ikarabelelang tswelotso ya loago;

“Leano Legolo la Bosetšhaba la Seritibatsi” le kaya leano le le boletswe mo go karolo 3(4);

“Molao wa Bosetšhaba wa Boitekanelo” o kaya Molao wa Bosetšhaba wa Boitekanelo, 2003; 40

“tirelo ya molwetse wa kwa ntle” e kaya tirelo e e seng ya mo bonnong e e tlamelwang ke tikatikwe ya kalafi kgotsa ntlwana ya kalafi go batho ba ba dirisang dire botlhaswa le go batho ba ba amilweng ke tirisobotlhaswa ya dire le e e laolwang ka mabaka a go tlamela tirelo ya kalafi e e feleletseng;

“batho ba ba amilweng ke tirisobotlhaswa ya sere” ba kaya leloko lefe kgotsa baagi ba ba sa diriseng dire botlhaswa kgotsa ba ikaegile ka dire mme ba ba tlhokang ditirelo tse di amanang le tirisobotlhaswa ya sere; 45

“montlhankedi wa sepodisi” o kaya leloko la Tirelo ya Sepodisi sa Aforika Borwa jaaka go tlhalositswe mo go karolo 1 ya Molao, 1995 wa Tirelo ya Sepodisi sa Aforika Borwa (Molao Nomoro 68 wa 1995); 50

“go tlhalosiwa” go kaya go tlhalosiwa ka molawana;

“ntlwana ya kalafi ya poraefete” e kaya ntlwana ya kalafi ya mong ya poraefete e e kwadisitsweng go tlamela tikologo e e tshelang ka tlhaphogelo ya badirisi ba tirelo ba ba feditseng lenaneo la kalafi le le rulagantsweng la tirisobotlhaswa ya sere le ba ba tlhokang tikologo ya go tshela e e sireleditsweng go ba siamisetsa kopanyo gape go ya mo setšhabeng; 55

“lenaneo” le kaya ditiro tse di dirang kwa ditirelong tse di tlhalositsweng mo Molaong o;

“ntlwana ya kalafi ya setšhaba” e kaya ntlwana ya kalafi e e leng ya mong e tlamelwa ka ditšhelete ke puso kgotsa setho sa puso go tlamela tikologo e e tshelang e e tlhapogetsweng ya badirisi ba tirelo ba ba feditseng lenaneo la kalafi le le rulagantsweng la tirisobotlhaswa ya sere le ba ba tlhokang tikologo e e tshelang e e sireleditsweng go ba siamisetsa kopanyo gape go ya mo setšhabeng; 60

- “**private treatment centre**” means a treatment centre that is privately owned and registered for the treatment and rehabilitation of service users who abuse or are dependent on substances;
- “**Provincial Substance Abuse Forum**” means the forum established in terms of section 57 by an MEC in order to give effect to the National Drug Master Plan; 5
- “**public treatment centre**” means an in-patient or out-patient treatment centre that is owned and financed by the government or an organ of state and established for the treatment and rehabilitation of service users who abuse or are dependent on substances;
- “**regulation**” means a regulation made in terms of section 65; 10
- “**rehabilitation**” means a process by which a service user is enabled to reach and maintain his or her own optimal physical, psychological, intellectual, mental, psychiatric or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function;
- “**services**” means prevention, early intervention, treatment, reintegration and after care and any other interventions ; 15
- “**service user**” means a person who is abusing or dependent on substances and who, following assessment, receives services in a treatment centre, halfway house or community based service;
- “**social auxiliary worker**” means a person registered and authorised in terms of the Social Service Professions Act; 20
- “**Social Service Professions Act**” means the Social Service Professions Act, 1978 (Act No. 110 of 1978);
- “**social worker**” means any person registered as a social worker under the Social Service Professions Act; 25
- “**substances**” means chemical, psychoactive substances that are prone to be abused, including tobacco, alcohol, over the counter drugs, prescription drugs and substances defined in the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), or prescribed by the Minister after consultation with the Medicines Control Council established by section 2 of the Medicine and Related Substance Control Act, 1965 (Act No. 101 of 1965), and “**drugs**” in the context of this Act has a similar meaning; 30
- “**supply**” means the production and distribution of illicit substances;
- “**this Act**” includes any regulation;
- “**treatment**” means the provision of specialised social, psychological and medical services to service users and to persons affected by substance abuse with a view to addressing the social and health consequences associated therewith; 35
- “**treatment centre**” means a private or public treatment centre registered or established for the treatment and rehabilitation of service users who abuse or are dependent on substances; 40
- “**voluntary service user**” means any service user who—
- (a) has applied for admission;
- (b) has submitted himself or herself for admission; or
- (c) is a child in respect of whom a parent or guardian has applied for such child’s admission, 45
- at a treatment centre or for any other service and has been admitted to such a treatment centre for skills development, treatment of and rehabilitation for substances;
- “**vulnerable persons**” includes children, youth, older persons, people with disabilities and service users recovering from substance abuse; 50
- “**youth**” means “youth” as defined in section 1 of the National Youth Commission Act, 1996 (Act No. 19 of 1996).

Objects of Act

2. The objects of this Act are to—
- (a) combat substance abuse in a coordinated manner; 55
- (b) provide for the registration and establishment of all programmes and services, including community based services and those provided in treatment centres and halfway houses;

- “**tikatikwe ya kalafi ya poraefete**” e kaya tikatikwe ya kalafi e e leng ya mong ya poraefete le e e kwadiseditsweng kalafi le tsosoloso ya tirelo ya badirisi ba ba dirisang ka botlhaswa kgotsa ba ikaegile mo direng;
- “**Foramo ya tshotlako ya Sere ya Porofense**” e kaya foramo e e tlhomilweng go ya ka karolo 57 ke MEC go neela maatla go Leano Legolo la Bosetšhaba la Seritibatsi. 5
- “**tikatikwe ya kalafi ya setšhaba**” e kaya tikatikwe ya kalafi ya molwetse wa ka fa teng kgotsa molwetse wa kwa ntle e e leng ya puso le go tshegediwa ka ditšhelete ke puso kgotsa setho sa naga le go tlhomelwa kalafi le tsosoloso ya badirisi ba tirelo ba ba dirisang botlhaswa kgotsa ba ikaegile le dire; 10
- “**Molawana**” o kaya molawana o o dirilweng go ya ka karolo 65;
- “**tsosoloso**” e kaya tirego c ka yona badirisi ba tirelo ba kgontshiwang go fitlhelela le go tshegets a maemo a a dirang a a kwa godimo a sebele. saekholoji, botlhale, monagano, saekhactri kgotsa loago, mme e tseyelets a dikgato go busets a ditiro kgotsa go duela tatlhegelo kgotsa go se nne teng ga tiro; 15
- “**ditirelo**” di kaya thibelo, tserganyo ya e sale gale, kalafi, kopanyo gape le tlhokomelo ya kwa morago le ditsereganyo dife tse dingwe;
- “**modirisi wa tirelo**” o kaya motho yo o dirisang botlhaswa kgotsa a ikaegile ka dire mme, go latela tlhatlhobo, a amogela ditirelo mo tikatikwang ya kalafi, ntlwaneng ya kalafi kgotsa tirelo e e ikaegileng ka baagi; 20
- “**modiredi loago wa tlaleletso**” o kaya motho yo o kwadisitsweng le go nna le bothati go ya ka Molao wa Tirelo ya Loago ya Diporofesene;
- “**Molao wa Tirelo ya Loago wa Diporofesene**” o kaya Molao wa Tirelo ya Loago wa Diporofesene, 1978 (Molao Nomoro 110 wa 1978);
- “**modiredi loago**” o kaya motho ofe yo o kwadisitsweng jaaka modirediloago ka fa tlase ga Molao wa Tirelo ya Loago wa Diporofesene; 25
- “**dire**” di kaya dire tsa khemikhale, tsa matlhagathaga a monagano tse tlwaelo di diriswang botlhaswa, go tsenyelediwa motsoko, bojalwa, diritibatsi tsa mo godimo ga khaontara, diritibatsi tse di beilweng le dire tse di tlhalositsweng mo Molaong wa Diritibatsi le go gweba ka Diritibatsi, 1992 (Molao Nomoro 140 wa 1992), kgotsa o beilwe ke Tona morago ga puisano le Khansele ya Taolo ya Melemo e e tlhomilweng ke karolo 2 ya Molao wa Molemo le Taolo ya Sere se se Amanang, 1965 (Molao Nomoro 101 wa 1965), le diritibatsi mo ditennye tsa Molao o di na le bokao bo bo tshwanang; 30
- “**tlamelo**” e kaya tlhagiso le phasalatso ya dire tse di ileditsweng; 35
- “**Molao o**”, o tsenyelets a molawana mongwe le mongwe;
- “**kalafi**” c kaya tshiamelo ya ditirelo tse di kgethegileng tsa loago, saekholoji le bongaka go badirisi ba tirelo le go batho ba ba amilweng ke tirisobotlhaswa ya sere, ka kakanyo go lebelela ditlamorago tsa loago le boitekanelo tse di amanang le tsona; 40
- “**tikatikwe ya kalafi**” e kaya tikatikwe ya poraefete kgotsa setšhaba e e kwadisitsweng kgotsa e tlhometswe kalafi le tsosoloso ya badirisi ba tirelo ba ba dirisang botlhaswa kgotsa ba ikaegile mo direng;
- “**modirisi wa tirelo wa boithapo**” o kaya modiredi wa tirelo ofe yo— 45
- (a) o kopileng kamogelo
- (b) o ikisitseng go amogelwa
- (c) e leng ngwana malebana le yo ka ena motsadi kgotsa motlhokomedi a kopileng kamogelo ya ngwana yo o jalo;
- kwa tikatikweng ya kalafi kgotsa mo tirelong nngwe efc mme a amogetswe kwa tikatikweng ya kalafi e e jalo ya tswelsetso ya dikgono, kalafi le tsosoloso ya dire; 50
- “**batho ba ba mo kotsing**” ba tsenyelets a bana, baša, bagodi, batho ba bogole le badirisi ba tirelo ba ba tsogang go tswa tirisobotlhasweng ya sere;
- “**baša**” ba kaya baša jaaka ba tlhalosiwa mo go karolo 1 ya Molao wa Khomišene ya Bosetšhaba ya Baša, 1996 (Molao Nomoro 19 wa 1966).

Maikemisetso a Molao

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2. Maikemisetso a Molao o ke go:

- (a) thibela tirisobotlhaswa ya sere ka mokgwa o o rulaganeng;
- (b) tlamela kwadiso le tlhomo ya mananeo otlhe le ditirelo, go tsenyelediwa ditirelo tse di ikaegileng ka baagi le bao ba tlametsweng mo ditikatikweng tsa kalafi le dintlwana tsa kalafi;

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- (c) create conditions and procedures for the admission and release of persons to or from treatment centres;
- (d) provide prevention, early intervention, treatment, reintegration and after care services to deter the onset of and mitigate the impact of substance abuse;
- (e) establish a Central Drug Authority to monitor and oversee the implementation of the National Drug Master Plan; 5
- (f) promote a collaborative approach amongst government departments and other stakeholders involved in combating substance abuse; and
- (g) provide for the registration, establishment, deregistration and disestablishment of halfway houses and treatment centres. 10

CHAPTER 2

COMBATING OF SUBSTANCE ABUSE

Interventions to combat substance abuse

3. (1) The Minister and the ministers responsible for the departments and organs of state listed in section 53(2)(a) to (t), must take reasonable measures within the scope of their line functions and available resources to combat substance abuse through the development and coordination of interventions that fall into three broad categories, namely— 15

- (a) demand reduction, which is concerned with services aimed at discouraging the abuse of substances by members of the public; 20
- (b) harm reduction, which for the purposes of this Act is limited to the holistic treatment of service users and their families, and mitigating the social, psychological and health impact of substance abuse; and
- (c) supply reduction, which refers to efforts aimed at stopping the production and distribution of illicit substances and associated crimes through law enforcement strategies as provided for in the applicable laws. 25

(2) The ministers and organs of state contemplated in subsection (1) must adopt a multifaceted and integrated approach to enhance coordination and cooperation in the management of substance abuse and ensure the effective implementation of the National Drug Master Plan . 30

(3) Cabinet must adopt a National Drug Master Plan, containing the national drug strategy and setting out measures to control and manage the supply of and demand for drugs in the Republic.

(4) The Minister must co-ordinate the implementation of the National Drug Master Plan aimed at the combating of substance abuse. 35

CHAPTER 3

STRATEGIES AND PRINCIPLES FOR DEMAND AND HARM REDUCTION

Guiding principles for provision of services

4. All services rendered to service users and to persons affected by substance abuse must be provided in an environment that— 40

- (a) recognises the educational, social, cultural, economic and physical needs of such persons; 40
- (b) ensures and promotes access to information regarding the prevention of substance abuse;
- (c) promotes the prevention of exploitation of such persons; 45
- (d) promotes the respect for the person, human dignity and privacy of service users and persons affected by substance abuse;
- (e) prevents stigmatisation of service users;

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- (c) tlhola maemo le ditsamaiso tsa kamogelo le kgololo ya batho go ya kgotsa go boa ditikatikweng tsa kalafi;
- (d) tlamela thibelo, tseroganyo ya ka bonako, kalafi, kopanyo gape le ditirelo tsa morago ga tlhokomelo go fedisa gotlhelele tlhagelelo le go fokotsa maatla a tirisobotlhaswa ya sere; 5
- (e) tlhoma Bothati jwa Scritihatsi jwa Bogareng go tlhokomela le go bona tiragatso ya Leano Legolo la Bosetšhaba la Seritibatsi;
- (f) godisa tlhagiso e e kopanetsweng magareng ga mafapha a puso le bannaleseabe ba bangwe ba ba amegang mo go thibeleng tirisobotlhaswa ya sere; le 10
- (g) tlamelela kwadiso, tlhomo, kwalololo le tlhomololo ya dintlwana tsa kalafi le ditikatikwe tsa kalafi.

KGAOLO 2**GO FEDISA GOTLHELELE TIRISOBOTLHASWA YA SERE****Ditsereganyo tsa go fedisa gotlhelele tirisobotlhaswa ya sere** 15

3. (1) Tona le ditona tse di ikarabelelang mafapha le ditho tsa naga tse di naneofaditsweng mo go karolo 53(2)(a) go ya (t), ba tshwanetse go tsaya dikgato tse di utlwalang mo teng go boalo jwa ditiro tsa mola wa bona le metswedi e e leng teng go fedisa gotlhelele tiriso botlhaswa ya sere ka tswelletso le thulaganyo ya ditsereganyo tse di welang mo ditlhopheng tse di sephara tse tharo e bong— 20

- (a) phokotsego ya tlhokego, e e tshwenyegileng ka ditirelo tse di lebileng kwa go nyemiseng moko tiriso e e botlhaswa ya dire ka maloko a setšhaba;
- (b) phokotsego ya kotsi, e ka mabaka a Molao o e lekanyediwang kwa kalafing ya bogotlhe ya badirisi ba tirelo le malapa a bona, le go fedisa gotlhelele maatla a loago, saekholoji le boitekanelo tsa tirisobotlhaswa ya sere; le 25
- (c) phokotsego ya tlamelo, e e lebisitseng go matsapa a a ikaeletseng a go emisa tlhagiso le phasalatso ya dire tse di ileditsweng le bosenyi bo bo golaganeng ka ditogamaano tsa tiragatso ya molao jaaka e tlamelelwa mo melaong e e maleba.

(2) Ditona le ditho tsa naga tse di tshisinnwang mo go karotlalaletso (1) di tshwanetse go tsaya tlhagiso ya homefutafuta le e c kopaneng go oketsa thulaganyo le tisanommogo mo botsamaising jwa tiriso botlhaswa ya sere le go tlhomamisa tiragatso e e nonofileng ya Leano Legolo la Bosetšhaba la Seritibatsi. 30

(3) Kabinete e tshwanetse go tsaya Leano Legolo la Bosetšhaba la Seritibatsi le le tshotseng togamaano ya Bosetšhaba ya Seritibatsi le go baya dikgato go laola tlamelo le tlhokego ya diritibatsi mo Rephableking. 35

(4) Tona o tshwanete go rulaganya tiragatso ya Leano le Legolo la Bosetšhaba la Seritibatsi le le ikaeletseng go fedisa gotlhelele tiriso botlhaswa ya sere.

KGAOLO 3**DITOGAMAANO LE DITHEO TSA TLHOKEGO LE PHOKOTSEGO YA KOTSI** 40**Ditheo tsa kaelo ya tshiamelo ya ditirelo**

(4) Ditirelo tsotlhe tse di diretsweng badirisi ba tirelo le go batho ba ba amilweng ke tirisobotlhaswa ya sere di tshwanetse go tlamelelwa mo tikologong e e—

- (a) lemogang ditlhokego tsa thuto, setso, ikononi le ditlhokego tsa sebele tsa batho ba ba jalo; tlhomamisang le go godisa phitlhelelo go tshedimosetsong malebana le thibelo ya tirisobotlhaswa ya sere; 45
- (b) tlhomamisang le go godisa phitlhelelo go tshedimosetso malebana le thibelo ya tirisobotlhaswa ya sere;
- (c) godisang thibelo ya tshotlako ya batho ba ba jalo; 50
- (d) godisang tlotlo ya motho, seriti sa motho le bosephiri jwa badirisi ba tirelo le batho ba ba amiwang ke tiriso botlhaswa ya sere;
- (e) thibelang go tlhoma setikima go badirisi ba tirelo;

- (f) promotes the participation of service users and persons affected by substance abuse in decision making processes regarding their needs and requirements;
- (g) recognises the special needs of people with disabilities;
- (h) ensures that services are available and accessible to all service users, including women, children, older persons and persons with disabilities without any preference or discrimination; 5
- (i) ensures that service users are accepted as human beings in need of help and with the potential to change;
- (j) coordinates the educational needs of children with the relevant education department; 10
- (k) strives to render effective, efficient, relevant, prompt and sustainable services;
- (l) respects the confidentiality of the information relating to the treatment and rehabilitation of service users and persons affected by substance abuse;
- (m) respects the right of service users and persons affected by substance abuse to give written consent to participate in any research related to their treatment and rehabilitation; and 15
- (n) ensures that services are appropriate to the ages of children and youth.

Intersectoral strategies for reducing demand and harm caused by substance abuse

5. (1) The Minister must, together with the National Youth Commission and the Ministers of Finance, Education, Health, Justice and Constitutional Development, Arts and Culture, Sports and Recreation, Local and Provincial Government, Correctional Services and Safety and Security, develop and implement comprehensive intersectoral strategies aimed at reducing the demand and harm caused by substance abuse. 20

(2) These strategies must include four categories of services, namely—

- (a) prevention that provides for— 25
 - (i) measures aimed at skills development for individuals, families and communities to enable them to enjoy a better quality of life;
 - (ii) anticipatory actions to reduce the likelihood of undesirable conditions which may expose people to substance abuse, including information, communication and education of members of the public about the risks associated with substance abuse; 30
 - (iii) proactive measures targeting individuals, families and communities to avoid the abuse of substances and to prevent persons from moving into higher levels of substance abuse; and
 - (iv) the creation of opportunities for and promotion of healthy lifestyles; 35
- (b) early intervention that provides for—
 - (i) the identification of risky behaviour that is associated with and predisposes people to substance abuse;
 - (ii) the detection of conditions such as poverty and other environmental factors that contribute to crime and the abuse of substances; 40
 - (iii) diversion of service users to programmes that promote alternative lifestyles;
 - (iv) programmes to interrupt progression of the abuse of substances, such as recreational drug use, to the higher levels of dependence through skills development and developmental socio-therapeutic interventions; and 45
 - (v) referral to treatment programmes, where appropriate, to reduce the social, health and economic consequences for service users;
- (c) treatment that provides for—
 - (i) medical interventions that address the physiological and psychiatric needs of the service user; 50
 - (ii) psycho-social programmes that address the relationships, emotions, feelings, attitudes, beliefs, thoughts and behaviour patterns of service users;
 - (iii) provision of interventions that target the environmental factors in the space of the service user, including the family and community; and 55

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- (f) godisang botsayakarolo jwa badirisi ba tirelo le batho ba ba amilweng ke tirisobotlhaswa ya sere mo ditiregong tsa go tsaya tshwetso malebana le ditlhokego tsa bona;
- (g) lemogang ditlhokego tse di kgethegileng tsa batho ba bogole;
- (h) tlhomamisang gore ditirelo di teng le go fitlhelega go badirisi ba tirelo botlhe, go tsenyelediwa basadi, bana, bagodi le batho ba bogole ntle le boitlhophelo kgotsa kgethololo; 5
- (i) tlhomamisang gore badirisi ba tirelo ba amogelwa jaaka batho ba ba tlhokang thuso ba na le bokgoni jwa go fetola;
- (j) rulaganyang ditlhokego tsa thuto tsa bana le lefapha la thuto le le maleba; 10
- (k) lekang go neelana ka ditirelo tse di dirang tse di nonofileng, tse di maleba, tsa mo nakong le ditirelo tse di tsweleng;
- (l) tlotlang boscphiri jwa tshedimosetso e e amanang le kalafi le tsosoloso ya badirisi ba tirelo le batho ba ba amilweng ke tirisobotlhaswa ya sere;
- (m) tlotlang tshwanelo ya badirisi ba tirelo le batho ba ba amilweng ke tirisobotlhaswa ya sere go neela tetla e e kwadilweng go tsaya karolo mo patlisisong efe e e amanang le kalafi le tsosoloso; le 15
- (n) tlhomamisang gore ditirelo di maleba kwa bogolong jwa bana le baša.

Ditogamaano tsa go kgabaganya lephata tsa go fokotsa tlhokego le kotsi ya tirisobotlhaswa ya sere 20

5. (1) Tona o tshwanetse, mmogo le Khomišene ya Bosetšhaba ya Baša le Ditona tsa Ditšhelete, Thuto, Boitckanelo; Bosiamisi le Tswelotso ya Molaotheo, Botsheretsi le Setso, Metshameko le Boitapoloso, Puso ya Selegae le Porofense, Ditirelo tsa kgopolo le Pabalesego le Tshireletso, go tswelotso le go diragatsa ditogamaano tsa go kgabaganya lephata tse di feleletseng tse di lebisitsweng kwa go fokotseng tlhokego le kotsi e e bakwang ke tirisobotlhaswa ya sere. 25

(2) Ditogamaano tse di tshwanetse go tsenyeletsa ditlhopha tse nne tsa ditirelo, e bong:

- (a) Thibelo e e tlamelelang—
- (i) dikgato tse di ikaeletseng tswelotso ya dikgono tsa batho, malapa le baagi go ba kgontsha go itumelela boleng bo bo botoka jwa botshelo; 30
- (ii) dikgato tse di solofetsweng go fokotsa kgonagalo ya maemo a a sa eletsegeng a a ka tlhagisetsang batho kwa tirisong botlhaswa ya sere, go tsenyeletsa tshedimosetso, tlhaeletsano le thuto ya maloko a setšhaba ka dikotsi tse di amanang le tirisobotlhaswa ya sere; 35
- (iii) dikgato tsa kwa pele tse di lebileng batho, malapa le baagi go efoga tirisobotlhaswa ya dire le go fedisa gotlhelele batho mo go tseneng kwa maemong a a godingwana a tirisobotlhaswa ya sere; le
- (iv) go tlhologa ga ditšhono tsa kgodiso le mefuta ya botshelo e e itekanetseng; 40
- (b) Tsereganyo ya ka bonako e tlamelela—
- (i) temogo ya maitsholo a a kotsi a a golaganngwang le go latlhela kwa pele batho kwa tiriso botlhasweng ya sere;
- (ii) temogo ya maemo jaaka lehuma le mabaka a mangwe a tikologo a a tlhotlheletsang bosenyi le tirisobotlhaswa ya dire; 45
- (iii) phapogelo ya badirisi ba tirelo go mananeo a a godisang mefuta ya matshelo a thefosano;
- (iv) mananeo go kgaoletsa tswelotso ya tiriso botlhaswa ya dire, jaaka tiriso ya seritibatsi ya boitapoloso, go ya maemong a a kwa godimo a go ikaega ka dikgono tsa tswelotso le ditsereganyo tsa tswelotso ya loago-phodiso; le 50
- (v) thomelo kwa manancong a kalafi, fa go leng maleba, go fokotsa ditlamorago tsa loago, boitekanelo le ikonomi tsa badirisi ba tirelo;
- (c) Kalafi e e tlamelelang—
- (i) ditsereganyo tsa kalafi tse di lebelelang ditlhokego tsa saekholoji le saekhaeteri ya modirisi wa tirelo; 55
- (ii) mananeo a saeko-loago a a lebelelang dikamano, maikutlo, maitshwaro, ditumelo, dikakanyo le dipaterone tsa boitshwaro tsa badirisi ba tirelo;
- (iii) tshiamelo ya ditsereganyo tse di lebeleletseng mabaka a tikologo mo lefelong la modirisi wa tirelo, go tsenyelediwa lelapa le baagi, le 60

- (iv) the preparation of service users for reintegration into society through developmental programmes, including skills development; and
 - (d) aftercare and reintegration that provide for—
 - (i) the integration of people who have undergone the formal treatment episode into their families and communities; 5
 - (ii) individuals to be equipped with additional skills to maintain their treatment gains, sobriety and avoid relapse;
 - (iii) the establishment of mutual support groups to enhance their self-reliance and optimal social functioning; and
 - (iv) the link between service users and resources for their further development and well being. 10
- (3) The Minister must, after consultation with the ministers and organs of state referred to in subsection (1), develop and implement comprehensive intersectoral strategies for treatment services contemplated in subsection (2)(c).

Development of and compliance with minimum norms and standards 15

6. (1) The Minister must, after consultation with the relevant ministers and by notice in the *Gazette*, prescribe minimum norms and standards—
- (a) for programmes that give effect to prevention and early intervention services;
 - (b) relating to the protection of children and service users in treatment centres and halfway houses; 20
 - (c) for the registration and management of community-based services;
 - (d) for the establishment, management, monitoring and assessment of halfway houses and treatment centres;
 - (e) for the registration, monitoring and evaluation of out-patient services; and
 - (f) for the establishment of the monitoring and evaluation of reintegration programmes and services. 25
- (2) Any treatment centre, halfway house or person that intends to manage or is managing any treatment, rehabilitation, skills development, prevention, intervention, aftercare or reintegration programmes for substance abuse must comply with the applicable minimum norms and standards contemplated in this section. 30
- (3) No person may be involved in the treatment, rehabilitation and skills development of people abusing substances or affected by substance abuse unless such person has completed an accredited training.
- (4) The accreditation contemplated in subsection (3) must be provided in terms of the South African Qualification Authority Act, 1995 (Act No. 58 of 1995). 35

Support for services delivered by service providers

7. (1) The Minister may—
- (a) from funds appropriated by Parliament for that purpose, provide financial assistance to service providers that provide services in relation to substance abuse; 40
 - (b) for the purposes of paragraph (a) prioritise certain needs of and services for persons affected by substance abuse;
 - (c) in the prescribed manner, enter into contracts with service providers to ensure that the services contemplated in paragraph (b) are provided; and
 - (d) provide assistance to persons who establish substance abuse services. 45
- (2) The Minister must—
- (a) prescribe conditions for the receiving of financial assistance referred to in subsection (1)(a), including accounting and compliance measures;
 - (b) prescribe remedies for failure to comply with the conditions contemplated in paragraph (a); 50
 - (c) establish and maintain a register of all assets bought by service providers with Government funds; and
 - (d) prescribe conditions for the management and disposal of assets contemplated in paragraph (c).

- (iv) tshiamiso ya badirisi ba tirelo go busediwa gape mo setšhabeng ka mananeo a tsewetso, go tsenyelediwa tsewetso ya dikgono; le
- (d) Tlhokomelo ya morago le pusetso gape tse di tlamelelang—
- (i) kopanyo ya batho ba ba tsenetseng tiragalo ya kalafi e e rulagantweng go ya mo malapeng a bona le baagi; 5
- (ii) batho go tlamelelwa ka dikgono tsa tlaleletso go tshegetsa dipoelo tsa kalafi, tlhapogelo le go efoa go boela;
- (iii) tlhomo ya dithopha tsa tshegetso ya kopanelo go godisa go itshepa ga bona le go dira ga loago go go kwa godimo; le
- (iv) kgolagano magareng ga badirisi ba tirelo le metswedi ya go tswela go ya pele ga bona le boleng bo bo siameng. 10
- (3) Tona o tshwanetse, morago ga puisano le ditona le ditho tsa naga tse di boletsweng mo go karolotlaleletso (1), go tsewetso le go diragatsa ditogamaano tse di feleletseng tsa go kgabaganya lephata la ditirelo tsa kalafi tse di tshisinnwang mo go karolotlaleletso (2)(c). 15

Tsewetso le tsamaelano ka bonnye jwa ditlwaelo le boemo

6. (1) Tona o tshwanetse morago ga puisano le ditona tse di maleba le ka kitsiso mo kaseteng, a tlhagise bonnye ditlwaelo le boemo—
- (a) tsa mananeo a a dirang mo thibelong le ditirelo tsa bonako tsa tsereganyo; 20
- (b) tse di amanang le tshireletso ya bana le badirisi ba tirelo mo ditikatikweng tsa kalafi le dintlwana tsa kalafi;
- (c) tsa kwadiso le botsamaisi jwa ditirelo tse di ikaegileng ka baagi;
- (d) tsa tlhomo, botsamaisi, go tlhokomela le tshekatsheko ya dintlwana tsa kalafi le ditikatikwe tsa kalafi;
- (e) tsa kwadiso, go tlhokomela le tshekatsheko ya ditirelo tsa molwetse wa kwa ntle; le 25
- (f) tsa tlhomo ya go tlhokomela le tshekatsheko ya mananeo a pusetso gape le ditirelo.
- (2) tikatikwe efe ya kalafi, ntlwana ya kalafi kgotsa motho yo o ikaelelang go tsamaisa kgotsa a tsamaisa kalafi efe, tsosoloso, tsewetso ya dikgono, thibelo, tsereganyo, tlhokomelo ya kwa morago kgotsa mananeo a pusetso gape a tirisobotlhaswa ya sere a tshwanetse go tsamaelana bonnye le ditlwaelo le boemo tse di maleba tse di tshisinnwang mo karolong e. 30
- (3) go se nne motho yo o ka amegang mo kalafing, tsosolosong le tsewetso ya dikgono tsa batho ba ba dirisang dire botlhaswa kgotsa ba amilwe ke tirisobotlhaswa ya sere ntle le fa motho yoo a konoseditse katiso e e amogetsweng. 35
- (4) kamogelo e e tshisinnwang mo go karolotlaleletso (3) e tshwanetse go tlamelelwa go ya ka Molao wa Bothati jwa Borutegi wa Aforika Borwa, 1995 (Molao Nomoro 58 wa 1995).

Tshegetso ya ditirelo tse di tlamelwang ke batlamedi ba tirelo 40

7. (1) Tona a ka—
- (a) re go tswa matlotlong a a abilweng ke Palamente ka lebaka le, a tlamela thuso ya ditšhelete tse batlamedi ba tirelo malebana le tirisobotlhaswa ya sere;
- (b) re ka mabaka a temana (a) a isa kwa pele ditlhokego dingwe le ditirelo tsa batho ba ba amilweng ke tirisobotlhaswa ya sere; 45
- (c) re mo mokgweng o o tlhalositsweng, a tsena mo dikonterakeng le batlamedi ba tirelo go tlhomamisa gore ditirelo tse di tshisinnwang mo go temana (b) di a tlamelwa; le
- (d) tlamela thuso go batho ba ba tlhomang ditirelo tsa tirisobotlhaswa ya sere.
- (2) Tona o tshwanetse— 50
- (a) go tlhalosa maemo a go amogela thuso ya ditšhelete e e bolelwang mo go karolo tlaleletso (1)(a), go tsenyelediwa boikarabelo le dikgato tsa tsamaelano;
- (b) go tlhalosa dikotlhao tsa go palelwa go tsamaelana le maemo a a tshisinnwang mo go temana (a); 55
- (c) go tlhoma le go tshegetsa kwadiso ya dithoto tsotlhe tse di rekilweng ke batlamedi ba tirelo le matlotlo a Puso; le
- (d) go tlhalosa maemo a botsamaisi le go abiwa ga dithoto tse di tshisinnwang mo go temana (c).

(3) Service providers who procure any immovable property with the funds appropriated in terms of subsection (1) must ensure that the Registrar of Deeds makes the necessary entries in the title deed indicating the state ownership of such property.

CHAPTER 4

PREVENTION AND EARLY INTERVENTION SERVICES

5

Programmes for prevention of substance abuse

8. (1) The Minister must, in consultation with the National Youth Commission, South African Police Services and the Ministers of Education, Health, Justice and Constitutional Development, Arts and Culture, Provincial and Local Government, Correctional Services and Sports and Recreation, facilitate the establishment of integrated programmes for the prevention of substance abuse. 10

(2) The programmes contemplated in subsection (1) may include elements which—

- (a) address the values, perceptions, expectations and beliefs that a community associates with substances; and
- (b) develop the personal and social skills of people, especially children and youth, to increase their capacity to make informed and healthy choices. 15

Purpose of providing prevention programmes

9. (1) The purpose of prevention programmes is to prevent a person from using or continuing to use substances that may lead to abuse or result in dependence. 20

(2) Prevention programmes must focus on—

- (a) preserving the family structure of the persons affected by substance abuse and those who are dependent on substances; 20
- (b) developing appropriate parenting skills for families at risk;
- (c) creating awareness and educating the public on the dangers and consequences of substance abuse; 25
- (d) engaging young people in sports, arts and recreational activities and ensuring the productive and constructive use of leisure time;
- (e) peer education programmes for youth;
- (f) enabling parents and families to recognise the early warning signs with regard to substance use and equipping them with information on appropriate responses and available services; and 30
- (g) empowering communities to understand and to be proactive in dealing with challenges related to substance abuse, and its link to crime, HIV and AIDS and other health conditions.

Establishment and purpose of programmes for early intervention

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10. (1) The Minister must, in consultation with the ministers and organs of state referred to in section 8(1) facilitate the establishment of programmes for early intervention.

(2) The purpose of programmes for early intervention is to identify and treat potentially harmful substance use prior to the onset of overt symptoms associated with dependency on substances. 40

(3) Programmes for early intervention must give effect to section 2(b).

(4) Programmes for early intervention must focus on—

- (a) identification of individuals, families and communities at risk;
- (b) screening for problematic substance use to facilitate early detection and appropriate interventions; 45
- (c) enabling affected persons to recognise the warning signals of substance abuse and conditions related thereto;
- (d) providing families and communities with information to enable them to access resources and professional help; 50

(3) Batlamedi ba tirelo ba ba senkang thoto e e sa suteng ka matlotlo a a ntshitsweng go ya ka karolotlaleletso (1) ba tshwanetse go tlhomamisa gore Mokwadisi wa Mafatshe o dira mekwalo e e tlhokegang mo lokwalong lwa mafatshe a bontsha go nna ga thoto e e jalo ya naga.

KGAOLO 4

5

THIBELO LE DITIRELO TSA TSEREGANYO YA BONAKO

Mananeo a go fedisa gotlhelele tirisobotlhaswa ya sere

8. (1) Tona o tshwanetse, ka puisano le Khomišene ya Bosetšhaba ya Baša, Ditirelo tsa Sepodisi sa Aforika Borwa le Ditona tsa Thuto, Boitekanelo, Bosiamisi le Tsweletso yo Molaotheo, Botsheretsi le Setso, Puso Ya Porofense le Loago, Ditirelo tsa Kgopololo le Metshameko le Boitapoloso, a rotloetse tlhomo ya mananeo a a tshwaraganeng go fedisa gotlhelele tirisobotlhaswa ya sere. 10

(2) Mananeo a a tshisingwang mo go karolotlaleletso (1) a ka tsenyeletsa dielemente tse—

- (a) di lebelelang boleng, dikgopolo, ditsholofelo le ditumelo tse baagi ba di golaganyang le dire; le 15
- (b) di tsweletsang dikgono tsa sebele le loago tsa batho, segolo bana le baša, go oketsa bokgoni jwa bona go tsaya ditshwetso tse di sedimoseditsweng le tse di itekanetseng.

Maikaelelo a go tlamela mananeo a thibelo

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9. (1) Maikaelelo a mananeo a thibelo ke go fedisa gotlhelele motho mo go diriseng kgotsa go tsweleleng go dirisa dire tse di a isang kwa tirisobotlhasweng kgotsa go isa mo incelong.

(2) Mananeo a thibelo a tshwanetse go tsepama mo—

- (a) go somareleng kagego ya lelapa la batho ba ba amilweng ke tirisobotlhaswa ya sere le bao ba ikaegileng mo direng; 25
- (b) go tsweletseng dikgono tsa botsadi tse di maleba tsa malapa a a mo kotsing;
- (c) go tlhola tlhokomediso le go ruta setšhaba ka dikotsi le ditlamorago tsa tirisobotlhaswa ya sere;
- (d) go tsenyeletsa batho ba baša mo metshamekong, ditirong tsa Botsheretsi le boitapoloso le go tlhomamisa tiriso e e ungwang le e e agang ya nako ya boitapoloso; 30
- (e) mananeo a thuto a a bokoa a baša;
- (f) go kgontsha batsadi le malapa go lemoga matshwao a kgalemo a ka pele malebana le tiriso ya sere le go ba tlhatlhelela ka tshedimosetso mo ditsibogong tse di maleba le ditirelo tse di leng teng; le 35
- (g) go maatlafatsa baagi go thaloganya le go nna matlhagathaga mo go mckamekaneng le dikgwetlho tse di amanang le tirisobotlhaswa ya sere, le kgolagano ya sona le bosenyi, HIV le AIDS le maemo a mangwe a boitekanelo. 40

Tlhomo le maikaelelo a mananeo a tsereganyo a bonako

10. (1) Tona o tshwanetse, mo puisanong le ditona le ditho tsa naga se di supelwang mo go karolo 8(1) a rotloetse tlhomo ya mananeo a tsereganyo ya ka bonako.

(2) Maikaelelo a mananeo a tsereganyo ya bonako ke go lemoga le go alafa tiriso ya sere se se nang le bokgoni bo bo kotsi pele ga tshimologo ya matshwao a a iponatsang a a golagangwang le go ikaega mo direng. 45

(3) Mananeo a tsereganyo ya bonako a tshwanetse go diragatsa go karolo 2(b).

(4) Mananeo a tsereganyo ya bonako a tshwanetse go tsepamisa mo—

- (a) temogong ya batho, malapa le baagi mo kotsing;
- (b) tlhotlhomiso ya tiriso ya sere e e tshwenyang go rotloetsa temogo ya ka bonako le ditsereganyo tse di maleba; 50
- (c) go kgontsha batho ba ba amegileng go lemoga matshwao a kgalemo a tirisobotlhaswa le maemo a a amanang le seo;
- (d) go tlamela malapa le baagi ka tshedimosetso go ba kgontsha go fitlhelela metswedi le thuso ya porofesenale; 55

- (e) involving and promoting the participation of children, youth, parents and families, in identifying and seeking solutions to their problems;
- (f) promoting appropriate interpersonal relationships within the family of the affected persons;
- (g) promoting the well-being of the service user and the realisation of his or her full potential; 5
- (h) sensitising users and their families about the link between substance abuse, crime, HIV and AIDS and other health conditions;
- (i) promoting the diversion of children and other users away from the criminal justice system; and 10
- (j) skills development and economic empowerment of users and persons affected by substance abuse.

Provision of prevention and early intervention services by various stakeholders

11. (1) The Minister must, in consultation with the ministers and organs of state referred to in section 8(1), facilitate the establishment of the types of prevention and early intervention services and the manner in which such services must be provided in order to prevent substance abuse. 15

(2) Prevention and early intervention services provided by an organ of state or any service provider only qualify for financial assistance in terms of section 7 if those services comply with the minimum norms and standards contemplated in section 6. 20

(3) A service provider involved in the provision of early intervention services may not refuse to provide treatment to a person using substances if such refusal may result in serious harm to such person.

CHAPTER 5

COMMUNITY-BASED SERVICES 25

Guidelines for community-based services

12. (1) The Minister, in consultation with the National Youth Commission, South African Police Services and Ministers of Education, Arts and Culture, Health, Provincial and Local Government, Correctional Services and Sports and Recreation, must develop guidelines for the establishment of community based services. 30

(2) The Minister, in consultation with the ministers and organs of state referred to in subsection (1), must prescribe—

- (a) national norms and standards for community based services; and
- (b) the type of community-based services and the manner in which such services must be provided. 35

(3) The MEC may, in consultation with the relevant provincial departments, develop an integrated provincial strategy for community based services.

(4) The MEC may, in consultation with the members of the Executive Council responsible for Health, Education, Sports and Recreation, Safety and Security and Local Government in the province in question and from moneys appropriated by the provincial legislature for that purpose, fund community based services for the province. 40

(5) Community based services rendered by non-governmental organisations may qualify for funding from money appropriated by the provincial legislature if they comply with the registration requirements contemplated in subsection (2).

(6) The community based strategy must target children and youth whether in and out of school, people with disabilities, older persons, families and communities in both rural and urban areas. 45

(7) Community structures must be involved and participate in the rendering of community based services.

Establishment and provision of community-based services 50

13. (1) The MEC, after consultation with the departments referred to in section 12(4) and local municipalities, must facilitate the establishment of community-based services with special emphasis on under-serviced areas.

MOLAO WA THIBELO LE KALAFI YA
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- (e) go akaretsa le go godisa botsayakarolo jwa bana, baša, batsadi le malapa, mo go lemogeng le go balleng ditharabololo go mathata a bona;
- (f) go godisa dikamano tse di maleba tsa sebele magareng ga malapa a batho ba ba amegileng;
- (g) go godisa boleng bo bo siameng jwa modirisi wa tirelo le temogo ya bokgoni ho ho tletseng jwa gagwe; 5
- (h) go tsibosa badiri le malapa a bona ka kgo lagano magareng ga tirisobotlhaswa ya sere, bosenyi, HIV le AIDS le maemo a mangwe a boitekanelo;
- (i) go godisa go faposa bana le badirisi ba bangwe kgakala le mokgwa wa tshiamiso; le 10
- (j) go tsweletsa dikgono le maatlafatso ya ikonomi ya badirisi le batho ba ba amilweng ke tirisobotlhaswa ya sere.

Tshiamelo ya thibelo le ditirelo tsa tsereganyo tsa bonako ka bannalescabe ba ba farologaneng

11. (1) Tona o tshwanetse, mo puisanong le ditona le ditho tsa naga tse di bolelwang mo go karolo 8(1), a rotloetse tlhomo ya mefuta ya thibelo le ditirelo tsa tsereganyo tsa bonako le mokgwa o ditirelo tseo di tshwanetseng go tlamelwa go fedisa gotlhelele tirisobotlhaswa ya sere. 15

(2) Thibelo ya ditirelo tsa tsereganyo tsa bonako tse di tlamelwang ke setho sa naga kgotsa motlamela tirelo ofe fela o dumcelwa thuso ya ditšhelete go ya ka karolo 7 fa ditirelo tseo di tsamaelanang le bonnye ditlwaelo le boemo tse di tshisingwang mo go karolo 6. 20

(3) Motlamedi wa tirelo yo o amegang mo tlamelong ya ditirelo tsa tsereganyo tsa bonako ga a tshwanela go gana go tlamela kalafi kwa mothong yo o dirisang sere fa kgano e e jalo e ka isa kwa kotsing e e masisi go motho yo o jalo. 25

KGAOLO 5**DITIRELO TSE DI IKAEGILENG KA BAAGI****Dikaedi tsa ditirelo tse di ikaegileng ka baagi**

12. (1) Tona, mo puisanong le Khomišene ya Bosetšhaba ya Baša, Ditirelo tsa Sepodisi sa Aforika Borwa le Ditona tsa Thuto, Botsheretsi le Setso, Boitekanelo, Diporofense le Pusoselegae, Ditirelo tsa Kgopololo le Metshameko le Boitapoloso, di tshwanetse go tsweletsa dikaedi tsa tlhomo ya ditirelo tse di ikaegileng ka baagi. 30

(2) Tona, mo puisanong le ditona le ditho tsa naga tse di boletsweng mo go karolotlaleletso (1), o tshwanetse go tlhalosa—

- (a) ditlwaelo le boemo tsa bosetšhaba tsa ditirelo tse di ikaegileng ka baagi; le 35
- (b) mofuta wa ditirelo tse di ikaegileng ka baagi le mokgwa o ditirelo tse di jalo di tshwanetseng go tlamelwa.

(3) MEC a ka re, mo puisanong le mafapha a porofense a a maleba, a tsweletsa togamaano ya porofense e e tshwaraganeng ya ditirelo tse di ikaegileng ka baagi.

(4) MEC a ka re, mo puisanong le maloko a lekgotlakhuduthamaga e e ikarabelelang Boitekanelo, Thuto, Metshameko le Boitapoloso, Pabalesego le Tshireletso le Puso ya Selegae mo porofenseng e e amegang le go tswa mading a a ntshitsweng ke peomolao ya porofense ka mabaka ao, a duelele ditirelo tse di ikaegileng ka baagi tsa porofense. 40

(5) Ditirelo tse di ikaegileng ka baagi tse di abiwang ke mekgatlo e e seng ya puso di ka dumelwa go bona ditšhelete tse di abilweng ke peomolao ya porofense fa ba tsamaelana le ditlhokego tsa kwadiso tse di tshisintsweng mo go karolotlaleletso (2). 45

(6) Togamaano e e ikaegileng ka baagi e tshwanetse go tsepama mo baneng le baša ha le mo sekolong kgotsa kwa ntle, batho ba bogole, bagodi, malapa le baagi mo mafelong ka bobedi a magae le diteropo.

(7) Dikagego tsa baagi di tshwanetse go amega le go tsaya karolo mo go neclaneng ka ditirelo tse di ikaegileng ka baagi. 50

Tlhomo le tlamelo ya ditirelo tse di ikaegileng ka baagi

13. (1) MEC, morago ga puisano le mafapha a a boletsweng mo go karolo 12(4) le bommasepala ba selegae, ba tshwanetse go tlhoma ditirelo tse di ikaegileng ka baagi ka kgatelelo e e kgethegileng mo mafelong a a sa direlwang sentle. 55

(2) The MEC, in collaboration with the relevant departments contemplated in subsection (1) and with local municipalities, may provide or fund community-based services from moneys appropriated by the provincial legislature for that purpose.

(3) Community-based services contemplated in subsection (1) must—

- (a) be managed and maintained in accordance with this Act; and 5
- (b) comply with the prescribed norms and standards contemplated in section 6(1) and such other requirements as may be prescribed.

(4) Community-based services must—

- (a) include community-based treatment programmes subject to sections 33, 36 and 39; 10
- (b) establish or utilise existing facilities and infrastructure, including primary health care centres to provide integrated community based treatment programmes;
- (c) consist of a multidisciplinary team consisting of a social worker, professional nurse and any other mental health practitioner registered with the relevant statutory body; 15
- (d) provide professional and lay support within the home environment;
- (e) establish recreational, cultural and sports activities to divert young people from substance abuse; and
- (f) provide for support groups for service users and those affected by substance abuse. 20

Registration of community-based services

14. (1) No person may provide community-based services unless the services are registered in terms of this section.

(2) Any person who wishes to provide a community-based service must apply to the HOD for the registration of such service. 25

(3) The Minister must, in consultation with the ministers and organs of state referred to in section 12(1), prescribe conditions for the registration of community-based services, including application for registration, approval of registration, temporary registration, withdrawal and termination of registration. 30

(4) Registration granted in terms of this section is not transferable to another person.

(5) If the provider of a service for any reason intends to stop providing the service, the provider must, prior to stopping the service in question—

- (a) notify the HOD of the intention and the implications of such stoppage for the affected persons; 35
- (b) inform the persons affected of the intended stoppage of the service; and
- (c) take reasonable steps to ensure that the persons benefiting from the service are not adversely affected or put at risk and, where appropriate, are referred to a person providing similar services.

(6) A person who renders a community-based service that has not been registered in terms of this section is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 40

Management structure of community-based services

15. (1) Management structures must be established for each community-based service. 45

(2) The Minister may prescribe guidelines for the—

- (a) functioning and composition of management structures;
- (b) election, appointment, qualification, terms of office and grounds for removal from office of members of the structure; and 50
- (c) number of and procedure at meetings of a management structure.

(3) The management structure established in terms of subsection (1) must ensure that—

- (a) it provides quality service;
- (b) it creates opportunities for training of staff; 55

(2) MEC, ka tirisanommogo le mafapha a a maleba a a tshisintsweng mo go karolotlaleletso (1) le bommasepala ba selegae, ba ka tlamela kgotsa ba tshegetsa ka madi ditirelo tse di ikaegileng ka baagi go tswa mading a a abilweng ke peomolao ya porofense ka mabaka ao.

(3) Ditirelo tse di ikaegileng ka baagi tse di tshisinnwang mo go karolotlaleletso (1) di tshwanetse—

- (a) go laolwa le go tshagediwa go ya ka Molao o; le
- (b) go tsamaelana le ditlwaelo le boemo tse di tshisintsweng mo go karolo 6(1) le ditlhokego tse dingwe tse di jalo jaaka di ka tlhalosiwa.

(4) Ditirelo tse di ikaegileng ka baagi di tshwanetse—

- (a) go tsenyeletsa mananeo a kalafi a a ikaegileng ka baagi go ya ka dikarolo 33, 36 le 39;
- (b) go tlhoma kgotsa go dirisa ditshiamelo tse di leng teng le dithulaganyetso, go tsenyelediwa ditikatikwe tsa tlhokomelo ya boitekanelo tse dinnye go tlamela mananeo a kalafi a a ikaegileng ka baagi a a tshwaraganeng;
- (c) go nna le setlhophha sa mefuta ya ditiro se se nang le modirediloago, mooki wa porofesenale le modiredi wa boitekanelo jwa monagano ofe yo mongwe yo o kwadisitsweng le mokgatlho wa semolao o o maleba;
- (d) go tlamelela tshegetso ya porofesenale le ya go ikhutsa mo tikologong ya legae;
- (e) go tlhoma ditiro tsa boitapoloso, setso le metshameko go tlosa batho ba baša go tswa tirisong botlhaswa ya sere; le
- (f) go tlamelela ditlhophha tsa tshegetso badirisi ba tirelo le ba ba amilweng ke tirisobotlhaswa ya sere.

Kwadiso ya ditirelo tse di ikaegileng ka baagi

14. (1) Ga go motho yo o tla tlamelelang ditirelo tse di ikaegileng ka baagi ntle le fa ditirelo di kwadisitswe go ya ka karolo e.

(2) Motho ofe yo o eletsang go tlamelela tirelo e e ikaegileng ka baagi o tshwanetse go dira kopo go HOD go kwadisetsa tirelo e e jalo.

(3) Tona o tshwanetse, mo puisanong le ditona le ditho tsa naga tse di boletsweng mo go karolo 12(1), a tlhalose maemo a kwadiso a ditirelo tse di ikaegileng ka baagi, go tsenyelediwa kopo ya kwadiso, thebolelo ya kwadiso, kwadiso ya nakwana, kgogelomorago le khutliso ya kwadiso.

(4) Kwadiso e e rehotsweng go ya ka karolo ga e fetisediwe go motho yo mongwe.

(5) Fa motlamedi wa tirelo ka lebaka lefe a ikaelela go emisa go tlamela tirelo, motlamedi o tshwanetse, pele a emisa tirelo e e dirwang—

- (a) a itsese HOD ka maikaelelo le ditlamorago tsa kemiso e e jalo go batho ba ba amegang;
- (b) a itsese batho ba ha amegang ka kemiso e e ikaeletswe go ya tirelo; le
- (c) go tsaya dikgato tse di utlwalang go tlhomamisa gore batho ba ba bonang tshiamelo go tswa tselong ga ba amege ka fa go sa tshwanelang kgotsa ha bewa mo kotsing mme, fa go leng maleba, ba romelwe kwa mothong yo o tlamelang ditirelo tse di tshwanang.

(6) Motho yo o neelanang ka tirelo e e ikaegileng ka baagi e e sa kwadisiwang go ya ka karolo e o molato wa tlolomolao mme o tshwanelwa mo tshwarong ke tefiso kgotsa kgolegelo ya paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tefiso le kgolegelo e e jalo.

Kagego ya botsamaisi jwa ditirelo tse di ikaegileng ka baagi

15. (1) Dikagego tsa botsamaisi di tshwanetse go tlhomelwa tirelo nngwe le nngwe e e ikaegileng ka baagi.

(2) Tona a ka tlhalosa dikaelo tsa—

- (a) go dira le boleng jwa dikagego tsa botsamaisi;
- (b) tlhopho, tlhomo, borutegi, dipaka tsa ofisi le mabaka a go tloswa mo ofising a maloko a kagego; le
- (c) palo le tsamaiso kwa dikopanong tsa kagego ya botsamaisi.

(3) Kagego ya botsamaisi e e tlhomilweng go ya ka karolotlaleletso (1) e tshwanetse go tlhomamisa gore—

- (a) e tlamelela tirelo ya boleng;
- (b) e tlhola ditšhono tsa go katisa mo badiring;

- (c) it applies sound financial management principles;
- (d) there is proper and effective management of services; and
- (e) appropriate complaints mechanisms and procedures are in place.

Registration of mental health practitioners providing community-based services

16. (1) All mental health practitioners must be registered with the appropriate statutory body responsible for the relevant profession. 5

(2) Any person who contravenes or fails to comply with this section is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

CHAPTER 6

10

IN-PATIENT AND OUT-PATIENT SERVICES

Establishment and disestablishment of public treatment centre

17. (1) The Minister must, in consultation with the MEC, from funds appropriated by Parliament for that purpose, establish, maintain and manage at least one public treatment centre in each province for the reception, treatment, rehabilitation and skills development of service users contemplated in sections 32, 33, 36 and 44. 15

(2) The Minister may, in consultation with the MEC and after giving three months notice and providing reasons for his or her decision, disestablish a public treatment centre.

Purposes for which persons are admitted to treatment centres

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18. A service user is admitted to a public treatment centre for the purposes of receiving or undergoing treatment and rehabilitation, including skills development.

Registration and cancellation of registration of treatment centre

19. (1) No person may establish or manage any treatment centre maintained for the treatment, rehabilitation and skills development of service users or in which such persons receive mainly physical, psychological, spiritual or social treatment unless such treatment centre is registered in terms of this section. 25

(2) Any person who desires to establish or manage a treatment centre contemplated in subsection (1) must apply in the prescribed manner to the Director-General for the registration of such centre. 30

(3) The Director-General may—

- (a) after consideration of an application contemplated in subsection (2) and such other information as he or she may obtain; and
- (b) if he or she is satisfied that such treatment centre is or will be managed and conducted in such a way that the reception, maintenance, treatment, rehabilitation and skills development of service users complies with the prescribed requirements, 35

grant the application for registration and issue a registration certificate.

(4) The Director-General may grant a conditional registration on such conditions as he or she may deem fit for a maximum period of 12 months and must specify those conditions to the applicant in the prescribed manner. 40

(5) The conditional registration contemplated in subsection (4) may only be extended for a maximum period of 12 months under the same conditions.

(6) The Director-General may at any time after three months' notice of his or her intention to do so, and after consideration of any representation received by him or her during such months, amend or cancel a registration certificate issued in terms of subsection (3) or (4). 45

(7) A registration certificate granted by the Director-General is valid for a period of five years, and is renewable every five years on application by the owner or manager of a treatment centre six months prior to the expiry date. 50

- (c) e dirisa ditheo tsa tsamaiso ya ditšhelete tse di siameng;
 (d) go na le tsamaiso ya ditirelo e e siameng le e e dirang; le
 (e) mekgwa ya dingongorego e e maleba le ditsamaiso di mo mannong.

Kwadiso ya badiredi ba boitekanelo ba monagano ba ba tlamelang ditirelo tse di ikaegileng ka baagi

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16. (1) Badiredi botlhe ba boitekanelo ba monagano ba tshwanetse go kwadisiwa le mokgatlho wa semolao o o maleba o o ikarabelang porofesene e e maleba. (2) Motho ofe yo o tloang kgotsa a palelwa ke go tsamaelana le karolo e o molato wa tlolomolao mme o tshwanetse ke katlholo go ya tefisong kgotsa kgolegelong ya paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tefiso le kgolegelo e e jalo.

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KGAOLO 6

DITIRELO TSA MOLWETSE WA KA FA GARE LE MOLWETSE WA KWA NTLE

Tlhome le tlhomololo ya tikatikwe ya kalafi

17. (1) Tona o tshwanetse, mo puisanong le MEC go tswa mading a a abilweng ke Palamente ka mabaka ao, a tlhome, a tshegetse le go tsamaisa bogolo tikatikwe ya kalafi ya setšhaba e le nngwe mo porofenseng nngwe le nngwe ka kamogelo, kalafi, tsosoloso le tswelsetso ya dikgono tsa badirisi ba tirelo ba ba tshisinnwang mo dikarolong 32, 33, 36 le 44.

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(2) Tona a ka re, mo puisanong le MEC le morago ga go neela kitsiso ya dikgwedi di le tharo le go tlamela mabaka a tshwetso ya gagwe, a tlhomolola tikatikwe ya kalafi ya setšhaba.

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Mabaka a ka ona batho ba amogelwang kwa ditikatikweng tsa kalafi

18. Modirisi wa tirelo o amogelwa kwa ditikatikweng ya kalafi ya setšhaba ka mabaka a go amogela kgotsa go tsenela kalafi le tsosoloso, go tsenyelediwa tswelsetso ya dikgono.

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Kwadiso le phimolo ya kwadiso ya tikatikwe ya kalafi 35

19. (1) Go se nne motho yo o tlhomang kgotsa a tsamaisang tikatikwe ya kalafi efe e e tshegeditsweng kalafi, tsosoloso le tswelsetso ya dikgono tsa badirisi ba tirelo kgotsa e mo go yona batho ba ba jalo ba amogelang segolo kalafi ya sebele, monagano, mowa kgotsa loago ntle le fa tikatikwe e e jalo ya kalafi e kwadisitswe go ya ka karolo e.

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(2) Motho ofe yo o eletsang go tlhoma kgotsa go tsamaisa tikatikwe ya kalafi e e tshisinnwang mo go karotlaleletso (1) o tshwanetse go dira kopo ka mokgwa o o tlhalositsweng go Mokaedi Kakaretso go kwadisa tikatikwe e e jalo.

(3) Mokaedi-Kakaretso a ka re—

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(a) morago ga tshakatsheko ya kopo e e tshisinnwang mo go karotlaleletso (2) le tshedimotsetso e nngwe e e jalo jaaka a ka e bona; le 45

(b) fa a kgotsofetse gore tikatikwe ya kalafi e e jalo e tla tsamaisiwa ka tsela e e leng gore kamogelo, tshegetso, kalafi, tsosoloso le tswelsetso ya dikgono tsa badirisi ba tirelo di tsamaelana le ditlhokego tse di tlhalositsweng,

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ntsha kopo ya kwadiso mme o ntshe setefekeiti sa kwadiso.

(4) Mokaedi Kakaretso a ka ntsa kwadiso ya maemo ka mabaka a a ka bonang a tshwanetse ka paka ya bogolo jwa dikgwedi di le 12 mme o tshwanetse go tshagisa maemo a kwa mokoping ka mokgwa o o tlhalositsweng.

(5) Kwadiso ya maemo e e tshisinnwang mo go karotlaleletso (4) e ka atolosiwa fela ka paka ya bogolo jwa dikgwedi di le 12 ka fa tlase ga maemo a a tshwanang.

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(6) Mokaedi-Kakaretso a ka re nako nngwe le nngwe morago ga dikgwedi di le tharo—a tsenya kitsiso ya maikaelelo a gagwe a go dira jalo, mme morago ga tshakatsheko ya kemedi efe e a e amogetseng mo dikgweding tse di jalo, a mametlelela kgotsa a khansela setefekeiti sa kwadiso se se ntshitsweng go ya ka karotlaleletso (3) kgotsa (4).

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(7) Setefekeiti sa kwadiso se se abilweng ke Mokaedi-Kakaretso se dira paka ya dingwaga di le tlhano, mme se ntshafadiwa dingwaga dingwe le dingwe di le tlhano ka

(8) The Director-General may refuse an application for registration in terms of subsection (2) or (7) if, after consideration of such application, he or she is not satisfied that such treatment centre is or will be managed or conducted in the manner contemplated in subsection (3).

(9) If an application for a registration certificate is refused or if such certificate is cancelled, the owner or manager concerned must take reasonable steps to ensure that all service users admitted in the treatment centre concerned are admitted in another registered facility or with persons who, in the opinion of a social worker, are fit and proper persons for accommodating such service users. 5

(10) The amendment or cancellation of a registration certificate contemplated in this section must be effected by notice in writing addressed to the holder thereof and comes into operation on a date specified in the notice, which date may not be earlier than three months after the date of the notice, unless the Director-General and the holder of the registration certificate have agreed otherwise. 10

(11) A registration certificate issued under subsection (3) or (4) is not transferable. 15

(12) (a) The holder of a registration certificate issued under subsection (3) or (4) may, after three months' written notice, surrender such registration certificate to the Director-General.

(b) Whenever a registration certificate is cancelled under subsection (8) or surrendered under paragraph (a), the powers and duties conferred or imposed under this Act on the holder thereof must devolve upon the Director-General. 20

(13) A person who contravenes or fails to comply with this section, or any condition imposed thereunder, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 25

Establishment of public halfway house

20. (1) The Minister may, in consultation with the MEC, from funds appropriated by Parliament for that purpose, establish, maintain and manage halfway houses to provide homes for—

(a) service users who, in terms of this Act, have been discharged from a treatment centre or have been granted leave of absence from any such centre; 30

(b) service users referred to in section 32 and 33;

(c) persons referred to in sections 35 and 37; and

(d) persons who are receiving or undergoing treatment for dependency on substances in a facility of a provincial administration or who have received or undergone such treatment in any facility approved by the Director-General. 35

(2) A service user may be admitted to a public halfway house for a period not exceeding 12 months which may be extended for a further period not exceeding six months, if there is a need for such extension and upon application by the manager of the facility to the Director-General and upon furnishing reasons for such extension. 40

(3) The manager of a public halfway house must submit to the Director-General programmes established by the manager regarding—

(a) relapse prevention in respect of substance abuse;

(b) skills development for service users and their re-integration into society; and

(c) the dissemination of information to the community and service users about the dangers of substance abuse, including links between substance abuse, HIV and AIDS and other health conditions. 45

Registration of private halfway house

21. (1) No person may establish or manage a private halfway house unless such halfway house has been issued with a registration certificate contemplated in subsection (3). 50

kopo ya mong kgotsa motsamaisi wa tikatikwe ya kalafi dikgwedi di le thataro pele ga letlha la go khutla.

(8) Mokaedi-Kakaretso a ka gana kopo ya kwadiso go ya ka karotlaleletso (2) kgotsa (7) fa, morago ga tshekatsheko ya kopo e e jalo, a ise a kgotsofale gore tikatikwe ya kalafi e e jalo e tla tsamaisiwa kgotsa ya tsholwa ka mokgwa o o tshisingwang mo go karotlaleletso (3). 5

(9) Fa kopo ya kwadiso ya setefekeiti sa kwadiso e ganwa kgotsa fa setefekeiti se se jalo se phimolwa, mong kgotsa motsamaisi yo o amegang o tshwanetse go tsaya dikgato tse di utwalang go tlhomamisa gore badirisi ba tirelo botlhe ba ba amogetsweng mo tikatikweng ya kalafi ba amogetse kwa tshiamelong e nngwe e e kwadisitsweng kgotsa le batho ba, mo kgopolong ya modirediloago, a lekanetseng le go nna motho yo o siameng go neela badirisi ba tirelo ba ba jalo bonno. 10

(10) Mametlelelo kgotsa phimolo ya setefekeiti sa kwadiso se se tshisingwang mo karolong e se tshwanetse go dirwa ka kitsiso ka go kwala go lebisitswe kwa motshoding wa seo mme e tsena mo tirisong mo letlheng le le tshalositsweng mo kitsisong, letlha le le sa tshwanelang go nna ka bonako go na le dikgwedi di le tharo morago ga letlha le le tshalositsweng mo kitsisong, ntle le fa Mokaedi- Kakaretso le motshodi wa setefekeiti sa kwadiso a dumetse ka tsela e nngwe. 15

(11) Setefekeiti sa kwadiso se se ntshitsweng ka fa tlase ga karotlaleletso (3) kgotsa (4) ga se fetisiwe. 20

(12) (a) Motshodi wa setefekeiti sa kwadiso se se ntshitsweng ka fa tlase ga karotlaleletso (3) kgotsa (4) a ka re, morago ga dikgwedi di le tharo — kitsiso e e kwadilweng, a busetsa setefekeiti sa kwadiso se se jalo kwa go Mokaedi Kakaretso.

(b) Nako nngwe le nngwe fa setefekeiti sa kwadiso se phimolwa ka fa tlase ga karotlaleletso (8) kgotsa se busediwa ka fa tlase ga temana (a), dithata le ditiro tse di neetsweng kgotsa di gapeleditsweng ka fa tlase ga Molao o mo motshoding wa seo di tshwanetse go fetisediwa go Mokaedi-Kakaretso. 25

(13) Motho yo o tlolang kgotsa a palelwa go tsamaelana le karolo e, kgotsa maemo afe a a gapelediwig ka fao, o molato wa tlolomolao mme o tshwanelwa ke kotlha go ya tefisong kgotsa go ya kgolegelong ya paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tefiso le kgolegelo jalo. 30

Tlhommo ya ntlwana ya kalafi ya setšhaba

20. (1) Tona a ka re, mo puisanong le MEC, go tswa mading a a abilweng ke Palamente ka mabaka ao, a tlhoma, a tshegetsatshegetsa le go tsamaisa dintlwana tsa kalafi go tlamela magae— 35

(a) a badirisi ba tirelo ba, go ya ka Molao o, ba golotsweng go tswa tikatikweng ya kalafi kgotsa ba neilwe khunologo ya go se nne teng go tswa tikatikweng e e c jalo;

(b) badirisi ba tirelo ba ba boletsweng mo go karolo 32 le 33;

(c) batho ba ba boletsweng mo dikarolong 35 le 37; le 40

(d) batho ba ba amogelang kgotsa ba tsamaya kalafi ya go ikaega mo direng mo lefelong la tsamaiso ya porofense kgotsa ba ba amogetseng kgotsa ba tsenetse kalafi e e jalo mo tshiamelong e e e rebotsweng ke Mokaedi-Kakaretso.

(2) Modirisi wa tirelo a ka amogelwa kwa ntlwaneng ya kalafi ya setšhaba ka paka e e sa feteng dikgwedi di le 12 tse di ka atolosiwang paka go ya pele e e sa feteng dikgwedi di le thataro, fa go na le tlhokego ya katoloso e e jalo mme mo tiragatsong ka motsamaisi wa tshiamelo kwa go Mokaedi Kakaretso le mo go tlameleng mabaka a katoloso e e jalo. 45

(3) Motsamaisi wa ntlwana ya kalafi ya setšhaba o tshwanetse go romela kwa go Mokaedi-Kakaretso mananeo a a tlhomilweng ke motsamaisi malebana le—

(a) thibelo ya go boela gape malebana le tirisobotlhaswa ya sere; 50

(b) tsweletso ya dikgono ya badirisi ba tirelo le pusetso gape go ya mo setšhabeng sa bona; le

(c) phasalatso ya tshedimosetso go ya baaging le badirisi ba tirelo ka dikotsi tsa tirisobotlhaswa ya sere, go tsenyeletsa dikgolagano magareng ga tirisobotlhaswa ya sere, HIV le AIDS le maemo a mangwe a boitekanelo. 55

Kwadiso ya ntlwana ya kalafi ya poraefete

21. (1) Go se nne motho yo o ka tlhomang kgotsa a tsamaisa ntlwana ya kalafi ya poraefete ntle le fa ntlwana ya kalafi ya poraefete e e jalo e ntsheditse setefekeiti sa kwadiso se se tshisingwang mo go karotlaleletso (3).

(2) Any person who desires to establish or manage a private halfway house contemplated in subsection (1) must apply in the prescribed manner to the Director-General for the registration of such halfway house.

(3) The Director-General may—

(a) after consideration of an application contemplated in subsection (2) and such other information as he or she may obtain; and 5

(b) if he or she is satisfied that such private halfway house is or will be managed and conducted in such a way that the reception, maintenance, rehabilitation, professional support and skills development of service users complies with the prescribed requirements, 10

grant the application for registration and issue a registration certificate.

(4) The Director-General may grant a conditional registration on such conditions as he or she may deem fit for a maximum period of 12 months and must specify those conditions to the applicant in the prescribed manner.

(5) The conditional registration contemplated in subsection (4) may be extended for a maximum period of 12 months under the same conditions. 15

(6) The Director-General may at any time after three months' notice of his or her intention to do so, and after consideration of any representation received by him or her during such period, amend or cancel a registration certificate issued in terms of subsection (3) or (4). 20

(7) The amendment or cancellation of a registration certificate contemplated in this section must be effected by notice in writing to the holder thereof and comes into operation on a date specified in the notice, which date may not be earlier than three months after the date of the notice, unless the Director-General and the holder of the registration certificate have agreed otherwise. 25

(8) The Director-General must refuse the application in terms of subsection (2) if, after consideration of such application, he or she is not satisfied that such private halfway house is or will be managed or conducted in the manner contemplated in subsection (3).

(9) A registration certificate issued under subsection (3) or (4) is not transferable. 30

(10) The holder of a registration certificate issued under subsection (3) or (4) may, after three months written notice, surrender such registration certificate to the Director-General.

(11) The manager of a private halfway house must submit to the Director-General programmes established by it regarding its activities for prevention, treatment, rehabilitation, skills development and reintegration of persons contemplated in section 14(1). 35

(12) A service user may be admitted in a private halfway house for a period not exceeding six months, which period may, if there is a need for an extension of the period of admission, be extended for a further period not exceeding six months and if the manager concerned has furnished reasons for such extension to the Director-General. 40

(13) Any person who contravenes or fails to comply with this section, or any condition imposed thereunder, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 45

Compliance with conditions for registration of treatment centre and halfway house

22. (1) If there is reason to believe that any of the conditions contemplated in section 19(4) or 21(4) have not been complied with, the Director-General may implement measures to facilitate compliance with those conditions.

(2) The manager of a treatment centre or halfway house must report to the Director-General any circumstance which may result in his or her inability to comply with any condition contemplated in section 19(4) or 21(4). 50

(3) If the registration of a treatment centre or halfway house has been cancelled in terms of section 19(6) or 21(6), or if the owner or manager of a treatment centre or halfway house wishes to discontinue his or her service, the owner or manager must— 55

(a) prior to any decision to discontinue the relevant service, consult with the Director-General on the matter;

(2) Motho ofe yo o eltsang go tlhoma kgotsa go laola ntlwana ya kalafi ya poraefete e e tshisinnwang mo go karolotlaleletso(1) o tshwanetse go dira kopo ka mokgwa o o tlhalositsweng go ya go Mokaedi-Kakaretso ya ntlwana ya kalafi e e jalo.

(3) Mokaedi Kakaretso a ka re—

- (a) morago ga tshkatsheko ya kopo e e tshisinnwang mo go karolotlaleletso (2) 5
le tshedimosetso e e jalo e nngwe jaaka a ka e bona; le
- (b) fa a kgotsofetse gore ntlwana ya kalafi ya poraefete e e jalo e tla tsamaisiwa le go tsholwa ka tsela e e leng gore kamogelo, tshetsetso, tsosoloso, tshetsetso ya porofesionale le tswelsetso ya dikgono tsa badirisi ba tirelo ba dumalana le ditlhokego tse di beilweng, arebole kopo ya kwadiso mme a ntshe setefekeiti 10
sa kwadiso.

(4) Mokaedi Kakaretso a ka ntsha kwadiso ya boemo mo maemong a a jalo jaaka go ka tshwanela bogolo paka ya dikgwedi di le 12 mme o tshwanetse go tlhalosetsa mokopi maemo ao ka mokgwa o o tlhalositsweng.

(5) Kwadiso ya boemo e e tshisinnwang mo go karolotlaleletso (4) e ka atolosediwa 15
bogolo paka ya dikgwedi di le 12 ka fa tlase ga maemo a a tshwanang.

(6) Mokaedi Kakaretso a ka re ka nako nngwe le nngwe morago ga dikgwedi di le tharo—a itsise ka maikaelelo a gagwe go dira jalo, mme morago ga tshkatsheko ya kemedi efe e a e amogetsweng ka paka e e jalo, a mametlelela kgotsa go phimola setefekeiti sa kwadiso se se ntshitsweng go ya ka karolotlaleletso (3) kgotsa (4). 20

(7) Mametlelelo kgotsa phimolo ya setefekeiti sa kwadiso e e tshisintsweng mo karolong e e tshwanetse go diragadiwa ka kitsiso e e kwadilweng go ya go motshodi wa seo le go tsena mo tirisong ka letlha le le tlhalositsweng mo kitsisong, letlha leo le ka se nngeng ka pele go na le dikgwedi di le tharo morago ga letlha la kitsiso, ntle le fa Mokaedi Kakaretso le motshodi wa setefekeiti sa kwadiso ba dumalane ka tsela e nngwe. 25

(8) Mokaedi Kakaretso o tshwanetse go gana kopo go ya ka karolotlaleletso (2) fa, morago ga tshkatsheko ya kopo e e jalo, a sa kgotsofala gore ntlwana ya kalafi ya poraefete e tla laolwa kgotsa go tsamaisiwa mo mokgweng o o tshisinnwang mo go karolotlaleletso (3).

(9) Setefekeiti sa kwadiso se se ntshitsweng ka fa tlase ga karolotlaleletso (3) kgotsa (4) ga se fetisiwe.

(10) Motshodi wa setefekeiti sa kwadiso se se ntshitsweng ka fa tlase ga karolotlaleletso (3) kgotsa (4) a ka re, morago ga dikgwedi tse tharo kitsiso e e kwadilweng, a busetsa setefekeiti sa kwadiso se se jalo go Mokaedi Kakaretso.

(11) Motsamaisi wa ntlwana ya kalafi ya poraefete o tshwanetse go isa mananeo go 35
Mokaedi Kakaretso a a tlhomilweng ke yonq malebana le ditiro tsa yona tsa thibelo, kalafi, tsosoloso, tswelsetso ya dikgono le tshwaraganyo gape ya batho ba ba tshisinnwang mo go karolo 14(1).

(12) Modirisi wa tirelo a ka amogelwa mo ntlwaneng ya kalafi paka e e sa feteng dikgwedi di le thataro, paka e o ka re, fa go na le tlhokego ya katoloso ya paka ya kamogelo, e atolosiwe paka go ya pele e e sa feteng dikgwedi di le thataro mme fa motsamaisi yo o amegang a tlhagisitse mabaka a katoloso e e jalo go Mokaedi Kakaretso.

(13) Motho ofe yo o tlolang molao kgotsa a palelwa ke go tsamaelana le karolo e, kgotsa maemo afe a a tlhagisedisweng fao, o molato wa tlolomolao mme o tshwanelwa 45
ke ponomolato go ya tefisong kgotsa go ya kgolegolong paka e e sa feteng dikgwedi di le 12 kgotsa ka gabedi tefiso le kgolegelo e e jalo.

Tsamaelano le maemo a kwadiso ya tikatikwe ya kalafi le ntlwana ya kalafi

22. (1) Fa go na le lebaka go dumela gore mangwe a maemo a a tshisinnwang mo go karolo 19(4) kgotsa 21(4) ga a latelwa, Mokaedi Kakaretso a ka diragatsa dikgato go 50
rotloetsa tatelo le maemo ao.

(2) Motsamaisi wa tikatikwe ya kalafi kgotsa ntlwana ya kalafi o tshwanetse go bega kwa go Mokaedi Kakaretso mabaka afe a a isang kwa go se kgonneng go latela maemo afe a a tshisinnwang mo go karolo 19(4) kgotsa 21(4).

(3) Fa kwadiso ya tikatikwe ya kalafi kgotsa ntlwana ya kalafi e phimotswe go ya ka 55
karolo 19(6) kgotsa 21(6), kgotsa fa mong kgotsa motsamaisi wa tikatikwe ya kalafi kgotsa ntlwana ya kalafi a eletsa go se tswelsetse tirelo ya gagwe, mong kgotsa motsamaisi o tshwanetse—

- (a) pele ga tshwetso efe go se tswelsetse tirelo e e maleba, a buisane le Mokaedi Kakaretso ka morero; 60

- (b) furnish the Director-General with a full report on the accommodation of the service users affected by the decision; and
- (c) hand over to the Department all assets bought with government funds where appropriate.
- (4) Any person who fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 5
- (5) A person convicted of an offence contemplated in this section, may not manage or operate a treatment centre or halfway house.
- Monitoring and assessment of treatment centre and halfway house** 10
- 23.** (1) A monitoring and assessment team, consisting of such appropriately qualified persons as the Director-General may determine, may, subject to subsection (3), enter any treatment centre or halfway house and assess and monitor compliance with any prescribed requirements and applicable minimum norms and standards in relation to—
- (a) the records and documents of such treatment centre or halfway house; 15
- (b) any service users admitted or accommodated in such treatment centre or halfway house; and
- (c) the programmes provided by such treatment centre or halfway house.
- (2) The monitoring and assessment team may—
- (a) interview any service user or persons affected by substance abuse admitted in such treatment centre or halfway house; and 20
- (b) with the consent of any service user or persons affected by substance abuse, cause such persons to be medically examined by a medical practitioner in a health establishment.
- (3) The members of the monitoring and assessment team must be furnished with a certificate authorising such members to give effect to the provisions of subsection (1), signed by the Director-General, which must be produced at the request of any person affected by such monitoring and assessment. 25
- (4) No notice of a visit to a treatment centre or halfway house is required if there is reason to believe that the— 30
- (a) life of a service user in the treatment centre or halfway house is threatened or in danger; or
- (b) treatment centre or halfway house is managed in a way that constitutes a danger or threat to the service users admitted in such a centre or house.
- (5) After conclusion of the assessment and monitoring, the team must compile a report of its findings and recommendations to the Director-General. 35
- (6) Upon receipt of the report referred to in subsection (5) the Director-General may, if he or she has reason to believe that—
- (a) the health and safety of service users or persons engaged in the provision of services at a treatment centre or halfway house is at risk; 40
- (b) there is imminent danger to the health and safety of service users or persons engaged in the provision of services at a treatment centre or halfway house; or
- (c) the treatment centre or halfway house has failed to comply with the minimum norms and standards and the prescribed requirements,
- take steps to ensure compliance with minimum norms and standards, or amend or cancel a registration certificate contemplated in sections 19(6) and 21(6). 45
- (7) Notwithstanding subsection (6) the Director-General may, upon receipt of a report contemplated in subsection (5) and if he has reason to believe that there is imminent danger to the health and safety of any service user or person engaged in the services or the treatment centre or halfway house, apply to the court for immediate closure of the treatment centre or halfway house. 50
- (8) Upon cancellation of a registration certificate or closure of the treatment centre or halfway house, the Director-General must ensure that service users in such treatment

- (b) tlamela Mokaedi Kakaretso ka pegelo e e tletseng ka bonno jwa badirisi ba tirelo ba ba amiwang ke tshwetso; le
- (c) go neelwa kwa Lefapheng dithoto tsotlhe tse di rekilweng ka natlotlo a puso fa go leng maleba.
- (4) Motho ofe yo o tiholegang go tsamaelana le karotlaleletso (1) o molato wa tlolomolao mme o tshwanelwa ke ponomolato go ya tefisong kgotsa kgolegolong ya paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tefiso le kgolegelo jalo.
- (5) Motho yo o latofadiwang ka tlolomolao e e tshisintsweng mo karolong e, a ka tsamaisa kgotsa a dira tikatikwe ya kalafi kgotsa ntlwana ya kalafi.

Go tlhokomela le go sekaseka tikatikwe ya kalafi le ntlwana ya kalafi 10

23. (1) Setlhopha sa go tlhokomela le go sekaseka, se se nang le batho ba ba ruutegileng mo go maleba jaaka Mokaedi Kakaretso ba ka tlhomamisa, ba ka re, go ya ka karotlaleletso (3), ba tsenela tikatikwe ya kalafi kgotsa ntlwana ya kalafi efe mme ba sekaseka le go tlhokomela tsamaelano le ditlhokego dife tse di beilweng le bonnye ditlwaelo le boemo tse di maleba mo kamanong le— 15
- (a) direkoto le dikwalo tsa tikatikwe ya kalafi e e jalo kgotsa ntlwana ya kalafi;
- (b) badirisi ba tirelo efe ba ba amogetsweng kgotsa ba filwe bonno mo tikatikweng ya kalafi kgotsa; le
- (c) mananeo a a tlametsweng ke tikatikwe ya kalafi kgotsa ntlwana ya kalafi.
- (2) Setlhopha se se tlhokomelang le go sekaseka se ka— 20
- (a) botsolotsa modirisi wa tirelo ofe kgotsa batho ba ba amilweng ke tirisobotlhaswa ya sere ba ba amogetsweng mo tikatikweng ya kalafi e e jalo kgotsa ntlwana ya kalafi; le
- (b) ka tetla ya modirisi wa tirelo ofe kgotsa batho ba ba amilweng ke tirisobotlhaswa ya sere, go bakela batho ba ba jalo go tlathobiwa ke ngaka mo lefelong la boitekanelo. 25
- (3) Maloko a setlhopha se se tlhokomelang le go sekaseka a tshwanetse go tlamelwa ka setefekeiti se se neelang maloko a a jalo bothati go neelana ka ditshiamelo tsa karotlaleletso (1), e e saennweng ke Mokaedi Kakaretso, e e tshwanetseng go tlhagisiwa ka kopo ya motho ofe yo o amilweng ke go tlhokomela go go jalo kgotsa tshakatsheko. 30
- (4) Ga go kitsiso ya ketelo kwa tikatikweng ya kalafi kgotsa ntlwana ya kalafi e e tlhokegang fa go na le lebaka la go dumela gore—
- (a) botshelo jwa modiredi wa tirelo mo tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi bo tshosediwa kgotsa bo mo kotsing; kgotsa 35
- (b) tikatikwe ya kalafi kgotsa ntlwana ya kalafi e laolwa ka tsela e e leng gore e tshotse kotsi kgotsa matshosetsi go badirisi ba tirelo ba ba amogetsweng mo tikatikweng e e jalo kgotsa ntlwana.
- (5) Morago ga konosetso ya tshakatsheko le go tlhokomela, setlhopha se tshwanetse go kwala pegelo ya diphithelelo tsa yona le dikatlanegiso go Mokaedi Kakaretso. 40
- (6) Mo kamogelong ya pegelo e e bolelwang mo go karotlaleletso (5) Mokaedi Kakaretso a ka re, fa a na le lebaka go dumela gore—
- (a) boitekanelo le tshireletsego tsa badirisi ba tirelo kgotsa batho ba ba amegang mo tlamelong ya ditirelo kwa tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi di mo kotsing; 45
- (b) go na le kotsi e e mo tseleng kwa boitekanelong le tshireletsegong tsa badirisi ba tirelo kgotsa bathong ba ba amegang mo go tlameleng ditirelo kwa tikatikweng ya kalafi kgotsa ntlwana ya kalafi; kgotsa
- (c) tikatikwe ya kalafi kgotsa ntlwana ya kalafi di paletswe ke go tsamaelana le bonnye ditlwaelo le boemo le ditlhokego tse di beilweng, go tsaya dikgato go tlhomamisa tsamaelano le bonnye ditlwaelo le boemo, kgotsa go mametlelela kgotsa go phimola setefekeiti sa kwadiso se se tshisinnwang mo dikarolong 19(6) le 21(6). 50
- (7) Go sa lebelelwe karotlaleletso (6) Mokaedi Kakaretso a ka re, mo kamogelong ya pegelo e e tshisinnwang mo go karotlaleletso (5) mme fa a na le lebaka go dumela gore go na le kotsi e e mo tseleng kwa boitekanelong le tshireletsegong ya modirisi wa tirelo ofe kgotsa motho yo o amegang mo ditirelong kgotsa tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi, a dira kopo kwa kgotlatshekelo ya go tswalela ga ka bonako ga tikatikwe ya kalafi kgotsa ntlwana ya kalafi. 55
- (8) Mo phimolong ya setefekeiti sa kwadiso kgotsa tswalelo ya tikatikwe ya kalafi kgotsa ntlwana ya kalafi, Mokaedi Kakaretso o tshwanetse go tlhomamisa gore badirisi 60

centre or halfway house are transferred to another treatment centre or halfway house.

(9) Any person who—

(a) obstructs or hinders the monitoring and assessment team in the exercise of any power conferred upon it in terms of this section; or 5

(b) fails to produce any relevant document or record required by the monitoring and assessment team for the investigation,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

Staff of public treatment centre and public halfway house

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24. (1) The Director-General may, subject to the laws governing the public service, appoint—

(a) a suitably qualified person, as prescribed, as a manager of a public treatment centre or halfway house; and

(b) such staff as may be required for the proper management and control of a public treatment centre and public halfway house. 15

(2) The powers and duties of staff appointed in terms of subsection (1) must be prescribed.

(3) (a) In the event that the manager is not a social worker, medical practitioner, psychiatrist, psychologist or nurse he or she must be assisted by a social worker, medical practitioner, psychiatrist, psychologist or a nurse. 20

(b) The manager must also be assisted in the—

(i) determination of treatment, rehabilitation and skills development in respect of service users or persons affected by substance abuse; and

(ii) treatment, skills development and rehabilitation of service users or persons affected by substance abuse. 25

(c) A social worker, medical practitioner, psychiatrist, psychologist or nurse contemplated in paragraph (a) may be attached to the public treatment centre or public halfway house in question or may be assigned to such treatment centre or halfway house by the Director-General. 30

Appeals

25. Any person who is aggrieved by any decision of the Director-General contemplated in sections 17, 19, 21, or 23(6) may appeal to the Minister in the prescribed manner.

Death, serious injury or abuse of service user or any person affected by substance abuse in treatment centre or halfway house

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26. (1) In the event of a natural or an unnatural death of a service user in a treatment centre or halfway house, the manager of such centre or house must immediately report such death to—

(a) the Director-General; 40

(b) the next of kin; and

(c) the parent or guardian of the child.

(2) In the event of an unnatural death of a service user in a treatment centre or halfway house, the manager of such centre or house must, in addition to the persons referred to in subsection (1), immediately report such death to a police official. 45

(3) The police official must, upon receipt of the report in terms of subsection (2), cause an investigation into the circumstances surrounding the death of the service user or any persons affected by substance abuse to be conducted by the South African Police Service.

(4) If a service user or any persons affected by substance abuse is seriously injured or allegedly abused while at a treatment centre or halfway house, the manager of such 50

ba tirelo mo tikatikweng ya kalafi e e jalo kgotsa ntlwana ya kalafi ba sutisediwa go tikatikwe ya kalafi e nngwe kgotsa ntlwana ya kalafi.

(9) Motho ofe yo o—

- (a) kgoreletsang kgotsa a diegisa sethlopha se se tlhokomelang le go sekaseka mo tiragatsong ya dithata dife tse di beilweng mo go sona go ya ka karolo e; 5
kgotsa
- (b) palelwang ke go tlhagisa lokwalo lo lo maleba lefe kgotsa rekoto e e tlhokiwang ke sethlopha se se tlhokomelang le go sekaseka tsa patlisiso, omolato wa tlolomolao mme o tshwanelwa ke katlholo ya tefiso kgotsa kgolegelo ya paka e e sa feteng dikgwedi di le 12 kgotsa ka bobedi tefiso le kgolegelo e e jalo. 10

Badiri ba tikatikwe ya kalafi ya setšhaba le ntlwana ya kalafi ya setšhaba

24. (1) Mokaedi Kakaretso a ka re, go ya ka melao e e laolang tirelo ya setšhaba, a tlhoma—

- (a) motho yo o rutegileng sentle, jaaka go tlhalosiwa, jaaka motsamaisi wa tikatikwe ya kalafi kgotsa ntlwana ya kalafi; le 15
- (b) badiri ba ba jalo jaaka go ka tlhokelwa tsamaiso e e siameng le taolo a tikatikwe ya kalafi ya setšhaba le ntlwana ya kalafi ya setšhaba.
- (2) Dithata le ditiro tsa badiri ba ba tlhomilweng go ya ka karolotlaleletso (1) di tshwanetse go tlhalosiwa.
- (3) (a) Mo tiragalong ya gore motsamaisi ga se modirediloago, ngaka, mosaekhaeteri, 20
mosaekholoji kgotsa mooki o tshwanetse go thusiwa ke modirediloago, ngaka, mosaekhaeteri, mosaekholoji kgotsa mooki.
- (b) Motsamaisi o tshwanetse gape go thusiwa mo—
 - (i) maikemisetsong a kalafi, tsosoloso le tswetsetso ya dikgono malebana le badirisi ba tirelo kgotsa batho ba ba amilweng ke tirisobotlhaswa ya sere; le 25
 - (ii) kalafi, tswetsetso ya dikgono le tsosoloso ya badirisi ba tirelo kgotsa batho ba ba amilweng ke tirisobotlhaswa ya sere.
- (c) Modirediloago, ngaka, mosaekhaeteri, mosaekholoji, kgotsa mooki yo o tshisintsweng mo go temana (a) a ka tshwaraganngwa kwa tikatikweng ya kalafi ya setšhaba kgotsa ntlwaneng ya kalafi ya setšhaba e e mo isong kgotsa a ka romelwa kwa 30
tikatikweng ya kalafi e e jalo kgotsa ntlwana ya kalafi ke Mokaedi Kakaretso.

Boikuelo

25. Motho ofe yo o tshwentsweng ke tshwetso efeya Mokaedi Kakaretso e e tshisinnwang mo go dikarolo 17, 19, 21, kgotsa 23(6) a ka ikuela kwa go Tona ka mokgwa o o tlhalositsweng. 35

Loso, kgobalo e e masisi kgotsa tirisobotlhaswa ya modirisi wa tirelo kgotsa motho ofe yo o amilweng ke sere mo tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi

- 26. (1) Mo tiragalong ya loso lwa tlhologo kgotsa lo e seng lwa tlhologo la modirisi wa tirelo mo tikatikweng ya kalafi kgotsa ntlwana ya kalafi, Motsamaisi wa tikatikwe e e jalo kgotsa ntlwana o tshwanetse go bega ka bonako loso lo lo jalo go— 40
 - (a) Mokaedi Kakaretso;
 - (b) balosika; le
 - (c) motsadi kgotsa motlhokomedi wa ngwana.
- (2) Mo tiragalong ya loso lo e seng lwa tlhologo lwa modirisi wa tirelo mo tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi, motsamaisi wa tikatikwe e e jalo kgotsa ntlwana o tshwanetse, mo tlaleletsong go batho ba ba boletsweng mo go karolotlaleletso (1), ka bonako a bege loso lo lo jalo kwa motlhankeding wa sepodisi. 45
- (3) Motlhankedi wa sepodisi o tshwanetse, mo kamogelong ya pegelo go ya ka karolotlaleletso (2), a lope patlisiso mo mabakeng a a dikologileng loso lwa modirisi wa tirelo kgotsa batho bafe ba ba amiwang ke tirisobotlhaswa ya sere go diragadiwa ke Tirelo ya Sepodisi sa Aforika Borwa. 50
- (4) Fa modirisi wa tirelo kgotsa batho bafe ba ba amilweng ke tirisobotlhaswa ya sere ba gobetse mo go masisi kgotsa ba sotlakilwe jaaka go bolelwa fa ba ne ba le kwa tikatikweng ya kalafi kgotsa ntlwaneng ya kalafi, motsamaisi wa tikatikwe e e jalo kgotsa ntlwana o tshwanetse go bega kgobalo kgotsa tshotlako kwa go Mokaedi 55

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centre or house must report such injury or abuse to the Director-General, who must cause an investigation to be conducted into the circumstances of such injury or abuse.

(5) A manager who fails to comply with subsection (1), (2) or (4) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

5

Establishment of out-patient services

27. The manager of a treatment centre may establish any of the following out-patient services:

- (a) services consisting of prevention programmes, including programmes on education, skills development, information-sharing and campaigns; 10
- (b) services consisting of early intervention programmes;
- (c) programmes for adults and children who have been diverted from the criminal justice system; and
- (d) holistic treatment services, including family programmes, treatment services, therapeutic intervention, aftercare and reintegration. 15

Children abusing substances or affected by substance abuse

28. (1) Section 110 of the Children's Act applies with the changes required by the context in respect of children abusing substances or affected by substance abuse.

(2) Children that are dependent on substances must be treated in separate facilities and apart from adults, whether within treatment centres or in facilities designated for children. 20

(3) Section 191 of the Children's Act applies with the changes required by context in respect of children admitted to child and youth care centres that offer treatment for substance abuse and dependence.

(4) Any child and youth care centres contemplated in subsection (3) must comply with conditions for registration, and norms and standards for the establishment of treatment centres. 25

(5) Section 148 of the Children's Act applies in relation to court ordered early intervention programmes for children.

(6) Section 167 of the Children's Act applies with the necessary changes required by context in respect of children placed in alternative care for substance abuse related offences. 30

Management structure of treatment centre and halfway house

29. (1) A management structure must be established in accordance with the provisions of this section for each treatment centre and halfway house. 35

(2) The Minister must prescribe the—

- (a) composition of the structure, which must include representatives of the beneficiaries of the service, staff of the relevant treatment centre or half way house and members of the public; 40
- (b) election, appointment, qualification, terms of office and grounds for removal from office of members of the structure and the filling of vacancies; and
- (c) number of and procedure to be followed at meetings of a management structure.

(3) The management structure established in terms of subsection (1) must ensure that the treatment centre or halfway house— 45

- (a) provide a quality service;
- (b) provides opportunities for the training of staff;
- (c) applies principles of sound financial management;
- (d) if it is a treatment centre or a halfway house registered in terms of Non Profit Organisation Act, 1997 (Act No. 71 of 1997), comply with section 18 of that Act; 50
- (e) if it is a company registered in terms Companies Act ,1973 (Act No 61 of 1973), comply with section 302 of that Act; and
- (f) functions effectively.

Kakaretso, yo o tshwanetseng go lopa patlisiso go dirwa mo mabakeng a kgobalo e e jalo kgotsa tshotlako.

(5) Motsamaisi yo o retelelwang go tsamaelana le karolotlaleletso (1), (2) kgotsa (4) o molato wa tlolomolao mme o tshwanelwa ke katiholo ya tefiso kgotsa kgolegelo ya paka e e sa feteng dikgwedi di le 12 kgotsa kwa bobeding tefiso le kgolegelo e e jalo. 5

Tlhome ya ditirelo tsa molwetse wa kwa ntle

27. Motsamaisi wa tikatikwe ya kalafi a ka tlhome e nngwe ya ditirelo tsa molwetse wa kwa ntle tse di latelang:

- (a) ditirelo tse di nang le mananeo a thibelo, go tsenyelediwa mananeo a thuto, tsweletso ya dikgono, kamogano ya tshedimosetso le dikhampheine; 10
- (b) ditirelo tse di nang le mananeo a tsereganyo a ka bonako;
- (c) mananeo a bagolo le bana ba ba fapositsweng go tswa tseleng ya bosiamisi jwa bosenyi; le
- (d) ditirelo tsa kalafi ya bogotlhe, go tsenyelediwa mananeo a lelapa, ditirelo tsa kalafi, tsereganyo ya phodiso, tlhokomelo ya kwa morago le pusetso gape. 15

Bana ba ba dirisang sere botlhaswa kgotsa ba amilwe ke tirisobotlhaswa ya sere

28. (1) Karolo 110 ya Molao wa Bana e dira ka diphetogo tse di tlhokiwang ke diteng malebana le bana ba ba dirisang sere botlhaswa kgotsa ba amilwe ke tirisobotlhaswa ya sere.

(2) Bana ba ba ikaegileng ka dire ba tshwanetse go alafiwa mo ditshiamelong tse di amologaneng le go nna kgakala le tsa bagolo, le fa e ka nna mo teng ga ditikatikwe tsa kalafi kgotsa mo ditshiamelong tse di rulaganyeditsweng bana. 20

(3) Karolo 191 ya Molao wa Bana e dira ka diphetogo tse di tlhokiwang ke diteng malebana le bana ba ba amogetsweng kwa ditikatikweng tsa kalafi tsa bana le basa tse di abelanang ka kalafi ya tiriso botlhaswa ya sere le incele. 25

(4) Ditikatikwe tsa tlhokomelo tsa ngwana ofe le mosa tse di tshisinnwang mo go karolotlaleletso (3) di tshwanetse go tsamaelana le maemo a kwadiso, le ditlwaelo le boemo tsa tlhome ya ditikatikwe tsa kalafi.

(5) Karolo 148 ya Molao wa Bana e dira mo kamanong le mananeo a bana a ditseraganyo a a laelwang ka bonako ke kgotlatshekelo. 30

(6) Karolo 167 ya Molao wa Bana e dira ka diphetogo tsa botlhokwa tse di tlhokiwang ke diteng malebana le bana ba ba beilweng mo tlhokomelong ya thefosano e e amanang le ditlolomolao tsa tirisobotlhaswa ya sere.

Kagego ya botsamaisi jwa tikatikwe ya kalafi le ntlwana ya kalafi

29. (1) Kagego ya botsamaisi e tshwanetse go tlhomiwa go ya ka ditshiamelo tsa karolo e ya tikatikwe ya kalafi nngwe le nngwe le ntlwana ya kalafi. 35

(2) Tona o tshwanetse go tlhalosa—

- (a) boleng jwa kagego, bo bo tshwanetseng go tsenyeletsa baemedi ba haamogelatshiamelo ba tirelo, badiri ba tikatikwe ya kalafi e e maleba kgotsa ntlwana ya kalafi le maloko a setshaba; 40
- (b) tlhopho, tlhome, borutegi, paka ya ofisi le mabaka a go tloiswa go tswa mo ofising ga maloko a kagego le go tladiwa ga diphatlha; le
- (c) palo le tsamaiso e e tla latelwang kwa dikopanong tsa kagego ya botsamaisi.

(3) Kagego ya botsamaisi e e tlhomilweng go ya ka karolotlaleletso (1) e tshwanetse go tlhomamisa gore tikatikwe ya kalafi kgotsa ntlwana ya kalafi— 45

- (a) e tlamela tirelo ya boleng;
- (b) e tlamela ditshono tsa go katisa badiri;
- (c) e diragatsa ditheo tsa botsamaisi jwa ditshetele bo bo siameng;
- (d) fa e le tikatikwe ya kalafi kgotsa ntlwana ya kalafi e e kwadisitsweng go ya ka Molao wa Mokgatlho o e seng wa Puso, 1997 (Molao Nomoro. 71 wa 1997), o tsamaelana le karolo 18 ya Molao oo; 50
- (e) fa e le khamphani e e kwadisitsweng go ya ka Molao wa Dikhamphani, 1973 (Molao Nomoro 61 wa 1973), o tsamaelana le karolo 302 ya Molao oo; le
- (f) o dira ka bokgoni.

CHAPTER 7**AFTERCARE AND REINTEGRATION SERVICES****Establishment of aftercare and reintegration services**

30. (1) The Minister must, in consultation with the ministers and organs of state referred to in section 8(1), prescribe integrated aftercare and reintegration services aimed at the successful reintegration of a service user into society, the workforce and family and community life. 5

(2) The services contemplated in subsection (1) must include elements that—

- (a) allow service users to interact with other service users, their families and communities; 10
- (b) allow service users to share long term sobriety experiences;
- (c) promote group cohesion among service users;
- (d) enable service users to abstain from substance abuse;
- (e) are based on structured programmes;
- (f) must focus on successful reintegration of a service user into society and family and community life; and 15
- (g) prevent the recurrence of problems in the family environment of the service user that may contribute to substance abuse.

Support groups

31. (1) Service users and persons affected by substance abuse may, as prescribed, establish support groups that focus on integrated ongoing support to service users in their recovery. 20

(2) The purpose of the establishment of support groups is to—

- (a) provide a safe and substance free group experience where service users can practice re-socialisation skills; 25
- (b) facilitate access by service users to persons in recovery or have recovered from substance abuse who can serve as role models to service users who are in the beginning or middle stages of the recovery process; and
- (c) encourage service users to broaden their support system from persons contemplated in paragraph (b). 30

(3) Support groups may be established at community level by a professional, non-governmental organisation or a group of service users or persons affected by substances abuse.

CHAPTER 8**ADMISSION, TRANSFER AND REFERRAL TO TREATMENT CENTRE 35****Admission of voluntary service user to treatment centre**

32. (1) An application for admission as a voluntary service user to a treatment centre must be made in the prescribed manner by—

- (a) the voluntary service user;
- (b) any person acting on behalf of the voluntary service user; or 40
- (c) a parent or guardian of that child, if the voluntary service user is a child.

(2) A person who submits himself or herself voluntarily to a treatment centre for treatment, skills development and rehabilitation is entitled to appropriate treatment, rehabilitation and skills development services.

(3) The Director-General of the Department of Health must provide detoxification services and health care requirements to voluntary service users at a public health establishment. 45

KGAOLO 7**TLHOKOMELO YA KWA MORAGO LE DITIRELO TSA PUSETSO GAPE****Tlhommo ya tlhokomelo ya kwa morago le ditirelo tsa pusetso gape**

30. (1) Tona o tshwanetse, ka puisano le ditona le ditho tsa naga tse di bolelwang mo go karolo 8(1), a tshalose tlhokomelo ya kwa morago e e tshwaraganeng le ditirelo tsa pusetso gape tse di lebisitseng kwa pusetso gape e e atlegileng ya modirisi wa tirelo go ya mo setšhabeng, badiri le lelapa le botshelo jwa baagi. 5

(2) Ditirelo tse di tshisinnwang mo go karotlaleletso (1) di tshwanetse go tsenyeletsa dielemente tse di—

- (a) dumelelang badirisi ba tirelo go kopana le badirisi ba tirelo ba bangwe, malapa a bona le baagi; 10
- (b) dumelelang badirisi ba tirelo go amogana maitemogelo a paka e telele ya tlhaphogelo;
- (c) godisang tshwaragano ta setlhopha magareng ga badirisi ba tirelo;
- (d) kgontshang badirisi ba tirelo go nna kgakala le tirisobotlhaswa ya sere; 15
- (e) ikaegileng ka mananeo a a rulagatsweng;
- (f) tshwanetse go tsepama mo kopanyo gape e e atlegileng ya modirisi wa tirelo mo setšhabeng le botshelo jwa lelapa le baagi; le
- (g) thibelang go tlhagelela gape ga mathata mo tikologong ya lelapa la modirisi wa tirelo go go ka nnang le seabe mo tirisong botlhaswa ya sere. 20

Ditlhopha tsa tshegetso

31. (1) Badirisi ba tirelo le batho ba ba amiwang ke tirisobotlhaswa ya sere ba ka re, jaaka go tshalositswe, ba tlhoma ditlhopha tsa tshegetso tse di tsepamisitseng mo tshegetsong e e kopaneng e e tsweleng go badirisi ba tirelo mo tokafalong ya bona. 25

(2) Maikemisetso a tlhommo ya ditlhopha tsa tshegetso ke go—

- (a) tlamela maitemogelo a a babalesegileng a setlhopha se se golosegileng mo sereng foo badirisi ba tirelo ba ka diragatsang dikgono tsa go bopa loago gape; 25
- (b) rotloetsa phitlhelelo ka badirisi ba tirelo go batho ba ba tokafalang kgotsa ba ba tokafetseng go tswa tirisong botlhaswa ba ba ka dirang jaaka dikai go badirisi ba tirelo ba mo tshimologong kgotsa mo dikgatong tsa mo gare tsa tirelo ya tokafalo; le 30
- (c) rotloetsa badirisi ba tirelo go bula mokgwa wa bona wa tshegetso go tswa bathong ba ba tshisinnwang mo go temana (b).

(3) Ditlhopha tsa tshegetso di ka tlhomiwa kwa maemong a baagi ke mokgatlo wa porofesenale, o e seng wa puso kgotsa setlhopha sa badirisi ba tirelo kgotsa batho ba ba amilweng ke tirisobotlhaswa ya dire. 35

KGAOLO 8**KAMOGELO, TSHUTISO LE THOMELO GO TIKATIKWE YA KALAFI****Kamogelo ya modirisi wa tirelo wa boithaopo go tikatikwe ya kalafi**

32. (1) Kopo ya kamogelo jaaka modirisi wa tirelo wa boithaopo go tikatikwe ya kalafi e tshwanetse go dirwa ka mokgwa o o beilweng ke— 40

- (a) modirisi wa tirelo wa boithaopo;
- (b) motho ofe yo o dirang mo boemong jwa modirisi wa tirelo wa boithaopo; kgotsa
- (c) motsadi kgotsa motlhokomedi wa ngwana yoo, fa modirisi wa tirelo wa boithaopo e le ngwana. 45

(2) Motho yo o itlisang ka go ithaopa kwa tikatikweng ya kalafi go alafiwa, tswelotso ya dikgono le tsosoloso o tshwanelwa ke kalafi e e maleba, Tsosoloso le ditirelo tsa tswelotso ya dikgono.

(3) Nokaedi Kakaretso wa Lefapha la Boitekanelo o tshwanetse go tlamela ditirelo tsa phepafatso ya dikhemikhale le ditlhokego tsa tlhokomelo ya boitekanelo go badirisi ba tirelo ba boithaopo kwa tlhomomg ya boitekanelo jwa setšhaba. 50

(4) A treatment centre may provide detoxification services to voluntary service users provided such treatment centre complies with the National Health Act.

(5) (a) An application contemplated in subsection (1) must be accompanied by a report from a social worker regarding the applicant's social circumstances, including any medical or psychiatric report that the manager of the treatment centre may consider necessary. 5

(b) If a social worker is not available at the time of admission, such report must be submitted within seven days after admission to the treatment centre.

Admission of involuntary service user to treatment centre

33. (1) An involuntary service user, except those referred to in sections 36 and 40, may not be provided with treatment, rehabilitation and skills development at a treatment centre unless a sworn statement is submitted to a public prosecutor by a social worker, community leader or person closely associated with such a person, alleging that the involuntary service user is within the area of jurisdiction of the magistrate's court to which such prosecutor is attached and is a person who is dependent on substances and— 10 15

(a) is a danger to himself or herself or to the immediate environment or causes a major public health risk;

(b) in any other manner does harm to his or her own welfare or the welfare of his or her family and others; or

(c) commits a criminal act to sustain his or her dependence on substances. 20

(2) The clerk of the court must, at the request of the public prosecutor, issue a summons to a police official to be served on a service user contemplated in subsection (1) calling on him or her to appear before a magistrate at a time and place stated in such summons.

(3) Notwithstanding subsection (2), a magistrate of the relevant court may, at the request of the public prosecutor, issue a warrant directing that a service user contemplated in subsection (1) be apprehended and be brought before the magistrate. 25

(4) A public prosecutor may request a clerk of the court to issue a summons in respect of any person or request a magistrate to issue a warrant for the apprehension, only after he or she has obtained a report from a social worker regarding the social circumstances of the person concerned and any other matter that the prosecutor may consider relevant. 30

(5) The provisions of the Criminal Procedure Act relating to—

(a) the form and manner of execution of warrants of arrest;

(b) the service of summonses in criminal cases in lower courts;

(c) arrest, detention and searching; and 35

(d) the manner in which persons summoned to appear may be dealt with on failure to appear or to remain in attendance as required,

apply with the changes required by the context in respect of warrants for the apprehension and summonses issued under this section.

Admission and transfer of children

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34. Section 152 of the Children's Act applies with the changes required by the context in respect of the admission and transfer of a child to a treatment centre.

Committal of person to treatment centre after enquiry

35. (1) Subject to this section, a magistrate before whom any person is brought in terms of section 33(2) or (3) must, in the presence of that person, enquire whether he or she is a person contemplated in section 33(1). 45

(2) A public prosecutor, or another fit and proper person designated by the magistrate concerned, must appear at the enquiry, and such prosecutor or other person may call witnesses to give evidence at the enquiry and may cross-examine such witnesses.

(3) The person in respect of whom the enquiry is being held— 50

(4) Tikatikwe ya kalafi e ka tlamela ditirelo tsa phepafatso ya dikhemikhale go badirisi ba tirelo ba baithaopi fa e le gore tikatikwe ya kalafi e e jalo e tsamaelana le Molao wa Bosetšhaba wa Boitekanelo.

(5) (a) Kopo e e tshisinnwang mo go karotlaleletso (1) e tshwanetse go tshwaragangwa le pegelo go tswa go modiredi wa loago malebana le mokopi — 5
mabaka a loago, go tsenyelediwa pegelo efe ya ngaka kgotsa saekhaeteri se motsamaisi wa tikatikwe ya kalafi a ka se tsayang se le botlhokwa.

(b) Fa modiredi loago a se teng ka nako ya kamogelo, pegelo e e jalo e tshwanetse go tlisiwa mo malatsing a le supa morago ga kamogelo kwa kamogeleng ya kalafi.

Kamogelo ya modirisi wa tirelo wa boithaopo kwa tikatikweng ya kalafi 10

33. (1) Modirisi wa tirelo yo o sa ithaopang, ntle le bao ba ba boletsweng mo dikarolong 36 le 40, ba ka tlamelwa ka kalafi, tsosoloso le tsewetso ya dikgono kwa tikatikweng ya kalafi ntle le fa pegelo e e ikanisitsweng e rometswe go motšhotšhisi wa setšhaba ke modiredi loago, moeteledipele wa baagi kgotsa motho yo o amaneng thata mme motho yo o jalo, a bolela gore modirisi wa tirelo yo o sa ithaopang o mo lefelong la taolelo ya kgotlatshekelo ya magiseterata ya motšhotšhisi yo o jalo, a tshwaraganeng nalo, mme e le motho yo o ikaegileng mo direng mme— 15

(a) o kotsi go ena kgotsa kwa tikologong e e mo dikologileng kgotsa o tlhola kotsi e kgolo ya boitekanelo mo setšhabeng;

(b) ka mokgwa ofe o mongwe o dira kotsi kwa katlaatlelong ya gagwe kgotsa katlaatlelo ya lelapa la gagwe le ba bangwe; kgotsa 20

(c) o dira tiro ya bosenyi go tsweletsa ikaego ya gagwe mo direng.

(2) Tlelereke ya kgotlatshekelo e tshwanetse, ka kopo ya motšhotšhisi wa setšhaba, e ntsho makwalotaelo kwa motlhankeding wa sepodisi go neelwa modiredi wa tirelo yo o tshisinnwang mo go karotlaleletso (1) a bidiwa go tlhagelela fa pele ga magiseterata ka nako le kwa lefelong le le boletsweng mo makwalotaelong a a jalo. 25

(3) Go sa ikgatholosiwe karotlaleletso (2), magiseterata wa kgotlatshekelo e e maleba a ka re, ka kopo ya motšhotšhisi wa setšhaba, a ntsha lekwalo tshwaro le le laelang gore modirisi wa tirelo yo o tshisinnwang mo go karotlaleletso (1) a tshwarwe le go tlisiwa fa pele ga magiseterata. 30

(4) Motšhotšhisi wa setšhaba a ka kopa tlelereke ya kgotlatshekelo go ntsha makwalotaelo malebana le motho ofe kgotsa a kopa magiseterata go ntsha lekwalo topo la tshwaro fela morago ga fa a sena go bona pegelo go tswa go modiredi loago malebana le mabaka a loago a motho yo o amegang le morero ofe o mongwe o motšhotšhisi a ka bonang o le maleba. 35

(5) Ditshiamelo tsa Molao wa Tsamaiso ya Bosenyi tse di amanang le—

(a) sebopego le mokgwa wa tiragatso ya makwalotopo a tshwaro;

(b) tirelo ya makwalotaelo mo dikgetseng tsa bosenyi mo dikgotlatshekelo tse di kwa tlase;

(c) tshwaro, tswalelo le go phuruphutsa; le 40

(d) mokgwa o ka ona batho ba ba laetsweng go tlhagelela o ka diragadiwang fa ba palelwa ke go tlhagelela kgotsa go sala ba nna teng jaaka go tlhokega, go diragatsa ka diphetogo tse di tlhokegang go ya ka tikologo malebana le makwalotopo a tshwaro le makwalotaelo a a ntshitsweng ka fa tlase ga karolo e. 45

Kamogelo le tshutiso ya bana 45

34. Karolo 152 ya Molao wa Bana—e dira ka diphetogo tse di tlhokiwang ke tikologo malebana le kamogelo le tshutiso ya ngwana go ya tikatikweng ya kalafi.

Boitlamo jwa motho kwa tikatikweng ya kalafi morago ga dipotsiso

35. (1) Go ikaegile ka karolo e, magiseterata yo motho ofe kgotsa ofe a tlisiwang fa pele ga gagwe go ya ka karolo 33 (2) kgotsa (3) o tshwanetse, 25 motho yoo a le teng, a botsise fa motho yoo e le ena a tshisinnwang mo go karolo 33(1). 50

(2) Motšhotšhisi wa setšhaba, kgotsa motho yo mongwe yo o itekanetseng yo o siameng a tlhomilwe ke magiseterata yo o amegang, o tshwanetse go tlhagelela kwa dipotsisong, mme motšhotšhisi yo o jalo kgotsa motho yo mongwe a ka bitsa dipaki go neelana ka bopaki kwa dipotsisong mme a ka botsolotsa dipaki tse di jalo. 55

(3) Motho yo dipotsiso di tshwerweng malebana le ena—

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- (a) is entitled to legal representation;
- (b) is entitled to cross-examine any witness and to call witnesses;
- (c) may give evidence in person or through his or her legal representative; and
- (d) may show cause why an order must not be made in terms of subsection (7).
- (4) (a) No person whose presence is not necessary may be present at an enquiry, 5
except with the consent of the magistrate.
- (b) Section 159(1) of the Criminal Procedure Act, in so far as it relates to the holding of a criminal trial in the absence of an accused person, applies with the changes required by the context in respect of an enquiry held in terms of this section.
- (c) Section 108 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), applies 10
with the changes required by the context in respect of proceedings in connection with an enquiry held in terms of this section as if such proceedings are those of a court contemplated in section 108 of the said Act.
- (d) Any person who at such an enquiry gives false evidence knowing it to be false or 15
not knowing or believing it to be true, is guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.
- (5) The magistrate holding the enquiry—
- (a) must, before he or she makes an order in terms of subsection (7), direct the 20
public prosecutor or other person appearing at the enquiry contemplated in subsection (2), to submit to him or her the report obtained from a social worker in terms of section 33(4);
- (b) may direct that the person in respect of whom the enquiry is being held be 25
examined by a medical practitioner, psychiatrist or clinical psychologist designated by the magistrate;
- (c) may call upon the medical officer, psychiatrist or clinical psychologist to 25
furnish him or her with a report reflecting the results of the examination; and
- (d) may consider the views of a victim of crime committed by such person.
- (6) The contents of any report submitted or furnished in terms of subsection (5) must 30
be disclosed to the person concerned, and such person or his or her legal representative must be given an opportunity, if he or she so desires, to cross-examine the person by whom the report was made in relation to any aspect thereof and may refute any allegation contained therein.
- (7) If it appears to a magistrate on consideration of the evidence and of any report 35
submitted or furnished to him or her in terms of subsection (5) that—
- (a) the person concerned is a person contemplated in section 33(1); 35
- (b) such person requires and is likely to benefit from treatment and skills development provided in a treatment centre; or
- (c) it would be in such a person's interest or in the interest of his or her 40
dependents, if any, or in the interest of the community that he or she be admitted to a treatment centre,
- the magistrate may order that the person concerned be admitted to a treatment centre 40
designated by the Director-General for a period not exceeding 12 months.
- (8) A magistrate who makes an order in terms of subsection (7) that a person be 45
admitted to a treatment centre may, in addition, order that such person be admitted in custody as provided for in section 36 or released on bail or warning until such time as effect can be given to the order of the court.
- (9) A magistrate who makes an order in terms of subsection (7) must before referring 50
an involuntary service user to a treatment centre order that such service user be admitted for detoxification at a health establishment or treatment centre authorised in terms of the National Health Act to provide detoxification.
- (10) An order made in terms of subsection (7) does not preclude the reporting of a 50
criminal offence, if any, by the victim of such an offence to the police official.

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- (a) o tshwanelwa ke kemedi ya semolao;
- (b) o tshwanelwa ke go botsolotsa paki efe le go bitsa dipaki;
- (c) a ka neelana ka bopaki ka boena kgotsa ka moemedi wa gagwe wa semolao; le
- (d) a ka bontsha lebaka la goreng taolelo e sa tshwanela go dirwa go ya ka karotlaleletso (7). 5
- (4) (a) Ga go motho yo go nna teng ga gagwe go seng botlhokwa a tshwanetseng go nna teng kwa dipotsisong, ntle le tumelelo ya magiseterata.
- (b) Karolo 159(1) ya Molao wa Tsamaiso ya Bosenyi, jaaka e amana le go tshwarwa ga tsheko ya bosenyi motho yo o latofadiwang a se teng, e dira le diphetogo tse di tlhokiwang ke tikologo malebana le dipotsiso tse di tshwerweng malebana le karolo e. 10
- (c) Karolo 108 ya Molao wa Dikgotlatshekelo tsa boMagiseterata-1944 (Molao Nomoro. 32 wa 1944), o dira ka diphetogo tse di tlhokiwang ke tikologo malebana le tsweletso tse di golaganang le dipotsiso tse di tshwerweng go ya ka karolo e jaaka e kete ditsweletso tse di jalo ke tsa kgotlatshekelo tse di tshisinnwang mo go karolo 108 ya Molao o o boletsweng. 15
- (d) Motho ofe yo kwa dipotsisong tse di jalo a neelanang ka bopaki bo bo fosagetseng a itse bo fosagetse kgotsa a sa itse kgotsa a dumela gore ke boammaaruri, o molato wa tlolomolao mme o tshwanelwa ke tshekiso ya dikotlhao tse di beilweng ke molao wa maikano a maka. 20
- (5) Magiseterata yo o tshwereng dipotsiso—
- (a) o tshwanetse, pele a dira taolelo go ya ka karotlaleletso (7), a lae le motšhotšhisi wa setšhaba kgotsa motho yo mongwe yo o tlhagelelang kwa dipotsisong tse di tshisinnwang mo go karotlaleletso (2), go tliša kwa go ena pegelo e e bonwang go tswa go modiredi wa loago go ya ka karolo 33(4); 25
- (b) a ka laela gore motho yo dipotsiso di tshwarwang ka ena a tlhatlhabiwe ke ngaka, mosaekhaeteri kgotsa mosaekholoji wa tleleneki yo o tlhomilweng ke magiseterata;
- (c) a ka bitsa ngaka, mosaekhaeteri kgotsa mosaekholoji wa tleleneki go mo tlamela ka pegelo e e bontshang dipoelo tsa tlhatlhobo; le 30
- (d) a ka sekaseka dikakanyo tsa motswasetlhabelo wa bosenyi bo bo dirilweng ke motho yo o jalo.
- (6) Diteng tsa pegelo efe tse di rometsweng kgotsa di tlametswe go ya ka karotlaleletso (5) di tshwanetse go utololelwa motho yo o amegang, mme motho yo o ntseng jalo kgotsa moemedi wa gagwe wa molao o tshwanetse go neelwa tšhono, fa a eletsa jalo, go botsolotsa motho yo pegelo e dirilweng ka ena malebana le ntšha efe ya teng mme a ka ganetsa magatwe a a tsentsweng mo teng. 35
- (7) Fa go lebeга kwa go magiseterata mo tshekatshekong ya bopaki le jwa pegelo e e rometsweng kgotsa e tlametswe kwa go ena go ya ka karotlaleletso (5) gore—
- (a) motho yo o amegang ke motho yo o tshisinnwang mo go karolo 33(1); 40
- (b) motho yo o ntseng jalo o tlhoka mme e bile o tshwanela go bona tshiamelo go tswa kalafing le tsweletsong ya dikgono tse di tlamelwang mo tikatikweng ya kalafi; kgotsa
- (c) go tliša nna mo kgatlhegelong ya motho yo o ntseng jalo kgotsa mo kgatlhegelong ya batsholwa ba gagwe, fa go le sengwe, kgotsa mo kgatlhegelong ya baagi gore a amogelwe kwa tikatikweng ya kalafi, magiseterata a ka laolela gore motho yo o amegang a amogelwe kwa tikatikweng ya kalafi e e tlhomilweng ke Mokaedi Kakaretso ka paka e e sa feteng dikgwedi di le 12. 45
- (8) Magiseterata yo o dirang taolelo go ya ka karotlaleletso (7) gore motho a amogelwe kwa tikatikweng ya kalafi a ka re, mo tlaleletsong, a laolela gore motho yo o ntseng jalo a amogelwe mo botshwarweng jaaka go tlamelelwa mo go karolo 36 kgotsa a gololwe ka beile kgotsa ka kgalemo go fitšha nako e dipoelo di ka neelwang kwa taolelong ya kgotlatshekelo. 50
- (9) Magiseterata yo o dirang taolelo go ya ka karotlaleletso (7) o tshwanetse pele a romela modirisi wa tirelo wa boithaopo kwa tikatikweng ya kalafi a laolele gore modirisi wa tirelo yo o jalo a amogelwe go phepafadiwa mo dikhemikhaleng kwa lefelong la boitekanelo kgotsa tikatikwe ya kalafi e e nang le bothati go ya ka Molao wa Bosetšhaba wa Boitekanelo go tlamela phepafatso ya dikhemikhale. 55
- (10) Taolelo e e dirilweng go ya ka karotlaleletso (7) ga e thibele go begiwa ga tlolomolao ya bosenyi, fa e le teng, ka motswasetlhabelo wa tlolomolao e e jalo kwa motlhankeding wa sepodisi. 60

Committal of person to treatment centre after conviction

36. (1) A court convicting a person of any offence may in addition or in lieu of any sentence in respect of such offence order that such person be committed to a treatment centre if the court is satisfied that such person is a person contemplated in section 33(1) and such order, for the purposes of this Act, must be regarded as having been made in terms of section 35. 5

(2) An order in terms of subsection (1) may not be made in addition to any sentence of imprisonment, whether direct or as an alternative of a fine, unless the operation of the whole sentence is suspended.

(3) (a) Where a court has referred a person to a treatment centre under subsection (1) and such person is later found not to be fit for treatment in such treatment centre, he or she may be dealt with in accordance with section 276A(4) of the Criminal Procedure Act. 10

(b) For the purposes of paragraph (a), the expression “probation officer or the Commissioner” in section 276A(4) of the Criminal Procedure Act must be construed as the manager of the treatment centre or a person authorised by him or her for the purposes of this Act. 15

Court may order enquiry in terms of this Act

37. Section 255 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the changes required by the context to an enquiry ordered by the court if, in any court during a trial of a person who is charged with an offence other than an offence referred to in section 18 of the said Act, it appears to the officer presiding at the trial that such person is probably a person contemplated in section 33(1). 20

Estimation of age of person

38. (1) Whenever in connection with any proceedings in terms of this Act— 25

(a) the age of a person is a relevant fact of which no or insufficient evidence is available, the presiding officer in legal proceedings or a medical practitioner in other proceedings may estimate the age of that person by his or her appearance or from any information which is available, and the age so estimated is, for the purposes of this Act, deemed to be the true age of that person; and 30

(b) it is proved after the conclusion of those proceedings that the age so estimated is not the true age of that person, the error may not, if it was made in good faith, affect any decision given or order made in the course of those proceedings. 35

(2) The age of a person estimated in terms of subsection (1) is deemed to have been attained on the day when the estimate is made.

Postponement of order

39. (1) If it appears to a magistrate at an enquiry contemplated in section 35 that the person in respect of whom the enquiry is being held is a person contemplated in subsection (7) of that section, the magistrate may postpone the making of an order in terms of that subsection for a period not exceeding three years, and must release the person concerned on condition that he or she— 40

(a) submits himself or herself to supervision by a social worker or a probation officer specialising in substance abuse; and 45

(b) undergoes any prescribed treatment.

(2) The Magistrate may order that the Director-General, after consideration of a report by a social worker, discharge any person in respect of whom the making of an order has been postponed in terms of this section unconditionally.

(3) Where the making of an order has been postponed for a period of less than three years, the Director-General may, after consideration of a report by a social worker, at any time before the expiry of such period make an order extending the period of postponement for such further period, not exceeding the difference between three years 50

Boitlamo jwa motho go tikatikwe ya kalafi morago ga ponomolato

36. (1) Kgotsatshekelo e e bonang motho molato wa tlolomolao efe e ka re mo tlaletsong kgotsa mo boemong jwa katlholo efe ya tlolomolao o o jalo laela gore motho yo o ntseng jalo a ipofe kwa tikatikweng ya kalafi fa kgotsatshekelo e kgotsofetsege gore motho yo o ntseng jalo ke motho yo o tshisinnwang mo go karolo 33(1) mme taolelo e e jalo, ka mabaka a Molao o, e tshwanetse go tsewa jaaka e e dirilweng go ya ka karolo 35. 5

(2) Taolelo go ya ka karolotlaletso (1) e ntse e ka se dirwe mo tlaletsong ya katlholo efe ya kgolegelo, e ka nna ka tthamalalo kgotsa jaaka thefosano ya tuediso, ntle le fa tiragatso ya katlholo yotlhe e emisitswe nakwana. 10

(3) (a) Foo kgotsatshekelo e rometseng motho kwa tikatikweng ya kalafi ka fa tlase ga karolotlaletso (1) mme motho yo o ntseng jalo a fitlhelwa moragonyana a sa bone tshiamelo ya kalafi mo tikatikweng ya kalafi e e jalo, go ka mekamekanwa le ena go ya ka karolo 276A(4) ya Molao wa Tsamaiso ya Bosenyi. 15

(b) Ka mabaka a temana (a), tthaloso "motlhankedi wa pakateko kgotsa Komisenara" mo go karolo 276A(4) ya Molao wa Tsamaiso ya Bosenyi di tshwanetse go tsewa jaaka motsamaisi wa tikatikwe ya kalafi kgotsa yo o neilweng bothati ke ena ka mabaka a Molao o. 15

Kgotsatshekelo e ka laolela dipotsolotso go ya ka molao o

37. Karolo 255 ya Molao wa Tsamaiso ya Bosenyi, 1977 (Molao Nomoro. 51 wa 1977), o dira le diphetogo tse di tlhokiwang ke tikologo go ya dipotsisong tse di laolelwang ke kgotsatshekelo fa, mo kgotsatshekelo efe ka nako ya tshoko ya motho yo o atlholwang ka tlolomolao go na le tlolomolao e e bolelwang mo go karolo 18 ya Molao o o bolelwang, go tlhagelela kwa go motshwaramarapo kwa tshokong gore motho yo o ntseng jalo gongwe ke motho yo o tshisinnwang mo go karolo 33(1). 20 25

Tekanyetso ya bogolo jwa motho

38. (1) Nako nngwe le nngwe o le mo kgolaganong le ditsweletso dife go ya ka Molao—

(a) bogolo jwa motho ke ntlha e e maleba bo ka bona kgotsa bopaki bo bo sa lekanang bo leng teng, motshwaramarapo mo ditsweletsong tsa semolao kgotsa ngaka mo ditsweletsong tse dingwe a ka lekanyetsa bogolo jwa motho yoo ka tebego kgotsa go tswa tshedimosetsong efe e e leng teng, le bogolo bo bo lekanyeditsweng ke jwa mabaka a Molao o, bo bo tsewang e le jwa boammaaruri jwa bogolo jwa motho yoo; le 30

(b) go tlhomamisitswe morago ga bokhutlo jwa ditsweletso tseo gore bogolo bo bo lekanyeditsweng ga se bogolo jwa boammaaruri jwa motho yoo, phoso e ntse e ka se, fa e ne e dirilwe ka mowa o montle, ya ama tshwetso epe e e neilweng kgotsa taolelo e e dirilweng mo tsamaong ya ditsweletso tseo. 35

(2) Bogolo jwa motho bo bo lekanyediwang go ka ya karolotlaletso (1) bo tsewa go bo bo fitlheletswe ka letsatsi la fa tekanyetso e dirwa. 40

Pusetso morago ga taolelo

39. (1) Fa go lebega kwa go magiseterata kwa dipotsolotsong tse di tshisinnwang mo go karolo 35 gore motho yo dipotsolotso di tshwerweng ka ena ke motho yo o tshisinnwang mo go karolotlaletso (7) ya karolo eo, magiseterata a ka busetsa morago go dirwa ga taolelo go ya ka karolotlaletso ya paka e e sa feteng dingwaga di le tharo, mme o tshwanetse go golola motho yo o amegang ka mabaka a gore o— 45

(a) itlisa kwa tlhokomelong ya modiredi wa loago kgotsa motlhankedi wa pakateko yo o kgethegileng mo tirisong ya botlhaswa; le

(b) tsenela kalafi nngwe le nngwe e e beilweng.

(2) Magiseterata a ka laolela gore Mokaedi Kakaretso, morago ga tshokatsheko ya pegelo ka modirediloago, a golole motho ofe yo ka ena go dirwa ga taolelo go buseditweng morago go ya ka karolo e ntle le maemo ape. 50

(3) Foo go dirwa ga taolelo go buseditweng kwa morago ka paka e e kwa tlase ga dingwaga tse tharo, Mokaedi Kakaretso a ka re, morago ga tshokatsheko ya pegelo ka modirediloago, ka nako efe pele ga go feta ga paka e e jalo a dira taolelo a atolosa paka ya pusetso morago ya paka e e atologileng e e jalo, e e sa feteng pharologano magareng 55

and the period for which the making of the order has been postponed, as he or she may deem fit.

(4) If at the end of the period for which the making of an order has been postponed in terms of this section the Director-General is satisfied that the person concerned has observed all the conditions subject to which he or she was released, the Director-General must discharge him or her unconditionally. 5

(5) (a) If a person in respect of whom the making of an order has been postponed in terms of this section fails to comply with any of the conditions subject to which he or she was released, he or she may, upon the order of any magistrate, be apprehended without warrant by a police official, upon which an order in terms of section 35(7) may be made as if the making of such an order had never been postponed. 10

(b) A person apprehended in terms of paragraph (a) may be placed in custody in any place referred to in section 40(1) until he or she can be brought before a magistrate.

(c) Section 40(4) applies with the changes required by the context in respect of a person placed in custody in terms of paragraph (b). 15

(6) A copy of an order made in terms of subsection (1) purporting to be certified by the clerk of the court or any other officer having the custody of the records of the magistrate's court to which the magistrate who made the order is or was attached must, if the name of the person mentioned therein against whom such order was made, substantially corresponds with that of the person who is to be dealt with in accordance with the provisions of subsection (2), (3), (4) or (5), on the mere production thereof be regarded as *prima facie* proof of the fact that such order was so made against such person. 20

Temporary custody of person pending enquiry or removal to treatment centre

40. (1) A magistrate holding an enquiry contemplated in section 35 may, if he or she deems it necessary or expedient to postpone or adjourn the enquiry for periods determined by him or her having regard to the circumstances of the case, order that the person concerned be admitted in custody to a treatment centre, halfway house, health establishment or other place regarded by the magistrate as suitable. 25

(2) If the person concerned is under the age of 18 years, the magistrate may order that he or she be placed in custody in a child and youth care centre or be released on bail or warning, as if such person was a person whose trial on a criminal charge in a magistrate's court had been postponed or adjourned. 30

(3) No person may be admitted in custody for a continuous period of longer than 28 days in terms of subsection (1). 35

(4) The Minister may out of money appropriated by Parliament for that purpose, contribute towards the maintenance of any person who is, in terms of subsection (1), admitted or placed in a treatment centre, halfway house, child and youth care centre or any other place which is not maintained by the State.

Appeal against and review of certain orders 40

41. The law relating to appeals and any form of review in criminal cases applies with the changes required by the context in respect of any order made under section 35, 36 or 39 as if such order were a conviction made and sentence passed by a magistrate's court in a criminal case.

Admission or transfer to treatment centre 45

42. (1) A person who must be admitted to a treatment centre in terms of section 35 or who has been transferred to a treatment centre in terms of this Act, must be admitted to the treatment centre concerned until he or she is released on licence in terms of section 47 or he or she is discharged, transferred or returned to any other facility in terms of this Act. 50

(2) The manager of a treatment centre must notify the Director General—

ga dingwaga tse tharo le paka e go dirwa ga taolelo go buseditsweng morago, jaaka a ka bona go tshwanela.

(4) Fa kwa bofelong jwa paka e ka yona go dirwa ga taolelo go buseditsweng morago go ya ka karolo e Mokaedi Kakaretso a kgotsofetse gore motho yo o amegang o latetse maemo otlhe go ya ka a neng a golotswe, Mokaedi Kakaretso o tshwanetse go mo golola ntle le maemo. 5

(5) (a) Fa motho yo go dirwa ga taolelo go buseditsweng morago go ya ka karolo e, a palelwa ke go tsamaelana le maemo afe go ya ka fa a neng a golotswe, a ka re, mo taolelong ya magiseterata ofe, a tshwarwa ntle le lekwalotopo ke motlhankedi wa sepodisi, e mo go yona taolelo go ya ka karolo 35(7) e ka dirwang jaaka e kete go dirwa ga taolelo e e jalo ga go ise go ke go busediwe morago. 10

(b) Motho yo o tshwerweng go ya ka temana (a) a ka bewa mo lefelong mo botshwarweng mo lefelong lefe kgotsa lefe le le boletsweng mo go karolo 40(1) go fitlha a ka tlisiwa fa pele ga magiseterata.

(c) Karolo 40(4) e dira le diphetogo tse di tlhokiwang ke tikologo malebana le motho yo o beilweng mo botshwarong go ka ya temana (b). 15

(6) Khophi ya taolelo e e dirilweng go ya ka karolotlaleletso (1) e go tweng e kanetswe ke kgotlatshekelo kgotsa motlhankedi ofe yo mongwe yo o nang le tsholo ya direkoto tsa kgotlatshekelo ya magiseterata e kwa go yona magiseterata yo o dirileng taolelo a tshwaraganeng, fa leina la motho yo o bolelwang mo teng foo kgatlhanong le yo taolelo e neng e dirilwe, mo go golo e tsamaelana le ya motho yo go tshwanetseng go mekamekanwe le ena go ya ka ditshiamelo tsa karolotlaleletso (2), (3), (4) kgotsa (5), mo tlhagisong fela ya seo e tsewe jaaka bopaki bo bo lebegang e le boammaaruri ka lebaka la gore taolelo e e jalo e ne ya dirwa kgatlhanong le motho yo o ntseng jalo. 20

Tshwaro ya nakwana ya motho go emetswe dipotsolotso kgotsa tloso go ya tikatikweng ya kalafi 25

40. (1) Magiseterata yo o tshotseng patlisiso e e tshisinngwang mo go karolo 35 a ka re, fa a bona go le bothokwa kgotsa go tshwanetse go busetsa morago kgotsa go emisa dipotsiso ka dipaka tse di tlhomamisitsweng ke ena a lebeletse mabaka a kgetse, a laolela gore motho yo o amegang a amogelwe mo botshwarweng kwa tikatikweng ya kalafi, ntlwaneng ya kalafi, tlhomong ya boitekanelo kgotsa lefelo le lengwe le le tsewang ke magiseterata jaaka le le maleba. 30

(2) Fa motho yo o amegang a le ka fa tlase ga bogolo jwa dingwaga di le 18, magiseterata a ka laolela gore a bewe mo botshwarweng mo tikatikweng ya ngwana le moša ya tlhokomelo kgotsa a gololwa ka beile kgotsa ka kgalemo jaaka e kete motho yo o ntseng jalo e ne e le motho yo tsheko ya gagwe mo tatofatsong ya bosenyi mo kgotlatshekelo ya magiseterata e buseditse morago kgotsa e emisitse. 35

(3) Go se nne motho yo o amogelwang mo botshwarong ka paka e e tswelelang ya bolelele jwa go feta malatsi a le 28 go ya ka karolotlaleletso (1).

(4) Tona a ka re go tswa mo mading a a ntshitsweng ke Palamente ka mabaka ao, a aba go ya tshegetsong ya motho ofe yo e leng ena, go ya ka karolotlaleletso (1), amogetswe kgotsa a beilwe mo tikatikweng ya kalafi, ntlwana ya kalafi, tikatikwe ya ngwana le moša ya tlhokomelo kgotsa lefelo le lefe le lengwe le le sa tshagediwe ke Naga. 40

Boikuelo kgatlhanong le tshkatsheko ya ditaolelo tse di rileng

41. Molao o o amanang le boikuelo le mokgwa ofe wa tshkatsheko mo dikgetseng tsa bosenyi o dira ka diphetogo tse di tlhokiwang ke tikologo malebana le taolelo efe e e dirilweng ka fa tlase ga karolo 35, 36 kgotsa 39 jaaka e kete taolelo e e jalo e ne e le ponomolato e e dirilweng le katlholo e fetisitse ke kgotlatshekelo ya magiseterata mo kgetseng ya bosenyi. 45

Kamogelo kgotsa tshutiso go ya tikatikweng ya kalafi 50

42. (1) Motho yo o tshwanetseng go amogelwa kwa tikatikweng ya kalafi go ya ka karolo 35 kgotsa yo o sutiseditsweng kwa tikatikweng ya kalafi go ya ka Molao o, o tshwanetse go amogelwa kwa tikatikweng ya kalafi go fitlha a gololwa ka laesense go ya ka karolo 47 kgotsa fa a golotswe, a sutisitse kgotsa a buseditse kwa tshiamelong efe e nngwe go ya ka Molao o. 55

(2) Motsamaiso wa tikatikwe ya kalafi o tshwanetse go itsise Mokaedi Kakaretso—

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- (a) when an involuntary service user is released on licence in terms of this Act and of the particulars of such release;
- (b) if an involuntary service user is released after the expiry of 12 months after an order referred to in section 35(7) was made, as to why—
- (i) such involuntary service user must be not so discharged; 5
 - (ii) he or she has not yet been discharged from treatment centre concerned; and
 - (iii) every 12 months thereafter, if such involuntary service user has not been so discharged, 10

give further reasons as to why he or she must not be discharged.

(3) The magistrate may order the Director-General to discharge such involuntary service user after having considered the report from the Director-General if such report recommends that it is in the interest of an involuntary service user to be discharged.

(4) The discharge of an involuntary service user from the effect of any order made under this Act does not preclude the subsequent committal or transfer of the person concerned to a treatment centre. 15

(5) (a) If a child is to be placed in a treatment centre in terms of section 35(7) and (8), the Director-General may direct that the child be placed in a child and youth care centre in accordance with the provisions of the Children's Act.

(b) If a child is placed in a child and youth care centre, such centre must, subject to section 28(4), be regarded as a treatment centre for the purposes of this Act. 20

Transfer of involuntary service user from and to treatment centre

43. (1) Subject to subsection (2), the Director-General may, after consultation with the manager of the treatment centre concerned transfer an involuntary service user from—

- (a) one public treatment centre to another public treatment centre; 25
- (b) a public treatment centre to a private treatment centre and *vice versa*; or
- (c) one private treatment centre to another private treatment centre,

if the involuntary service user concerned is likely to benefit from the treatment or skills development provided at the public or private treatment centre to which he or she is to be transferred. 30

(2) No person transferred to a public treatment centre in terms of section 44 may be transferred to a private treatment centre in terms of this section.

Transfer of involuntary service user from prison, child and youth care centre, alternative care or health establishment to public treatment centre

44. (1) Subject to subsection (2) and despite anything to the contrary contained in any other law or— 35

- (a) in the Correctional Services Act, 1998 (Act No. 111 of 1998), the Minister of Correctional Services may, in consultation with the Minister and by order in writing, transfer to a public treatment centre designated by the Minister any person who is undergoing a term of imprisonment in any prison which is subject to the provisions of the said Act; 40
- (b) in the Children's Act, the Minister may, by order in writing, transfer to a public treatment centre any child who is placed in a child and youth care centre or in alternative care; or
- (c) in the Mental Health Care Act, the Minister of Health may, in consultation with the Minister and by order in writing, transfer any mental health care user in a health establishment to a public treatment centre designated by the Minister. 45

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- (a) fa modirisi wa tirelo yo o sa ithaopang a gololwa ka laesense go ya ka Molao o le dintlha tsa kgololo e e jalo;
- (b) fa modirisi wa tirelo yo o sa ithaopang a gololwa morago ga bofelo jwa dikgwedi di le 12 morago ga taolelo e e bolelwang mo go karolo 35(7) e dirilwe, jaaka gore ke ka ntlha ya eng— 5
- (i) modirisi wa tirelo yo o jalo yo o sa ithaopang a sa tshwanela go gololwa jalo;
- (ii) ga a ise a gololwe go tswa tikatikweng ya kalafi e e amegang; le
- (iii) morago ga dikgwedi di le 12, fa modirisi wa tirelo yo o sa ithaopang a ise a gololwe, neela mabaka go ya pele gore ke ka ntlha ya eng a ka se 10 gololwe.

(3) Magiseterata a ka laolela Mokaedi Kakaretso go golola modirisi wa tirelo yo e seng wa boithaopo yo o jalo morago ga go sekaseka pegelo go tswa go Mokaedi Kakaretso fa pegelo e e jalo e atlanegisa gore go mo kgatlhegolong modirisi wa tirelo yo o sa ithaopang go gololwa. 15

(4) Kgololo ya modirisi wa tirelo yo e seng moithaopi go tswa tiragalong ya taolelo e e dirilweng ka fa tlase ga Molao o ga e thibele boitlamo bo bo latelang kgotsa tshutiso ya motho yo o amegang kwa tikatikweng ya kalafi.

(5) (a) Fa ngwana a tshwanetse go bewa mo tikatikweng ya kalafi go ya ka karolo 35(7) le (8), Mokaedi Kakaretso a ka laela gore ngwana a bewe mo tikatikweng ya ngwana le mosa ya tlhokomelo go ya ka ditshiamelo tsa Molao wa Bana. 20

(b) Fa ngwana a bewa mo tikatikweng ya ngwana le moša ya tlhokomelo, tikatikwe e e jalo e tshwanetse, go ya ka karolo 28(4), e tsewe jaaka tikatikwe ya kalafi ka mabaka a Molao o.

Tshutiso ya modirisi wa tirelo yo o sa ithaopang go tswa le go ya tikatikweng ya kalafi 25

43. (1) Go latela karolotlaleletso (2), Mokaedi Kakaretso a ka re, morago ga puisano le motsamaisi wa tikatikwe ya kalafi e e amegang a sutisa modirisi wa tirelo yo o sa ithaopang go tswa—

- (a) tikatikweng ya kalafi e e rileng go ya tikatikweng ya kalafi ya setšhaba e nngwe; 30
- (b) tikatikwe ya kalafi ya setšhaba go ya tikatikweng ya kalafi ya poraefete le semenogane; kgotsa
- (c) tikatikwe ya kalafi ya poraefete go ya tikatikweng ya kalafi ya poraefete e nngwe, fa modirisi wa tirelo yo o sa ithaopang yo o amegang a tshwanelwa ke go bona tshiamelo go tswa kalafing kgotsa tsewetsong ya dikgono e e tlametsweng kwa tikatikweng ya kalafi ya setšhaba kgotsa poraefete e a tshwanelang go sutisediwa go yona. 35

(2) Ga go motho yo o sutiseditsweng kwa tikatikweng ya kalafi ya setšhaba go ya ka karolo 44 yo o ka sutisediwang kwa tikatikweng ya kalafi ya poraefete go ya ka karolo e. 40

Tshutiso ya modirisi wa tirelo yo o sa ithaopang go tswa kgolegolong, tikatikweng ya ngwana le moša ya tlhokomelo, tlhokomelo ya thefosano kgotsa tlhomo ya boitekanelo go tikatikwe ya kalafi ya setšhaba

44. (1) Go ya ka karolotlaleletso (2) mme le fa sengwe le sengwe kwa tshwanologong se se tshotsweng mo molaong ofe o mongwe kgotsa— 45

- (a) mo Molaong wa Ditirelo tsa Kgopololo, 1998 (Molao Nomoro. 111 wa 1998), Tona wa Ditirelo tsa Kgopololo a ka re, mo puisanong le Tona le ka taolelo e e kwadilweng, a sutisetsa kwa tikatikweng ya kalafi ya setšhaba a tlhomilwe ke Tona motho ofe yo o dirang paka ya tshwaro mo kgolegolong efe e e tsamaelanang le ditshiamelo tsa Molao o o boletsweng 24; 50
- (b) Mo Molaong wa Bana, Tona a ka re, ka taolelo e e kwadilweng, a sutisetsa kwa tikatikweng ya kalafi ya setšhaba ngwana mongwe le mongwe yo o beilweng mo tikatikweng ya ngwana le moša ya tlhokomelo kgotsa mo tlhokomelong ya thefosano; kgotsa 55
- (c) Mo Molaong wa Tlhokomelo ya Monagano wa Boitekanelo, Tona wa Boitekanelo a ka re, mo puisanong le Tona le ka taolelo ka go kwala, a sutisetsa modirisi wa tlhokomelo ya monagano wa boitekanelo mo lefelong la boitekanelo kwa tikatikweng ya kalafi ya setšhaba e e tlhomilweng ke Tona.

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(2) No person may be transferred unless—

- (a) it is desirable that such person should, before he or she is returned to the community, receive or undergo treatment or skills development in a public treatment centre; and
- (b) such person is likely to benefit from the particular kind of treatment and skills development provided in the public treatment centre. 5

(3) A person transferred to a public treatment centre in terms of subsection (1) must, subject to section 45(1), be regarded as having been discharged from the provisions of the Act governing the facility from which he or she was transferred and is subject, with the changes required by the context, to all the provisions of this Act as if he or she had in the first instance been committed to a public treatment centre under this Act. 10

(4) The Minister must, in consultation with the Ministers of Correctional Services and Health, prescribe regulations for the transfer and retransfer of persons from prison, a health establishment, public treatment centre, child and youth care centre or alternative care, as envisaged in this section and section 45. 15

Retransfer from public treatment centre to prison, child and youth care centre, alternative care or health establishment

45. (1) The Minister may—

- (a) in consultation with the Minister of Correctional Services, retransfer any person transferred to a public treatment centre in terms of section 44(1)(a) to the prison from which he or she was originally transferred, or to any other prison designated by the Minister of Correctional Services; 20
- (b) retransfer any child transferred to a public treatment centre in terms of section 44(1)(b) to the child and youth care centre or alternative care from which he or she was originally transferred or placed, or to any other child and youth care centre or alternative care; or 25
- (c) in consultation with the Minister of Health, retransfer any person transferred to a public treatment centre in terms of section 44(1)(c) to the health establishment from which he or she was originally transferred, or to any other health establishment designated by the Minister of Health, if such person or child is not likely to benefit from the kind of treatment and skills development provided in the public treatment centre. 30

(2) An involuntary service user retransferred to a prison, health establishment or child and youth care centre in terms of subsection (1) must be regarded as having been discharged from the public treatment centre in terms of this Act, and is thereafter subject to the law governing the facility to which he or she has been retransferred. 35

(3) A child retransferred to a child and youth care centre or alternative care in terms of subsection (1)(b) may not be placed in a child and youth care centre beyond the expiration of the period for which he or she could, in terms of the order of the court which authorised his or her placement, have been detained in a child and youth care centre had he or she not been transferred. 40

(4) For the purposes of calculating the period for which an involuntary service user retransferred to a prison in terms of subsection (1)(a) must be detained in such prison in respect of the sentence passed upon him or her, the period between the date of his or her transfer to a public treatment centre and the date of his or her retransfer to that prison must be calculated as part of his or her sentence. 45

Leave of absence from treatment centre

46. (1) The manager of a treatment centre may, and must if so directed by the Director-General in writing, grant leave of absence to any service user from a treatment centre for such period and on such conditions as she or he may prescribe. 50

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(2) Ga go motho yo o tla sutisiwang ntle—

- (a) le fa go eletsaga gore motho yo o jalo o tshwanetse, pele a busediwa kwa baaging, a amogege kgotsa a tselele kalafi kgotsa tswelotso ya dikgono mo tikatikweng ya kalafi ya setšhaba; mme
- (b) motho yo o ntse jalo o tshwanetse ke go bona tshiamelo go tswa mofuteng o o rileng wa kalafi le tswelotso ya dikgono tse di tlamelwang mo tikatikweng ya kalafi ya setšhaba. 5

(3) Motho yo o sutisediwa kwa tikatikweng ya kalafi ya setšhaba go ya ka karolotlaleletso (1) o tshwanetse, go ya ka karolo 45(1), a tsewe jaaka yo o golotsweng go tswa ditshiamelong tsa Molao o o laolang tshiamelo go tswa go e a neng a sutiseditswe go yona mme go ya, le diphetogo tse di tlhokiwang ke tikologo, go ya go ditshiamelo tsotlhe tsa Molao o jaaka e kete mo lebakeng la ntlha o ne a ineeitse kwa tikatikweng ya kalafi ya setšhaba ka fa tlase ga Molao o. 10

(4) Tona o tshwanetse, mo puisanong le Ditona tsa Ditirelo tsa Kgopololo le Boitekanelo, a tlhagise melawana ya tshutiso le go sutisa gape ga batho go tswa kgolegelong, lefelo la boitekanelo, tikatikwe ya kalafi ya setšhaba, tikatikwe ya tlhokomelo ya ngwana le moša kgotsa tlhokomelo ya thefosano, jaaka e solofetswe mo karolong e, le karolo 45. 15

Tshutiso gape go tswa tikatikweng ya kalafi ya setšhaba go ya kgolegelong, tikatikweng ya tlhokomelo ya ngwana le moša, tlhokomelo ya thefosano kgotsa lefelo la boitekanelo 20

45. (1) Tona a ka re—

- (a) mo puisanong le Tona wa Ditirelo tsa Kgopololo, a sutisa gape motho ofe go ya tikatikweng ya kalafi ya setšhaba go ya ka karolo 44(1)(a) go ya kgolegelong go tswa kwa tshimologong a neng a sutiseditswe teng, kgotsa go ya kgolegelong e nngwe efe e e tlhomilweng ke Tona wa Ditirelo tsa Kgopololo; 25
- (b) sutisetsa gape ngwana ofe yo o sutiseditsweng kwa tikatikweng ya kalafi ya setšhaba go ya ka karolo 44(1)(b) go ya kwa tikatikweng ya tlhokomelo ya ngwana le moša kgotsa tlhokomelo ya thefosano go tswa kwa tshimologong e a neng a sutiseditswe go tswa teng kgotsa a bewe, kgotsa go ya kwa tikatikweng ya tlhokomelo ya ngwana le moša kgotsa tikatikwe ya tlhokomelo ya thefosano; kgotsa 30
- (c) mo puisanong le Tona wa Boitekanelo, a ka sutisa gape motho ofe yo o sutiseditsweng kwa tikatikweng ya kalafi ya setšhaba go ya ka karolo 44(1)(c) go ya lefelong la boitekanelo go tswa kwa tshimologong a neng a sutiseditswe teng, kgotsa go ya kwa lefelong la boitekanelo lefe le lengwe le le tlhomilweng ke Tona wa Boitekanelo, fa motho yo o jalo kgotsa ngwana a sa tshwanele go bona tshiamelo go tswa mofuteng wa kalafi le tswelotso ya dikgono tse di tlamelwang mo tikatikweng ya kalafi ya setšhaba. 40

(2) Modirisi wa tirelo yo o sa ithaopang yo o sutiseditsweng gape kwa kgolegelong, lefelong la boitekanelo kgotsa tikatikweng ya tlhokomelo ya ngwana le moša go ya ka karolotlaleletso (1) o tshwanetse go tsewa jaaka yo o golotsweng go tswa tikatikweng ya kalafi ya setšhaba go ya ka Molao o, mme morago ga foo o tsamaisa le molao o o laolang tshiamelo e a sutiseditsweng gape kwa go yona. 45

(3) Ngwana yo o sutiseditsweng gape kwa tikatikweng ya tlhokomelo ya ngwana le moša kgotsa tlhokomelo ya thefosano go ya ka karolotlaleletso (1)(b) o ntse a ka se bewe mo tikatikweng ya tlhokomelo ya ngwana le moša go tlola bofelo jwa paka e a ka bong, go ya ka taolelo ya kgotlatshekelo e e laolelang go bewa ga gagwe, a tshwerwe mo tikatikweng ya tlhokomelo ya ngwana le moša fa a ne a ka bo a ne sa sutisiwa. 50

(4) Ka mabaka a go bala paka e ka yona modirisi wa tirelo yo o sa ithaopang a sutiseditswe gape kwa kgolegelong go ya ka karolotlaleletso (1)(a) a tshwanetseng go tshwarwa mo kgolegelong e e jalo malebana le kotlha e a e neilweng, paka magareng ga letlha la tshutiso ya gagwe go ya tikatikweng ya kalafi ya setšhaba le letlha la tshutiso gape ya gagwe go ya kgolegelong eo di tshwanetse go balwa jaaka karolo ya katlholo ya gagwe. 55

Khunologo ya go se nne teng go tswa tikatikweng ya kalafi

46. (1) Motsamaisi wa tikatikwe ya kalafi a ka re, le fa a tshwanetse go laolelwa jalo ke Mokaedi Kakaretso ka go kwala, a rebole khunologo ya go se nne teng kwa

(2) The manager may, subject to the conditions determined by the treatment centre during the period of leave of absence, if the service user is not complying with the conditions applicable to such leave, cancel the leave and direct the service user to return to the treatment centre as prescribed.

(3) An involuntary service user who fails to return to the treatment centre on the return date must be regarded as having absconded and must be dealt with in terms of section 52. 5

(4) An involuntary service user may not leave a treatment centre unless he or she has been granted leave of absence, released on licence or discharged.

(5) The manager of a treatment centre must put measures in place to ensure that involuntary service users do not abscond from a treatment centre. 10

Involuntary service user of treatment centre may be released on licence or discharged

47. (1) The manager of a treatment centre may release, and must, if so directed by the Director-General, release an involuntary service user on licence subject to such conditions as the manager may stipulate. 15

(2) The manager may vary the conditions of such release after giving notice thereof to such service user.

(3) An involuntary service user who has been released on licence remains under such supervision of a social worker as may be prescribed or a person approved by the Director-General, until such release expires or is cancelled in terms of this Act or he or she is discharged in terms of this Act. 20

(4) The Director-General, upon an order made by the magistrate, must discharge an involuntary service user from the effect of any order made under this Act at any time prior to the expiry of the period for which he or she was released on licence. 25

Revocation of licence

48. (1) The manager of a treatment centre may revoke an involuntary service user's licence and direct that he or she return to the treatment centre if the management structure has reason to believe that such service user—

- (a) is failing to comply with any of the conditions of his or her release; or 30
- (b) has not proved himself or herself capable of adjusting properly to community life.

(2) If the need for the return of an involuntary service user to the treatment centre is of such a nature that it cannot be deferred until the management structure has dealt with the matter, the manager may exercise all the powers of the management structure in terms of this section. 35

(3) An involuntary service user recalled to a treatment centre and who fails to return on the return date, must be regarded as having absconded and may be apprehended in terms of section 52(2).

(4) An involuntary service user apprehended in terms of section 52(2) must be admitted in custody until he or she can be returned to the treatment centre in question. 40

(5) A service user recalled to a treatment centre in terms of subsection (1) or (2) and who has returned to such centre must be admitted to that centre until he or she is released or discharged in terms of this Act.

Admission to treatment centre of persons who are not South African citizens or permanent residents 45

49. (1) (a) The Government, represented by the Minister in consultation with the Minister of Foreign Affairs, may, subject to section 17 of the Immigration Act, enter into an agreement with the government of any other country for the admission to any treatment centre in the Republic of any person whose admission in any treatment centre for a period of not more than one year has been ordered by a competent court or officer of such country according to that country's laws. 50

(b) Whenever such an agreement has been entered into, the Minister must cause a notice of that fact and a summary of the terms of the agreement to be published in the *Gazette*. 55

(2) The Minister may, with due regard to section 35(8), order the admission to a treatment centre of any person whose admission in a treatment centre for a period of not

modirising wa tirelo ofe go tswa tikatikweng ya kalafi ka paka e e rileng le ka maemo a a jalo jaaka a ka a thagisa.

(2) Motsamaisi a ka re, go ya ka maemo a a tlhomamisitsweng ke tikatikwe ya kalafi ka paka ya khunologo ya go se nne teng, fa modirisi wa tirelo a sa tsamaelane le maemo a a dirang kwa khunologong e e jalo, phimola khunologo le go laela modirisi wa tirelo go boela kwa tikatikweng ya kalafi jaaka e tlhalositswe. 5

(3) Modirisi wa tirelo yo o sa ithaopang yo o palelwang ke go boela kwa tikatikweng ya kalafi ka letlha la go boela o tshwanetse go tsewa jaaka yo o lofileng mme go tshwanetse go diranwe le ena go ya ka karolo 52.

(4) Modirisi wa tirelo yo o sa ithaopang o ntse a ka se tlogele tikatikwe ya kalafi ntle le fa a reboletswe khunologo ya go se nne teng, a golotswe ka laesense kgotsa a tlogetswe. 10

(5) Motsamaiso wa tikatikwe ya kalafi o tshwanetse go baya dikgato mo mannong go tlhomamisa gore badirisi ba tirelo ba ba sa ithaopang ga ba lofe mo tikatikweng ya kalafi. 15

Modirisi wa tirelo yo o sa ithaopang wa tikatikwe ya kalafi a ka gololwa ka laesense kgotsa a tlogelwa

47. (1) Motsamaisi wa tikatikwe ya kalafi a ka golola, mme o tshwanetse, fa a laetswe jalo ke Mokaedi Kakaretso, a golole modirisi wa tirelo yo o sa ithaopang mo laesenseng go ya ka maemo a a jalo jaaka motsamaisi a ka a thagisa. 20

(2) Motsamaisi a ka farologanya maemo a kgololo e e jalo morago ga go neela kitsiso ya seo kwa modirising wa tirelo yo o jalo.

(3) Modirisi wa tirelo yo o sa ithaopang yo o golotsweng mo laesenseng o sala ka fa tlase ga tlhokomelo ya modirediloago jaaka go ka tlhalosiwa kgotsa motho yo o rebotsweng ke Mokaedi Kakaretso, go fitlha kgololo eo e tla bokhutlong kgotsa e phimolwa go ya ka Molao kgotsa a tlogelwa go ya ka Molao o. 25

(4) Mokaedi Kakaretso, mo taolelong e e dirilweng ke magiseterata, o tshwanetse go tlogela modirisi wa tirelo yo o sa ithaopang go tswa tiragatsong ya taolelo e e dirilweng ka fa tlase ga Molao o ka nako nngwe le nngwe pele ga khutliso ya paka e ka yona a neng a golotswe ka laesense. 30

Phimolo ya laesense

48. (1) Motsamaisi wa tikatikwe ya kalafi a ka phimola laesense ya modirisi wa tirelo yo o sa ithaopang mme a laela gore a boele kwa tikatikweng ya kalafi fa kagego ya botsamaisi e na le lebaka gore modirisi wa tirelo yo o jalo—

(a) o palelwa ke go tsamaisana le nngwe ya maemo a kgololo ya gagwe; kgotsa 35

(b) a ise a itshupe a kgona go tlwaela sentle kwa botshelong jwa baagi.

(2) Fa tlhokego ya go boela ga modirisi wa tirelo yo o sa ithaopang kwa tikatikweng ya kalafi e le ya boleng mo e ka se busediweng morago go fitlha kago ya botsamaisi e dirane le morero, motsamaisi a ka diragatsa dithata tsotlhe tsa gagwe tsa kago ya botsamaisi go ya ka karolo e. 40

(3) Modirisi wa tirelo yo o bidiwang gape go tla tikatikweng ya kalafi mme a palelwa ke go boa ka letlha la go bowa, o tshwanetse go tsewa jaaka yo o phuagantseng mme a ka tshwarwa go ya ka karolo 52(2).

(4) Modirisi wa tirelo yo o sa ithaopang a tshwerwe go ya ka karolo 52(2) o tshwanetse go amogelwa mo botshwarweng go fitlha a ka kgona go boela kwa tikatikweng ya kalafi e e fa isong. 45

(5) Modirisi wa tirelo yo o biditsweng gape go ya tikatikweng ya kalafi go ya ka karolotlaleletso (1) kgotsa (2) le yo o boetseng kwa tikatikweng e e jalo o tshwanetse go amogelwa kwa tikatikweng e e jalo go fitlha a golotswe kgotsa a tlogetswe go ya ka Molao o. 50

Kamogelo go tikatikwe ya kalafi ya batho ba e seng baagi ba Aforika Borwa kgotsa banni ba leruri

49. (1) (a) Puso, e emetswe ke Tona mo puisanong le Tona ya Merero ya kwa Boditšhaba, e ka re, go ya ka karolo 17 ya Molao wa Khudugelo, ya tsenela tumalano le puso ya naga efe e nngwe ka kamogelo kwa tikatikweng ya kalafi efe mo Rephaboleki ya motho ofe yo kamogelo ya gagwe mo tikatikweng ya kalafi ya paka e e sa feteng 55

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more than one year has been ordered by a competent court or officer of that country, the government of which has entered into an agreement contemplated in subsection (1) with the Government of the Republic.

(3) A person admitted to a treatment centre by order of the Minister in terms of subsection (2) may be admitted to such centre until he or she is discharged in terms of this Act, but not longer than the expiration of the period fixed by the court which, or officer who, ordered that person's admission to the treatment centre. 5

(4) This Act applies in respect of a person admitted to a treatment centre in terms of this section as if his or her admission in that treatment centre had been ordered in terms of this Act— 10

(a) but the manager concerned may not grant leave of absence to such person in terms of section 46 without the approval of the Director-General; and

(b) such person may only be discharged from the treatment centre in question if the Minister approves his or her discharge,

subject to the provisions of the agreement, if any, in terms of which such person was admitted to the treatment centre in question. 15

(5) Any person who is not a South African citizen or a permanent resident may, subject to section 17 of the Immigration Act, apply for admission at a treatment centre for treatment, rehabilitation and skills development for substance abuse.

(6) The Minister may prescribe the condition for the administration or admission of a person who is not a South African citizen or a permanent resident into the Republic for treatment, rehabilitation or skills development. 20

Service user to have access to management and vice versa

50. A service user of a treatment centre has, subject to any prescribed conditions, the right of personal access to the management structure of the treatment centre and the management structure has a similar right of access to the service user. 25

CHAPTER 9**DISCIPLINARY INTERVENTION AND APPEAL PROCEDURE****Maintenance of discipline in treatment centre, halfway house, out-patient services and community-based services** 30

51. (1) The treatment centre, halfway house, out-patient services and community-based services must, subject to the minimum norms and standards prescribed under this Act—

(a) establish rules to be complied with by service users; 35

(b) establish the disciplinary procedure to be followed in dealing with violations of such rules;

(c) determine the penalties or measures for the violation of such rules;

(d) determine the appeals procedure against the outcome of a disciplinary process; and

(e) determine the procedure to be followed in the lodging of complaints by service users. 40

(2) If a service user in a treatment centre, halfway house or community-based services contravenes any rule contemplated in this section, the manager or a person designated by the manager may after holding an enquiry in terms of the procedure referred to in subsection (1)(b)— 45

(a) take such disciplinary steps as may be determined in terms of subsection (1)(b), against that service user; and

ngwaga o le mongwe e laoletsweng ke kgotlatshekelo e e nang le bokgoni kgotsa motlhankedi wa naga e e jalo go ya ka melao ya naga eo.

(b) Nako le nako fa tumalano e e jalo e dirilwe, Tona o tshwanetse a dire kitsiso ya ntlha eo le tshosobanyo ya maemo le tumalano go phasaladiwa mo Kaseteng.

(2) Tona a ka re, malebana le karolo 35(8), a laolela kamogelo kwa tikatikweng ya kalafi ya motho ofe yo kamogelo ya gagwe mo tikatikweng ya kalafi ya paka e e sa feteng ngwaga o le mongwe e laoletsweng ke kgotlatshekelo e e nang le bokgoni kgotsa motlhankedi wa naga eo 26, puso e e tsenetseng tumalano e e tshisinnwang mo go karolotlaleletso (1) le Puso ya Rephaboleki.

(3) Motho yo o amogetsweng kwa tikatikweng ya kalafi ka taolelo ya Tona go ya ka karolotlaleletso (2) a ka amogelwa kwa tikatikweng e e jalo go fitlha a gololwa go ya ka Molao o, mme e seng ka boleele go na le bofelo jwa paka e e tlhomamisitsweng ke kgotlatshekelo e, kgotsa motlhankedi yo o laoletsweng ke kamogelo ya motho yoo kwa tikatikweng ya kalafi.

(4) Molao o o dira malebana le motho yo o amogetsweng kwa tikatikweng ya kalafi go ya ka karolo e jaaka e kete kamogelo ya gagwe mo tikatikweng ya kalafi e laoletsweng go ya ka Molao o—

(a) fela motsamaisi yo o amegang o ntse a ka se ntshe khunologo ya go se nne teng kwa mothong yo o jalo go ya ka karolo 46 ntle le thebolelo ya Mokaedi Kakaretso; mme

(b) motho yo o jalo a ka gololwa fela go tswa tikatikweng ya kalafi e e fa isong fa Tona a rebola kgololo ya gagwe go ya ka ditshiamelo tsa tumalano, fa di le teng, go ya ka motho yo o jalo a neng a amogetsweng kwa tikatikweng ya kalafi e e mo isong.

(5) Motho ofe yo e seng moagi wa Aforika Borwa kgotsa monni wa leruri a ka re, go ya ka karolo 17 ya Molao wa Khudugelo, a dira kopo ya kamogelo kwa tikatikweng ya kalafi go bona kalafi, tsosoloso le tswelotso ya dikgono tsa tirisobotlhaswa ya sere.

(6) Tona a ka baya maemo a tsamaiso kgotsa kamogelo ya motho yo e seng moagi wa Aforika Borwa kgotsa monni wa leruri mo Rephaboleking ka kalafi, tsosoloso kgotsa tswelotso ya dikgono.

Modirisi wa tirelo go nna le phithhelelo go botsamaisi le semonogane

50. Modirisi wa tirelo ya tikatikwe ya kalafi o na le, go ya ka maemo a a beilweng, tshwanelo ya phithhelelo ya sebele kwa thulaganyong ya botsamaisi ya tikatikwe ya kalafi le thulaganyo ya botsamaisi e na le tshwanelo e e tshwanang kwa modirising wa tirelo.

KGAOLO 9

TSEREGANYO YA KGALEMO LE TSAMAIISO YA BOIKUELO

Tshegetso ya kgalemo mo tikatikweng ya kalafi, ntlwana ya kalafi, ditirelo tsa molwetse wa kwa ntle le ditirelo tse di ikaegileng ka baagi

51. (1) Tikatikwe ya kalafi, ntlwana ya kalafi, ditirelo tsa molwetse wa kwa ntle le ditirelo tse di ikaegileng ka baagi e tshwanetse, go ya ka bonnye ditlwaelo le boemo tse di beilweng ka fa tlase ga Molao o:

- (a) e tlhome melawana e e tshwanetseng go latelwa ke badirisi ba tirelo;
- (b) e tlhome tsamaiso ya kgalemo go latelwa mo go mekamekaneng le dikgatholoso tsa melawana e e jalo;
- (c) e tlhomamise dikotlhaoo kgotsa dikgato tsa ikgatholoso ya melawana e e jalo;
- (d) e tlhomamise tsamaiso ya boikuelo kgatlhanong le pelo ya tirego ya kgalemo; le
- (e) e tlhomamise tsamaiso e e latelwang mo go tsenyeng dingongorego ka badirisi ba tirelo.

(2) Fa modirisi wa tirelo mo tikatikweng ya kalafi, ntlwaneng ya kalafi kgotsa ditirelong tse di ikaegileng ka baagi a tlola efe ya molawana o o tshisinnwang mo karolong e, motsamaisi kgotsa motho yo o tlhomilweng ke motsamaisi a ka re morago ga go dira dipotsiso go ya ka tsamaiso e e boletsweng mo go karolotlaleletso (1)(b)—

- (a) a tsaya dikgato tsa kgalemo tse di jalo jaaka go ka tlhomamisiwa go ya ka karolotlaleletso (1)(b), kgatlhanong le modirisi wa tirelo yoo; le

- (b) impose on the service user such measure or penalty, as determined, provided that such disciplinary steps, measures or penalties do not include cruel, inhumane or degrading treatment or corporal punishment.
- (3) A manager or person contemplated in subsection (1) who holds an inquiry in terms of that subsection must keep a record of the proceedings of the inquiry. 5
- (4) A service user who is not satisfied with the outcome of an inquiry and disciplinary steps taken or measures imposed against him or her may appeal to an appeal committee, established by the Minister, within seven days of the outcome of the inquiry.
- (5) The Minister must prescribe the duties and composition of an appeal committee.
- (6) If it appears to the appeal committee, on consideration of the documentation 10 submitted to such committee, that the disciplinary steps taken or measures imposed against a service user is unjustified, the committee must—
- (a) set aside, reduce or vary any disciplinary action taken against such service user; and
- (b) return its record with instructions to the manager or designated person 15 concerned.
- (7) The manager of a treatment centre, halfway house or community-based services must report the commission of any offence by a service user to a police official to deal with the matter in terms of the Criminal Procedure Act, provided that such an offence is an offence that may not be dealt with in terms of subsections (1) and (2). 20

Method of dealing with absconder from treatment centre

52. (1) For the purposes of this section, an involuntary service user who—
- (a) has been granted leave of absence from a treatment centre and who, on the revocation or expiration of his or her leave of absence, fails to return to the treatment centre concerned; or 25
- (b) without permission absents himself or herself from any health establishment or treatment centre to which he or she may have been admitted at the instance of the management of a treatment centre, must be regarded as having absconded from such treatment centre or health establishment.
- (2) An involuntary service user who has absconded from a health establishment or treatment centre may be apprehended by a police official and must as soon as possible be brought before the magistrate of the district in which he or she was apprehended. 30
- (3) Notwithstanding subsection (2), the head of the health establishment or manager of a treatment centre may, if an involuntary service user has absconded as contemplated in subsection (1), request assistance from the South African Police Service to locate, 35 apprehend and place the involuntary service user in any place contemplated in section 40(1).
- (4) The South African Police Service must comply with a request contemplated in subsection (3).
- (5) A police official may use such constraining measures as may be necessary and proportionate in the circumstances when apprehending any person or performing any function in terms of this section, provided that such measures do not include cruel, inhumane or degrading treatment or corporal punishment. 40
- (6) An involuntary service user apprehended in terms of subsection (2) or (3) may be placed in custody in any place contemplated in section 40(1) until he or she is brought 45 before a magistrate within a prescribed period.
- (7) (a) A magistrate before whom an involuntary service user contemplated in subsection (2) or (3) is brought must, after having enquired into the reasons for the involuntary service user's abscondment, order that such service user be— 50
- (i) returned to the treatment centre or health establishment from which he or she absconded;
- (ii) placed in custody, pending the decision of the Director-General, or in any place contemplated in section 40(1) designated by the magistrate; or

- (b) go tlhagisa go modirisi wa tirelo kgato e e jalo kgotsa kotlhao, jaaka go tlhomamisitswe, go ya le gore dikgato tsa kgalemo tse di jalo, dikgato kgotsa dikotlhao ga di tsenyeletse kalafi e e setlhogo, ya sephologolo kgotsa e e nyenyefatsang kgotsa kotlhao ya thupa.
- (3) Motsamaisi kgotsa motho yo o tshisingwang mo go karotlaleletso (1) yo o dirang dipotsiso go ya ka karotlaleletso o tshwanetse go tshola rekoto ya diisamaiso tsa dipotsiso. 5
- (4) Modirisi wa tirelo yo o sa kgotsofalang ka dipoelo tsa dipotsiso le dikgato tsa kgalemo kgotsa dikgato tse di tlhagisitsweng kgatlhanong le ena a ka ikuela kwa komiting ya boikuelo, e e tlhomilweng ke Tona, mo malatsing a le supa a poelo ya patlisiso. 10
- (5) Tona o tshwanetse go tlhalosa ditiro le boleng jwa komiti ya boikuelo.
- (6) Fa go lebega kwa komiting ya boikuelo, mo tshkatshekong ya dikwalo tse di rometsweng kwa komiting e e jalo, gore dikgato tsa kgalemo tse di tserweng kgotsa dikgato tse di dirilweng kgatlhanong le modirisi wa tirelo ga di a lolama, komiti e tshwanetse— 15
- (a) go beela fa thoko, go fokotsa kgotsa go farologanya kgato ya kgalemo e e tsewang kgatlhanong le modirisi wa tirelo yo o jalo; le
- (b) go busetsa rekoto ya teng ka ditaelo go motsamaisi kgotsa motho yo o tlhomilweng yo o amegang. 20
- (7) Motsamaisi wa tikatikwe ya kalafi, ntlwana ya kalafi kgotsa ditirelo tse di ikaegileng ka baagi o tshwanetse go bega khomišene efe ya tlolomolao ka modirisi wa tirelo kwa motlhankeding wa sepodisi go dirana le ntlha go ya ka Molao wa Tsamaiso ya Bosenyi, fa e le gore tlolomolao e e jalo ke tlolomolao e go ka se diranweng le yona go ya ka dikarotlaleletso (1) le (2). 25

Mokgwa wa go dirana le molofi go tswa tikatikweng ya kalafi

- 52.** (1) Ka maikemisetso a karolo e, modirisi wa tirelo yo o sa ithaopang yo—
- (a) o abetsweng khunologo ya go se nne teng go tswa tikatikweng ya kalafi le yo, mo khutlisong kgotsa bofelong jwa khunologo ya go se nne teng ga gagwe, a palelwa ke go boela kwa tikatikweng ya kalafi e e amegang; kgotsa 30
- (b) ntle le tetla a se nne teng mo lefelong la boitekanelo lefe kgotsa tikatikweng ya kalafi e a ka bong a amogetswe kwa go yona ka kopo ya botsamaiso jwa tikatikwe ya kalafi, o tshwanetse go tsewa jaaka a phuangantse kwa tikatikweng ya kalafi e e jalo kgotsa lefelo la boitekanelo.
- (2) Modirisi wa tirelo yo o ithaopileng yo o phuangantseng kwa lefelong la boitekanelo kgotsa tikatikweng ya kalafi a ka tshwarwa ke motlhankedi wa sepodisi mme o tshwanetse ka bonako bo bo kgonegang a tlisiwe fa pele ga magiseterata wa kgaolo e a neng a tshwerwe go yona. 35
- (3) Go sa tlogelwe karotlaleletso (2), tlhogo ya lefelo la boitekanelo kgotsa motsamaisi wa tikatikwe ya kalafi a ka re, fa modirisi wa tirelo yo e seng wa boithaopo a phuangantse jaaka go tshisingwa mo go karotlaleletso (1), a kopa thuso go tswa go Tirelo ya Sepodisi ya Aforika Borwa go batla, go tshwara le go baya modirisi wa tirelo yo e seng wa boithaopo mo lefelong lefe le le tshisingwang mo go karolo 40(1). 40
- (4) Tirelo ya Sepodisi sa Aforika Borwa e tshwanetse go tsamaelana le kopo e e tshisingwang mo go karotlaleletso (3). 45
- (5) Motlhankedi wa sepodisi a ka dirisa dikgato tse di lekanyediwang jaaka go ka tlhokega le go lekana mo mabakeng fa go tshwarwa motho ofe kgotsa go dirwa tiro go ya ka karolo e, go ya le gore dikgato tse di jalo ga di tshenyeletse bosetlhogo, bophologolo kgotsa kalafi e e nyenyefatsang kgotsa kgalemo ya thupa.
- (6) Modirisi wa tirelo yo o sa ithaopang yo o tshwerweng go ya ka karotlaleletso (2) kgotsa (3) a ka bewa mo botshwarong mo lefelong lefe le le tshisingwang mo go karolo 40(1) go fitlha a tlisiwa fa pele ga magiseterata mo pakeng e e beilweng. 50
- (7) (a) Magiseterata yo fa pele ga gagwe modirisi wa tirelo yo o sa ithaopang yo o tshisingwang mo go karotlaleletso (2) kgotsa (3) a tlisiwang o tshwanetse, morago ga go botsolotsa ka mabaka a phuanganyo ya modirisi wa tirelo yo o sa ithaopang, a laolele gore modirisi wa tirelo yo o jalo a— 55
- (i) busediwe kwa tikatikweng ya kalafi kgotsa lefelong la boitekanelo kwa a phuangantseng teng;
- (ii) bewe mo botshwarong, go letilwe tshwetso ya Mokaedi Kakaretso, kgotsa mo lefelong lefe le le tshisingwang mo go karolo 40(1) le le tlhomilweng ke magiseterata: kgotsa 60

(iii) transferred to another treatment centre or health establishment.

(b) The magistrate must notify the Director-General of the result of the enquiry and of the order made in terms of this subsection.

(8) On consideration of the notification contemplated in subsection (7) and after any further enquiry which he or she may deem necessary, the Director-General must, if the magistrate has ordered that the involuntary service user be placed in custody pending the decision of the Director-General—

- (a) direct that such service user be returned to the treatment centre or health establishment from which he or she absconded;
- (b) deal with such service user in terms of section 43(1);
- (c) direct that such service user be released on licence in terms of section 47; or
- (d) direct that he or she be discharged from the effect of an order made under this Act.

(9) Section 40(4) applies with the changes required by the context in respect of any person placed in custody in a place referred to in section 36(1) or in pursuance of an order made under subsection (7)(a)(ii).

(10) Section 170 of the Children's Act applies with the changes required by the context in respect of a child absconding from alternative care or child and youth care centre.

CHAPTER 10

CENTRAL DRUG AUTHORITY AND SUPPORTING STRUCTURES

Establishment and functions of Central Drug Authority

53. (1) There is hereby established a body known as the Central Drug Authority, which may exercise the powers and must perform the duties conferred or imposed on it by or in terms of this Act.

(2) The Central Drug Authority consists of the following who shall be fit and proper persons and who, in respect of members referred to in paragraphs (a) to (t), are at least of a rank of a director or equivalent, namely —

- (a) a representative of the Department of Social Development appointed by the Minister;
- (b) a representative of the Department of Justice and Constitutional Development appointed by that Department;
- (c) a representative of the South African Police Service appointed by the South African Police Service;
- (d) a representative of the Department of Health appointed by that Department;
- (e) a representative of the Department of Education appointed by that Department;
- (f) a representative of the Department of Home Affairs appointed by that Department;
- (g) a representative of the Department of Foreign Affairs appointed by that Department;
- (h) a representative of the Department of Trade and Industry appointed by that Department;
- (i) a representative of the South African Revenue Service appointed by the South African Revenue Service;
- (j) a representative of the Department of Correctional Services appointed by that Department;
- (k) a representative of the Department of Labour appointed by that Department;
- (l) a representative of the National Treasury appointed by the National Treasury;
- (m) a representative of the Department of Arts and Culture appointed by that Department;
- (n) a representative of the Department of Sport and Recreation appointed by that Department;
- (o) a representative of the Department of Agriculture appointed by that Department;
- (p) a representative of the Department of Transport appointed by that Department;
- (q) a representative of the Department of Provincial and Local Government appointed by that Department;
- (r) a representative of the National Youth Commission appointed by that Commission;
- (s) a representative of the Medicines Control Council appointed by that Council;

- (iii) a sutisediwe kwa tikatikweng ya kalafi e nngwe kgotsa lefelo la boitekanelo.
 (b) Magiseterata o tshwanetse go itsise Mokaedi Kakaretso ka poelo ya dipotsiso le ka taolelo e e dirilweng go ya ka karolotlaleletso e.
- (8) Mo tshekatshekong ya kitsiso e e tshisinngwang mo go karolotlaleletso (7) le fa morago ga dipotsiso dife go ya pele tse a ka bonang di le bothokwa. Mokaedi Kakaretso o tshwanetse, fa magiseterata a laoletse gore modirisi wa tirelo yo o sa ithaopang a bewe mo botshwarong go letilwe tshwetso ya Mokaedi Kakaretso—
- (a) a laele gore modirisi wa tirelo yo o jalo a busesiwe kwa tikatikweng ya kalafi kgotsa kwa lefelong la boitekanelo le a phuagantseng teng; 5
- (b) a dirane le modirisi wa tirelo yo o jalo go ya ka karolo 43(1); 10
- (c) a laele gore modirisi wa tirelo yo o jalo a gololwe ka laesense go ya ka karolo 47; kgotsa
- (d) a laele gore a tlogelwe go tloga taolelong e e dirilweng ka fa tlase ga Molao o.
- (9) Karolo 40(4) e dira le diphetogo tse di tlhokiwang ke tikologo malebana le motho ofe m botshwarong mo lefelong le le boletsweng mo go karolo 36(1) kgotsa mo tiragatsong ya taolelo e e dirilweng ka fa tlase ga karolotlaleletso (7)(a)(ii). 15
- (10) Karolo 170 ya Molao wa Bana e dira le diphetogo tse di tlhokiwang ke tikologo malebana le ngwana yo o phuaganyang go tswa tlhokomelong ya thefosano le tikatikwe ya baša.

KGAOLO 10

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**BOTHATI JWA BOGARENG JWA SERITIBATSI LE DIKAGEGO
TSA GO TSHEGETSA****Tlhome le ditiro tsa Bothati jwa Bogareng jwa Seritibatsi**

- 53.** (1) Fano go tlhomamisiwa mokgatlho o o itseweng jaaka Bothati jwa Bogareng jwa Seritibatsi, bo bo ka diragatsang dithata le go tshwanela go dira ditiro tse di beilweng kgotsa di latlhetswe mo go bona kgotsa go ya ka Molao o. 25
- (2) Bothati jwa Bogareng jwa Seritibatsi bo na le ba ba latelang ba e leng batho ba ba tla tshwanelang le go nna sentle le ba. go ya ka maloko a a boletsweng mo ditemaneng (a) go ya (t), e leng bogolo ba maemo a mokaedi kgotsa selekani, 10 ebong—
- (a) moemedi wa Lefapha la Tlhabololo ya Loago yo o tlhomilweng ke Tona; 30
- (b) moemedi wa Lefapha la Bosiamisi le Tsweletso ya Molaotheo yo o tlhomilweng ke Lefapha leo;
- (c) moemedi wa Tirelo ya Sepodisi sa Aforika Borwa yo o tlhomilweng ke Tirelo ya Sepodisi sa Aforika Borwa;
- (d) moemedi wa Lefapha la Boitekanelo yo o tlhomilweng ke Lefapha leo; 35
- (e) moemedi wa Lefapha la Thuto yo o tlhomilweng ke Lefapha leo;
- (f) moemedi wa Lefapha la Merero ya Selegae yo o tlhomilweng ke Lefapha leo;
- (g) moemedi wa Lefapha la Merero ya Boditšhaba yo o tlhomilweng ke Lefapha leo;
- (h) moemedi wa Lefapha la Kgwebisano le Madirelo yo o tlhomilweng ke Lefapha leo; 40
- (i) moemedi wa Tirelo ya Lotseno ya Aforika Borwa yo o tlhomilweng ke Tirelo ya Lotseno ya Aforika Borwa;
- (j) moemedi wa Lefapha la Ditirelo tsa Kgopololo yo o tlhomilweng ke Lefapha leo; 45
- (k) moemedi wa Lefapha la Bodiri yo o tlhomilweng ke Lefapha leo;
- (l) moemedi wa Matlotlo a Bosetšhaba yo o tlhomilweng ke Matlotlo a Bosetšhaba;
- (m) moemedi wa Lefapha la Botsheretsi le Setso yo o tlhomilweng ke Lefapha leo; 50
- (n) moemedi wa Lefapha la Metshameko le Boitapoloso yo o tlhomilweng ke Lefapha leo;
- (o) moemedi wa Lefapha la Temothuo yo o tlhomilweng ke Lefapha leo;
- (p) moemedi wa Lefapha la Dipalangwa yo o tlhomilweng ke Lefapha leo;
- (q) moemedi wa Lefapha la Diporofense le Pusoselegae yo o tlhomilweng ke lefapha leo; 55
- (r) moemedi wa Khomišene ya Bosetšhaba ya Baša yo o tlhomilweng ke Khomišene eo;
- (s) moemedi wa Khansele ya Taolo ya Melemo yo o tlhomilweng ke Khansele eo;

- (*t*) a representative from the National Prosecuting Authority appointed by that Authority; and
- (*u*) not more than 13 other members who must be persons who have knowledge or experience in the management of the demand and supply of substances or who are able to make a substantial contribution to the combating of substance abuse. 5
- (3) The members contemplated in subsection (2)(*u*) may be appointed only after—
- (*a*) the Minister has through the media and by notice in the *Gazette* invited nominations of persons as members of the Central Drug Authority; and
- (*b*) the Parliamentary Committees for Social Development of the National Assembly and the National Council of Provinces have made recommendations to the Minister in relation to such appointments after a transparent and open process of considering persons so nominated. 10
- (4) (*a*) A member of the Central Drug Authority, except a member referred to in subsection 2(*a*) to (*t*), must be appointed for a period not exceeding five years on such conditions as the Minister may determine at the time of making the appointment. 15
- (*b*) The Minister may terminate membership of any member for reasons which are just and fair.
- (*c*) A member of the Central Drug Authority, except a member referred to in subsection 2(*a*) to (*t*), may, on the expiry of any period for which he or she was appointed, be reappointed for one additional term only. 20
- (5) If the office of any member of the Central Drug Authority becomes vacant before the expiry of the period for which he or she was appointed, the Minister must, subject to subsections (2) and (3), appoint another person to hold office for the unexpired portion of the period for which his or her predecessor was appointed. 25
- (6) Any member of the Central Drug Authority who is not an officer in the public service, may be paid such fees or travelling and subsistence allowance, while engaged on the business of the Central Drug Authority, as the Minister with the concurrence of the Minister of Finance may determine.
- (7) (*a*) One of the members of the Central Drug Authority must be designated by the Minister as chairperson of the Central Drug Authority, and at the first meeting of every newly constituted Central Drug Authority the members of the Central Drug Authority must elect a vice-chairperson from their members. 30
- (*b*) The vice-chairperson, when acting in the place of the chairperson, has all the powers and must perform all the duties of the chairperson and must be paid the allowances normally paid to the chairperson. 35
- (8) In the event of the absence of both the chairperson and the vice-chairperson from any meeting of the Central Drug Authority, the members present at that meeting must elect one of their members to preside at that meeting.
- (9) The first meeting of the Central Drug Authority must be held at a time and place to be determined by the Minister, and subsequent meetings must be held at least twice a year and at such times and places as the chairperson may determine. 40
- (10) (*a*) The Central Drug Authority must, as soon as is practicable after it has been established, draft rules governing its quorum, the procedure at meetings and, generally, the conduct of its functions, and may from time to time alter or revoke any such rules. 45
- (*b*) Such rules have no force and effect unless approved by the Minister.
- (11) (*a*) The Central Drug Authority must annually, by no later than the last day of August, submit to the Minister a report on all its functions as well as a comprehensive description of the national effort to reduce the demand for, harm caused by and supply of, substances in the previous financial year. 50
- (*b*) The Minister must table the report referred to in paragraph (*a*) in Parliament within 14 days after it is submitted to him or her, if Parliament is then sitting, or, if Parliament is not then sitting, within 14 days after its next sitting day.

MOLAO WA THIBELO LE KALAFI YA
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- (t) moemedi go tswa Bothating jwa Bosetšhaba bo bo tlhomilweng ke Bothati boo; le
- (u) e seng go feta maloko a mangwe a le 13 a a tshwanetseng go nna batho ba ba nang le kitso kgotsa maikarabelo mo botsamaising jwa patlo le tlanelo ya dire kgotsa ba ba kgonang go nna le seabe se se bonalang kwa go thibeleng tirisobotlhaswa ya sere. 5
- (3) Maloko a a tshisinngwang mo go karolotlaleletso (2)(u) a ka tlhomiwa fela morago ga—
- (a) Tona a ile go ralala media le ka kitsiso mo Kaseteng e e laletsang ditlhopho tsa batho jaaka maloko a Bothati jwa Bogareng jwa Seritibatsi; le 10
- (b) dikomiti tsa Palamente tsa Tsweletso ya Loago ya Kokoano ya Bosetšhaba le Khansele ya Bosetšhaba ya Diporofense di dirile dikatlanegiso go ya go Tona malebana le ditlhommo morago ga tirego e e bonalang e e bulegileng ya go sekaseka batho ba ba tlhophilweng.
- (4) (a) Leloko la Bothati jwa Bogareng jwa Seritibatsi, ntle le leloko le le bolelwang mo go karolotlaleletso 2(a) go ya (t), o tshwanetse go tlhomiwa paka e e sa feteng dingwaga tse tlhano mo maemong a a jalo jaaka Tona a ka tlhomamisa ka nako ya go dira tlhomo. 15
- (b) Tona a ka khutlisa botokololo jwa leloko lefe ka mabaka a a siameng a a lokologileng. 20
- (c) Leloko la Bothati jwa Bogareng jwa Seritibatsi, ntle le leloko le le bolelwang mo go karolotlaleletso 2(a) go ya (t), a ka re, mo khutlisong ya paka efe e a neng a e tlhometsweng, a tlhomiwe gape paka e le nngwe fela ya tlaleletso.
- (5) Fa ofisi ya leloko lefe la Bothati jwa Bogareng jwa Seritibatsi bo nna lolea pele ga khutliso ya paka e a e tlhometsweng, Tona o tshwanetse, go ya ka dikarolotlaleletso (2) le (3), a tlhome motho yo mongwe go tshwara ofisi karolo e e sa felang ya paka e motlhatlhamiwa a neng a tlhomilwe. 25
- (6) Leloko lefe la Bothati jwa Bogareng jwa Seritibatsi le e seng motlhankedi mo tirelong ya setšhaba, a ka duelwa madi a a jalo kgotsa a leeto le tetla ya dijo le borobalo, fa a tshwaregile mo tirong ya Bothati jwa Bogareng jwa Seritibatsi, jaaka Tona ka tlhagelelo ya Tona ya Ditšhelete a ka tlhomamisa. 30
- (7) (a) A le mongwe wa maloko a Bothati jwa Bogareng jwa Seritibatsi o tshwanetse go tlhomiwa ke Tona jaaka monnasetulo wa Bothati jwa Bogareng jwa Seritibatsi, mme kwa kopanong ya ntlha e ntsha e e bopiwang ya Bothati jwa Bogareng jwa Seritibatsi maloko a Bothati jwa Bogareng jwa Seritibatsi a tshwanetse go tlhopho motlatsa monnasetulo go tswa malokong a bona. 35
- (b) Motlatsa monnasetulo, fa a dira mo sebakeng sa monnasetulo, o na le dithata tsotlhe mme o tshwanetse go dira ditiro tsotlhe tsa monnasetulo mme o tshwanetse go duelelwa ditetla tse ka gale di duelwang monnasetulo.
- (8) Mo tiragalong ya go se nne teng ga bobedi monnasetulo le motlatsa monnasetulo go tswa kopanong efe ya Bothati jwa Bogareng jwa Seritibatsi, maloko a a leng teng kwa kopanong eo a tshwanetse go tlhopho a le mongwe wa maloko a bona go tshwara marapo kwa kopanong eo. 40
- (9) Kopano ya ntlha ya Bothati jwa Bogareng jwa Seritibatsi e tshwanetse go tshwarwa ka nako le kwa lefelong le le tla tlhomamisiwang ke Tona, mme dikopano tse di latelang di tshwanetse go tshwarwa bogolo gabedi ka ngwaga le ka nako le kwa mafelong jaaka monnasetulo a ka tlhomamisa. 45
- (10) (a) Bothati jwa Bogareng jwa Seritibatsi bo tshwanetse, ka bonako jaaka go kgonega morago fa go tlhomamisitswe, bo kwale melawana e e laolang khoramo, tsamaiso kwa dikopanong le, ka kakaretso, maitsholo a ditiro tsa bona, mme bo ka re nako le nako bo fetole kgotsa bo khutlise melawana efe e e jalo. 50
- (b) Melawana e e jalo ga e na maatla le bokgoni ntle le fa e rebotswe ke Tona.
- (11) (a) Bothati jwa Bogareng jwa Seritibatsi bo tshwanetse ka ngwaga, mme e seng morago ga letsatsi la bofelo la Phatwe, bo romele kwa go Tona pegelo ka ditiro tsotlhe tsa bona mmogo le tlhaloso e e kopana ya maiteko a bosetshaba go fokotsa patlo ya, kotsi e e bakwang ke tlanelo ya dire mo ngwageng wa ditšhelete o o fetileng. 55
- (b) Tona o tshwanetse go baya mo tafoleng pegelo e e bolelwang mo go temana (a) mo Palamente mo malatsing a le 14 morago fa a sena go e neelwa, fa Palamente e tsena, kgotsa, fa Palamente e sa tsene, mo malatsing a le 14 morago ga letsatsi le le latelang la go tsenela. 60

Executive committee

54. (1) The executive committee of the Central Drug Authority consists of the chairperson and vice-chairperson of the Central Drug Authority and not less than four and not more than ten such other members of the Central Drug Authority as may be determined and designated by the Central Drug Authority. 5

(2) The executive committee may, subject to the directions of the Central Drug Authority, during periods between meetings of the Central Drug Authority exercise all the powers and perform all the duties of the Central Drug Authority.

(3) Subsection (2) does not empower the executive committee to set aside or amend any decision of the Central Drug Authority. 10

(4) Any decision taken or act performed by or on the authority of the executive committee is of full force and effect, unless it is set aside or amended by the Central Drug Authority at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorised.

(5) The executive committee may make rules in relation to the holding of, and 15 procedure at, its meetings.

Secretariat of Central Drug Authority

55. (1) Work incidental to the performance of the functions of the Central Drug Authority must, subject to the control and directions of the Central Drug Authority, be performed by a secretariat consisting of the Director: Secretariat of the Central Drug Authority and such other administrative and support staff as may be required for the performance of its functions by the Central Drug Authority. 20

(2) (a) The Director and staff contemplated in subsection (1) must be suitably qualified and experienced persons appointed by the Minister on such terms and conditions as the Minister, with the concurrence of the Minister of Finance, may determine. 25

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

(3) The Secretariat must be assisted by— 30

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

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

(c) persons in the service of any public or other body, by arrangement with the body concerned and seconded to the service of the Secretariat; and 35

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

Powers and duties of Central Drug Authority

56. The Central Drug Authority must— 40

(a) oversee and monitor the implementation of the National Drug Master Plan;

(b) facilitate and encourage the coordination of strategic projects;

(c) facilitate the rationalisation of existing resources and monitor their effective use;

(d) encourage government departments and private institutions to compile plans to address substance abuse in line with the goals of the National Drug Master Plan; 45

(e) ensure that each department of state has its own performance indicators;

(f) facilitate the initiation and promotion of measures to combat the use of substances; 50

(g) ensure the establishment and maintenance of information systems which will support the implementation, evaluation and ongoing development of the National Drug Master Plan;

Komitikhuduthamaga

54. (1) Komitikhuduthamaga ya Bothati jwa Bogareng jwa Seritibatsi e na le monnasetulo le motlatsa monnasetulo wa Bothati jwa Bogareng jwa Seritibatsi le e seng kwa tlase ga nne mme e seng go feta lesome ga maloko a mangwe a a jalo a Bothati jwa Bogareng jwa Seritibatsi jaaka go ka tlhomamisiwa le go tlhomiwa ke Bothati jwa Bogareng jwa Seritibatsi. 5

(2) Komitikhuduthamaga e ka re, go ya ka dikaelo tsa Bothati jwa Bogareng jwa Seritibatsi, ka dipaka magareng ga dikopano tsa Bothati jwa Bogareng jwa Seritibatsi ya diragatsa dithata tsotlhe le go dira ditiro tsotlhe tsa Bothati jwa Bogareng jwa Seritibatsi.

(3) Karolotlaleletso (2) ga e maatlafatse komitikhuduthamaga go beela fa thoko kgotsa go mametlelela tshwetso efe ya Bothati jwa Bogareng jwa Seritibatsi. 10

(4) Tshwetso efe e e tserweng kgotsa tiro e e dirilweng ke kgotsa mo bothating jwa komitikhuduthamaga ke ya maatla le bokgoni, ntle le fa e beetswe fa thoko kgotsa e mametleletswe ke Bothati jwa Bogareng jwa Seritibatsi kwa kopanong ya bona ya ntlha go latela kopano ya komitikhuduthamaga kwa tshwetso e e jalo e tserweng kgotsa kgato e ne ya amogelwa. 15

(5) Komitikhuduthamaga e ka dira melawana malebana le go tshwarwa ga, le tsamaiso kwa dikopanong tsa yona.

Bokwaledi jwa Bothati jwa Bogareng jwa Seritibatsi

55. (1) Tiro e e golaganang le tiragatso ya ditiro tsa Bothati jwa Bogareng jwa Seritibatsi e tshwanetse, go ya ka taolo le dikaelo tsa Bothati jwa Bogareng jwa Seritibatsi, e dirwe ke bokwaledi bo bo nang le Mokaedi: Bokwaledi jwa Bothati jwa Bogareng jwa Seritibatsi le badiri ba ba jalo ba bangwe ba tsamaiso le tshegetso jaaka go tlhokiwa ke tiragatso ya ditiro tsa teng ka Bothati jwa Bogareng jwa Seritibatsi. 20

(2) (a) Mokaedi le badiri ba ba tshisinngwang mo go karolotlaleletso (1) ba tshwanetse go nna batho ba borutegi bo bo maleba le maitemogelo ba ba tlhomilweng ke Tona ka melawana le maemo jaaka Tona, ka go dumalana le Tona wa Ditšhelete, a ka tlhomamisa. 25

(b) Fa Mokaedi kgotsa badiri bafe ba ba tlhomilweng go ya ka temana (a) e le motlhankedi mo tirelong ya setšhaba, tlhomo e e jalo e tshwanetse go ya ka melawana le melao e e laolang tirelo ya setšhaba le ka thulaganyo le Lefapha le le fa isong. 30

(3) Bokwaledi bo tshwanetse go thusiwa ke—

(a) batlhankedi ba Lefapha ba ba tlhometsweng lebaka leo ke Mokaedi Kakaretso;

(b) batlhankedi ba Lefapha lefe le lengwe le le digetsweng nakwana kwa tirelong ya Bokwaledi go ya ka melawana le melao e e laolang tirelo ya setšhaba; 35

(c) batho mo tirelong efe ya setšhaba kgotsa setheo se sengwe, ka thulaganyo le setheo se se amegang le go digelwa nakwana kwa tirelong ya Bokwaledi; le

(d) badiri ba bangwe ba ba jalo jaaka go ka tlhokega go thusa Bokwaledi, bo bo tlhomilweng ke Tona morago ga puisano le Tona wa Ditšhelete. 40

Dithata le ditiro tsa Bothati jwa Bogareng jwa Seritibatsi

56. Bothati jwa Bogareng jwa Seritibatsi bo tshwanetse—

(a) go lebelela le go tlhokomela tiragatso ya Leano Legolo la Bosetšhaba la Seritibatsi;

(b) go rulaganya le go rotloetsa thulaganyo ya diporojeke tsa togamaano; 45

(c) go rulaganta phasalatso ya metswedi e e leng teng le go tlhokomela tiriso ya yona e e nonofileng;

(d) go rotloetsa mafapha a puso le ditheo tsa poraefete go kwala maano go samagana le tirisobotlhaswa ya sere go tsamaelana le maikaelelo a Leano Legolo la Bosetšhaba la Seritibatsi; 50

(e) go tlhomamisa gore lefapha lengwe le lengwe la naga le na ditshupetsi tsa lona tsa tiragatso;

(f) go rulaganya tshimololo le kgodiso ya dikgato go fedisa gotlhelele tiriso ya dire;

(g) go tlhomamisa tlhomo le tshegetso ya mekgwa ya tshedimosetso e e tla tshegetsang tiragatso, tshekatsheko le tswelsetso e e tswelelang ya Leano Legolo la Bosetšhaba la Seritibatsi; 55

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- (h) submit an annual report that sets out a comprehensive description of the national effort relating to the problem of substance abuse;
- (i) ensure the development of effective strategies on prevention, early intervention, reintegration and aftercare services, and in particular ensure the development of effective strategies regarding the prevention of HIV infection and other medical consequences related to substance abuse; 5
- (j) advise Government on policies and programmes in the field of substance abuse and drug trafficking;
- (k) recommend to Cabinet the review of the National Drug Master Plan every five years; 10
- (l) organise a biennial summit on substance abuse to enable role-players in the field of substance abuse to share information; and
- (m) may exercise such powers and must perform such duties as may be determined by the Minister from time to time.

Establishment of Provincial Substance Abuse Forums

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57. (1) The MEC must establish a Provincial Substance Abuse Forum for his or her province.

(2) A Provincial Substance Abuse Forum must consist of representatives from—

- (a) relevant provincial departments;
- (b) community action groups; 20
- (c) law enforcement agencies;
- (d) research institutions;
- (e) treatment institutions;
- (f) non-governmental organisations;
- (g) the business community; and 25
- (h) any other structure considered relevant by the MEC.

(3) The MEC appoints the representatives contemplated in subsection (2).

(4) Adequate and sustained funding must be provided by the Provincial Department responsible for Social Development.

(5) Any member of a Provincial Substance Abuse Forum who is not employed in the public service, must be paid by the HOD for travelling and subsistence allowances while attending meetings of the Provincial Substance Abuse Forum. 30

(6) The MEC must appoint suitably qualified staff to serve as a secretariat to the Provincial Substance Abuse Forum.

Functions of Provincial Substance Abuse Forums

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58. A Provincial Substance Abuse Forum must—

- (a) strengthen member organisations to carry out functions related directly or indirectly to addressing the problem of substance abuse;
- (b) encourage networking and the effective flow of information between members of the Forum in question; 40
- (c) assist Local Drug Action Committees established in terms of section 60 in the performance of their functions;
- (d) compile and submit an integrated Mini Drug Master Plan for the province for which it has been established;
- (e) submit a report and inputs, not later than the last day of June annually, to the Central Drug Authority for the purposes of the annual report of the Central Drug Authority; and 45
- (f) assist the Central Drug Authority in carrying out its functions at a provincial level.

Executive committee of Provincial Substance Abuse Forums

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59. (1) Each Provincial Substance Abuse Forum must establish an executive committee.

(2) The executive committee contemplated in subsection (1) must consist of—

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- (h) go romela pegelo ya ngwaga e e tlhagisang tlhaloso e e feleletseng ya maiteko a bosetšhaba a a amanang le bothata jwa tirisobotlhaswa ya sere;
- (i) go tlhomamisa tsweletso ya ditogamaano tse di dirang mo thibelong, tsereganyo ya ka bonako, kopanyo gape le ditirelo tsa morago ga tlhokomelo, mme segolo go tlhomamisa tsweletso ya ditogamaano tse di nonofileng malebana le thibelo ya tshwaetso ya HIV le ditlamorago tsa melemo tse dingwe tse di amanang le tirisobotlhaswa ya sere; 5
- (j) go gakolola Puso ka dipholese le mananeo mo letlhakoreng la tirisobotlhaswa ya sere le go gweba ka seritibatsi;
- (k) go atlanegisa kwa Kabineteng poeletso ya Leano Legolo la Bosetšhaba la Seritibatsi mo dingwageng dingwe le dingwe di le tlhano; 10
- (l) go rulaganya kopano ya morago ga ngwaga tse pedi ka tirisobotlhaswa ya sere go kgontsha bannaleseabe mo letlhakoreng la tirisobotlhaswa ya sere go amogana tshedimosetso; le
- (m) go ka diragatsa dithata tse di jalo mme ba tshwanetse go dira ditiro tse di jalo jaaka go ka tlhomamisiwa ke Tona nako le nako. 15

Tlomo ya Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere

57. (1) MEC o tshwanetse go tlhoma Foramo ya Porofense ya Tirisobotlhaswa ya Sere ya porofense ya gagwe.

(2) Foramo ya Porofense ya Tirisobotlhaswa ya Sere e tshwanetse go nna le baemedi go tswa go— 20

- (a) mafapha a porofense a a maleba;
- (b) ditlhopho tsa go dira tsa baagi;
- (c) dikemedi tsa tiragatso ya molao;
- (d) ditheo tsa patlisiso; 25
- (e) ditheo tsa kalafi;
- (f) mekgatlho e e seng ya puso;
- (g) baagi ba tsa kgwebo; le
- (h) setheo sefe se sengwe se se tsewang ke MEC se le maleba.

(3) MEC e tlhoma dikemedi tse di tshisinngwang mo go karolotlaleletso (2). 30

(4) Matlotlo a a lekaneng le a a tsweleng a tshwanetse go tlamelwa ke Lefapha la Porofense le le ikarabelelang Tsweletso ya Loago.

(5) Leloko lefe la Foramo ya Porofense la Tirisobotlhaswa ya Sere le le sa thapiwang mo tirelong ya setšhaba, le tshwanetse go duelwa ke HOD wa maeto le ditetla tsa dijo le borobalo fa a tsenela dikopano tsa Foramo ya Porofense ya Tiriso Botlhaswa ya Sere. 35

(6) MEC o tshwanetse go tlhoma badiri ba borutegi bo bo maleba go dira jaaka bokwaledi kwa Foramong ya Porofense ya Tirisobotlhaswa ya Sere.

Ditiro tsa Diforamo tsa Porofense tsa Tirisobotlhaswa ya sere

58. Foramo ya Porofense ya Tirisobotlhaswa ya Sere e tshwanetse—

- (a) go tiisa leloko la mekgatlho go dira ditiro tse di amanang ka tlhamalalo kgotsa e seng ka tlhamalalo kwa go lebeleleng bothata jwa tirisobotlhaswa ya sere; 40
- (b) go rotloetsa kgolagano le kelelo e e dirang ya tshedimosetso magareng ga maloko a Foramo e e fa isong;
- (c) go thusa Dikomiti tsa Selegae tsa Kgato ya Seritibatsi tse di tlhomilweng go ya ka karolo 60 mo tiragatsong ya ditiro tsa tsona; 45
- (d) go kwala le go romela Leano Legolo la Seritibatsi Sennye le le kopaneng la porofense e le e tlhometsweng;
- (e) go romela pegelo le ditshwaelo, e seng morago ga letsatsi la bofelo la Seetebosigo ka ngwaga, kwa Bothating jwa Bogareng jwa Seritibatsi ka mabaka a pegelo ya ngwaga ya Bothati jwa Bogareng jwa Seritibatsi; le 50
- (f) go thusa Bothati jwa Bogareng jwa Seritibatsi mo go diragatseng ditiro tsa bona kwa maemong a porofense.

Komitikhuduthamagas ya Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere

59. (1) Foramo ya Porofense ya Tirisobotlhaswa ya Sere e nngwe le e nngwe e tshwanetse go tlhoma komitikhuduthamaga. 55

(2) Komitikhuduthamaga e e tshisinngwang mo go karolotlaleletso (1) e tshwanetse go nna le—

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- (a) members responsible for treatment and aftercare of service users;
- (b) members responsible for prevention of substance abuse and education of service users and members of the public;
- (c) members responsible for community development;
- (d) members responsible for research and information dissemination on substance abuse; and 5
- (e) representatives of persons abusing or dependent on substances and persons affected by substance abuse.

(3) The executive committee may, subject to the directions of the relevant Provincial Substance Abuse Forum, during periods between meetings of such forum, exercise all the powers and perform all the duties of the Provincial Substance Abuse Forums. 10

(4) Subsection (3) does not empower the executive committee to set aside or amend any decision of the Provincial Substance Abuse Forum.

(5) Any decision taken or act performed by or on the authority of the executive committee is of full force and effect, unless it is set aside or amended by the relevant Provincial Substance Abuse Forum at its first meeting following the meeting of the executive committee at which such decision was taken or such action was authorised. 15

(6) The executive committee may make rules in relation to the holding of its meetings.

Establishment of Local Drug Action Committees

60. (1) A municipality must establish a Local Drug Action Committee to represent such municipality and to give effect to the Mini Drug Master Plan. 20

(2) The Local Drug Action Committee must consist of interested persons and stakeholders who are involved in organisations dealing with the combating of substance abuse in the municipality in question.

(3) The members of a Local Drug Action Committee must be appointed by the Mayor of the Municipality and must consist of— 25

- (a) officials from government departments represented at local level;
- (b) a member of the South African Police Service nominated by the local police station Commissioner;
- (c) a correctional official nominated by the area Commissioner of Correctional Services; 30
- (d) a representative from an educational institution in the area nominated by the Mayor of the relevant local municipality;
- (e) a representative from prevention, treatment and aftercare services within the municipality nominated by the Mayor of the relevant municipality; 35
- (f) a representative from the local health authority nominated by the Mayor of the relevant local municipality;
- (g) a representative of the local business sector nominated by the Mayor of the relevant local municipality;
- (h) a legal professional from the local community nominated by the Regional head of the Department of Justice and Constitutional Development; and 40
- (i) representative from the local traditional authority.

(4) A Local Drug Action Committee must designate a member of the committee as chairperson of that committee.

(5) The provincial coordinator from the Department must assist in the development of these structures. 45

(6) A Local Drug Action Committee may co-opt additional members with special skills or expertise, as and when required.

(7) A Local Drug Action Committee must be linked to the Provincial Substance Abuse Forum established for the relevant province and must represent substance abuse forums at local government level. 50

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- (a) maloko a a ikarabelelang kalafi le tlhokomelo ya kwa morago ya badirisi ba tirelo;
- (b) maloko a a ikarabelelang thibelo ya tirisobotlhaswa ya sere le thuto ya badirisi ba tirelo le maloko a setšhaba;
- (c) maloko a a ikarabelelang tswेतsetso ya baagi; 5
- (d) maloko a a ikarabelelang patlisiso le phatlalatso ya tshedimose tso ka tirisobotlhaswa ya sere; le
- (e) baemedi ba batho ba ba dirisang botlhaswa kgotsa ba ikaegile mo direng le batho ba ba amilweng ke tirisobotlhaswa ya sere.
- (3) Komitikhuduthamaga e ka re, go ya ka dikaedi tsa Foramo ya Porofense ya Tirisobotlhaswa ya Sere e e maleba, ka dipaka magareng ga foramo e e jalo, ya diragatsa dithata tso tlhe le go dira ditiro tso tlhe tsa Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere. 10
- (4) Karolotlaleletso (3) ga e maatlafatse komitikhuduthamaga go beela fa thoko kgotsa go mametlelela tshwetso efe ya Foramo ya Porofense ya Tirisobotlhaswa ya Sere. 15
- (5) Tshwetso efe e e tserweng kgotsa kgato e e diragadiwang ke kgotsa bothati jwa komitikhuduthamaga ke tsa maatl a a tletseng le tiragatso, ntle le fa e beetswe thoko kgotsa e mametleletswe ka Foramo ya Porofense ya Tirisobotlhaswa ya Sere kwa kopanong ya yona ya ntlha go latela kopano ya komitikhuduthamaga e kwa go yona tshwetso e e jalo e neng ya tsewa kgotsa kgato e e jalo e ne ya rebolwa. 20
- (6) Komitikhuduthamaga e ka dira melawana malebana le go tshwarwa ga dikopano tsa yona.

Tlhome ya Dikomiti tsa Selegae tsa Kgato ya Seritibatsi

60. (1) Mmasepala o tshwanetse go tlhoma Komiti ya Selegae ya Kgato ya Seritibatsi go emela mmasepala yo o jalo le go neela tiragatso kwa Leanong Legolo la Seritibatsi Senny. 25
- (2) Komiti ya Selegae ya Kgato ya Seritibatsi e tshwanetse go nna le batho ba ba nang le kgalhego le bannaleseabe ba ba amegang mo ditheong tse di dirang ka go fedisa gotlhelele tirisobotlhaswa ya sere mo mmasepaleng o o fa isong.
- (3) Maloko a Komiti ya Selegae a Kgato ya Seritibatsi a tshwanetse go tlhomiwa ke Meiyara wa Mmasepala mme a tshwanetse go nna le— 30
- (a) batlhankedi go tswa mafapheng a puso ba emetswe kwa maemong a selegae;
- (b) leloko la Tirelo ya Sepodisi sa Aforika Borwa le le tlhophilweng ke Komisenara wa seteišene sa sepodisi sa selegae;
- (c) motlhankedi wa kgopololo yo o tlhophilweng ke Komisenara wa kgaolo wa Ditirelo tsa Kgopololo; 35
- (d) moemedi go tswa setheong sa thuto mo kgaolong yo o tlhophilweng ke Meiyara wa mmasepala wa selegae yo o maleba;
- (e) moemedi go tswa thibelong, kalafing le ditirelong tsa morago ga tlhokomelo mo teng ga mmasepala yo o tlhophilweng ke Meiyara wa mmasepala o o maleba; 40
- (f) moemedi go tswa bothating jwa selegae jwa boitekanelo yo o tlhophiweng ke Meiyara wa mmasepala wa selegae o o maleba;
- (g) moemedi wa lephata la kgwebo la selegae yo o tlhophilweng ke Meiyara wa mmasepala wa selegae o o maleba; 45
- (h) moporofesinale wa semolao yo o tswang mo baaging ba selegae yo o tlhophilweng ke tlhogo ya Kgaolo ya Lefapha la Bosiamisi le Tswेतsetso ya Molaotheo; le
- (i) moemedi go tswa bothating jwa selegae jwa setso.
- (4) Komiti ya Selegae ya Kgato ya Seritibatsi e tshwanetse go tlhoma leloko la komiti jaaka monnasetulo wa komiti eo. 50
- (5) Morulaganyi wa porofense go tswa Lefapheng o tshwanetse go thusa mo tswेतsetso ya dikagego tse.
- (6) Komiti ya Selegae ya Kgato ya Seritibatsi e ka itlhophele maloko a tlaletso a a nang le dikgono tse di kgethegileng kgotsa boitseanape, jaaka fa go tlhokega. 55
- (7) Komiti ya Selegae ya Kgato ya Seritibatsi e tshwanetse go golaganngwa kwa Foramong ya Porofense ya Tirisobotlhaswa ya Sere e e tlhometsweng porofense e e maleba mme e tshwanetse go emela diforamo tsa tirisobotlhaswa ya sere kwa maemong a puso ya selegae.

(8) The municipality in which a Local Drug Action Committee is situated must, from the moneys appropriated by the municipality for that purpose, provide financial support to the Local Drug Action Committee.

(9) A Local Drug Action Committee may make rules in relation to the holding of, and procedure at, its meetings.

5

Functions of Local Drug Action Committees

61. A Local Drug Action Committee must—

- (a) ensure that effect is given to the National Drug Master Plan in the relevant municipality; 10
- (b) compile an action plan to combat substance abuse in the relevant municipality in cooperation with provincial and local governments; 10
- (c) ensure that its action plan is in line with the priorities and the objectives of the integrated Mini Drug Master Plan and that it is aligned with the strategies of government departments; 15
- (d) implement its action plans; 15
- (e) annually provide a report to the relevant Provincial Substance Abuse Forum concerning actions, progress, problems and other related events in its area; and 15
- (f) provide such information as may from time to time be required by the Central Drug Authority. 20

Compliance with implementation of National Drug Master Plan by various government departments, entities and stakeholders

62. (1) The Central Drug Authority must request responsible government departments and Provincial Substance Abuse Forums to submit annual reports by no later than the last day of June, and such other reports as may be required. 25

(2) The Central Drug Authority may request Cabinet, through the Minister, to intervene in cases where government departments or entities do not comply with the requirements set out in the National Drug Master Plan.

(3) The Central Drug Authority must develop systems and monitoring mechanisms to ensure implementation of the National Drug Master Plan and reporting by all government departments, entities and stakeholders. 30

CHAPTER 11

GENERAL PROVISIONS

Offences and penalties

63. Any person who obstructs or hinders a police official in the exercise of any power contemplated in section 52 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 35

Delegation

64. (1) The Minister may— 40

- (a) delegate to any officer of the Department any power conferred on the Minister by this Act, except the power contemplated in section 65; and
- (b) authorise any such officer to perform any duty imposed upon the Minister by this Act.

(2) The Minister may, with the concurrence of the Premier of the province— 45

- (a) delegate to the MEC matters in that province any power conferred on the Minister by this Act, except the power contemplated in section 65; and
- (b) authorise that MEC to perform any duty imposed on the Minister by this Act.

(8) Mmasepala yo Komiti ya Selegae ya Kgato ya Seritibatsi e beilweng mo go ena o tshwanetse, go tswa mading a a ntshitsweng ke mmasepala ka mabaka a, a tlamele tshegetso ya ditšhelete go ya Komiting ya Selegae ya Kgato ya Seritibatsi.

(9) Komiti ya Selegae ya Kgato ya Seritibatsi e ka dira melawana malebana le go tshwarwa ga, le tsamaiso kwa dikopanong tsa teng. 5

Ditiro tsa Dikomiti tsa Selegae tsa Kgato ya Seritibatsi

61. Komiti ya Selegae ya Kgato ya Seritibatsi e tshwanetse—

- (a) go tlhomamisa gore maatla a newa Leano Legolo la Bosetšhaba la Seritibatsi mo mmasepaleng o o maleba;
- (b) go kwala leano la kgato go fedisa gotlhelele tirisobotlhaswa ya sere mo mmasepaleng o o maleba ka tirisanommo go le dipuso tsa porofense le selegae; 10
- (c) go tlhomamisa gore leano la kgato la teng le mo moleng le ditlapele le maikemisetso a Leano Legolo la Seritibatsi Sennye le le kopaneng le gore e lekantswe le ditogamaano tsa mafapha a puso; 15
- (d) go diragatsa maano a teng a kgato;
- (e) go tlamele ka ngwaga pegelo kwa Foramong ya Porofense ya Tirisobotlhaswa e e maleba malebana le dikgato, tswelelopele, mathata le ditiragalo tse dingwe mo karolong ya teng; le
- (f) go tlamele tshedimosetso e e jalo jaaka nako le nako e ka tlhokiwa ke Bothati jwa Bogareng jwa Seritibatsi. 20

Tsamaelamo le tiragatso ya Leano Legolo la Bosetšhaba la Seritibatsi ka mafapha a puso a a farologaneng, ditheo le bannaleseabe

62. (1) Bothati jwa Bogareng jwa Seritibatsi bo tshwanetse go kopa mafapha a puso a a ikarabelelang le Diforamo tsa Porofense tsa Tirisobotlhaswa ya Sere go romela dipegelo tsa ngwaga e seng morago ga letsatsi la bofelo la Seetebosigo, le dipegelo tse dingwe tse di jalo jaaka di ka tlhokiwa. 25

(2) Bothati jwa Bogareng jwa Seritibatsi bo ka kopa Kabinete, ka Tona, go tsereganya mo dikgetseng foo mafapha a puso kgotsa ditheo di sa tsamaelane le ditlhokego tse di beilweng mo Leanong Legolo la Bosetšhaba la Seritibatsi. 30

(3) Bothati jwa Bogareng jwa Seritibatsi bo tshwanetse go tseletsa mekgwa le go tlhokomela mefuta ya go tlhomamisa tiragatso ya Leano Legolo la Bosetšhaba la Seritibatsi le go begela ka mafapha otlhe a puso, ditheo le bannaleseabe.

KGAOLO 11

DITSHIAMELO TSA KAKARETSO

35

Ditlolomolao le dikotlhao

63. Motho ofe yo o kgoreletsang kgotsa a thibela motlhankedi wa sepodisi mo tiragatsong ya dithata dife tse di tshisinngwang mo go karolo 52 o molato wa tlolomolao mme o tshwanelwa kwa katlholong ke tuediso kgotsa kgolegelo ya paka 5 ya dikgwedi di le 12 kgotsa ka bobedi tuediso le kgolegelo e e jalo. 40

Kemedi

64. (1) Tona a ka—

- (a) rolela kwa motlhankeding ofe wa Lefapha dithata dife tse di beilweng mo go Tona ke Molao o, ntle le dithata tse di tshisinngwang mo go karolo 65; le
 - (b) neela motlhankedi ofe bothati go diragatsa tiro efe e e beilweng go Tona ke Molao o. 45
- (2) Tona a ka re, ka tumalano le Phoremia wa porofense—
- (a) a rolela kwa go MEC mereo mo porofenseng eo dithata dife tse di beilweng mo go Tona ke Molao o, ntle le dithata tse di tshisinngwang mo go karolo 65; le 50
 - (b) go rebolela gore MEC a dire tiro nngwe le nngwe e e neelwang Tona ke Molao o.

- (3) The MEC may—
- (a) delegate to any officer of the provincial administration concerned any power delegated to that MEC under subsection (2); and
 - (b) authorise any such officer to perform any duty which that MEC is authorised to perform under subsection (2). 5
- (4) The Director-General may—
- (a) delegate to any officer of his or her Department any power conferred on the Director-General by this Act; and
 - (b) authorise any such officer to perform any duty imposed upon the Director-General by this Act. 10
- (5) The Director-General may, with the concurrence of the relevant Director-General of a provincial administration—
- (a) delegate to the HOD any power conferred on the Director-General by this Act; and
 - (b) authorise that HOD to perform any duty imposed on the Director-General by this Act. 15
- (6) An HOD may—
- (a) delegate to any other officer of the provincial administration concerned any power delegated to him or her under subsection (5); and
 - (b) authorise any such officer to perform any duty which he or she is authorised to perform under subsection (5). 20
- (7) The mayor of a municipality may—
- (a) delegate to any official of the municipality concerned any power conferred on him or her under this Act; and
 - (b) authorise any such official to perform any duty which he or she is authorised to perform under this Act. 25
- (8) Any person to whom any power has been delegated or who has been authorised to perform a duty under this section must exercise that power or perform that duty subject to such conditions as the person who effected the delegation or granted the authorisation considers necessary. 30
- (9) Any delegation of a power or authorisation to perform a duty under this section—
- (a) must be in writing;
 - (b) does not prevent the person who effected the delegation or granted the authorisation from exercising that power or performing that duty himself or herself; and 35
 - (c) may at any time be withdrawn in writing by that person.

Regulations

65. (1) The Minister may make regulations regarding—
- (a) any matter which may or must be prescribed in terms of this Act;
 - (b) any form that is required in the administration of the provisions in terms of this Act; and 40
 - (c) any ancillary or incidental administrative or procedural matter that is necessary to prescribe for the proper implementation or administration of this Act.
- (2) Any regulation made under subsection (1) which may result in expenditure for the State, must be made in consultation with the Minister of Finance. 45
- (3) (a) Regulations made under subsection (1) may prescribe penalties for any contravention by any service user of any rules prescribed by the management of a treatment centre under powers conferred upon it by regulation.
- (b) Such penalties may take the form of any one or both of the following: 50
 - (i) Forfeiture of one or more specified privileges for a specified period;
 - (ii) increase in normal hours of labour by not more than one hour per day for a period not exceeding two days.
 - (c) If any form of penalty referred to in paragraph (b) is prescribed, the regulations must specifically provide that no such form of penalty may be imposed unless the medical officer responsible for the medical care of the service user concerned has certified that such penalty will, in his or her opinion, not be harmful to the health of that service user. 55

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- (3) MEC a ka—
- (a) rolela go motlhankedi ofe wa tsamaiso ya porofense dithata dife tse di roletsweeng go MEC ka fa tlase ga karotlaleletso (2); le
- (b) rebolela motlhankedi ofe go dira tiro efe e MEC a reboletsweng go e dira ka fa tlase ga Karotlaleletso (2). 5
- (4) Mokaedi Kakaretso a ka—
- (a) rolela kwa motlhankeding ofe wa Lefapha la gagwe dithata dife tse di beilweng mo go Mokaedi Kakaretso ke Molao o; le
- (b) rebolela motlhankedi ofe go diragatsa tiro efe e e bewang mo go Mokaedi Kakaretso ke Molao o. 10
- (5) Mokaedi Kakaretso a ka re ka tumalano le Mokaedi Kakaretso yo o maleba wa tsamaiso ya porofense—
- (a) a rolela go HOD dithata dife tse di beilweng mo go Mokaedi Kakaretso ke Molao o; le
- (b) a rebolela gore HOD e dire tiro efe e e beilweng mo go Mokaedi Kakaretso ke Molao o. 15
- (6) HOD e ka—
- (a) rolela kwa motlhankeding ofe yo mongwe wa tsamaiso ya porofense e e amegang dithata dife tse di roletsweeng mo go ena ka fa tlase ga karotlaleletso (5); le 20
- (b) rebolela motlhankedi ofe go dira tiro e a e reboletsweng go e dira ka fa tlase ga karotlaleletso (5).
- (7) Meiyara wa mmasepala a ka—
- (a) rolela go motlhankedi ofe wa mmasepala yo o amegang dithata dife tse di beilweng mo go ena ka fa tlase ga Molao o; le 25
- (b) rebolela motlhankedi ofe go dira tiro efe e a dumeletsweng go e dira ka fa tlase ga Molao o.
- (8) Motho ofe yo dithata dife di roletsweeng go ena kgotsa yo o dumeletsweng go dira tiro ka fa tlase ga karolo e o tshwanetse go diragatsa dithata tseo kgotsa a dire tiro eo go ya ka maemo a a jalo jaaka motho yo o diragaditseng tholelo kgotsa a abile bothati a sekaseka go le bothokwa. 30
- (9) Tholelo efe ya dithata kgotsa bothati go diragatsa tiro ka fa tlase ga karolo—
- (a) e tshwanetse go nna e e kwadilweng;
- (b) ga e thibele motho yo o diragaditseng tholelo kgotsa a neile bothati mo go diragatseng dithata tseo kgotsa go dira tiro ka boena; le 35
- (c) e ka re nako efe ya gogelwa morago ka go kwalwa ke motho yoo.

Melawana

- 65.** (1) Tona a ka dira melawana malebana le—
- (a) morero ofe o o tshwanetseng go tlhagisiwa go ya ka Molao o;
- (b) sebopego sefe se se tlhokegang mo tsamaisong ya ditshiamelo go ya ka Molao o; le 40
- (c) morero ofe wa tlaleletso kgotsa o monnye wa tsamaiso kgotsa tatelo o o tlhokegang go tlhalosetsa tiragatso e e siameng kgotsa tsamaiso ya Molao o.
- (2) Molawana ofe o o dirilweng ka fa tlase ga karotlaleletso (1) o o ka isang mo ditshenyegelong tsa Naga, o tshwanetse go dirwa ka puisano le Tona ya Ditšhelete. 45
- (3) (a) Melawana e e dirilweng ka fa tlase ga karotlaleletso (1) e ka tlhagisa dikotlhao tsa ditlolomolao ka modirisi wa tirelo ofe tsa melawana efe e e beilweng ke botsamaisi jwa tikatikwe ya kalafi ka fa tlase ga dithata tse di beilweng mo bona ke molawana.
- (b) Dikotlhao tse di jalo di ka tsaya sebopego sa efe ya e le nngwe kgotsa ka bobedi ya tse di latelang: 50
- (i) Tatlhegelo ya e le nngwe kgotsa go feta ya ditshwanelo tse di totobaditsweng tsa paka e e totobaditsweng;
- (ii) koketso mo diureng tse di tlwaelegileng ya tiro ka go se fete ura e le nngwe ka letsatsi mo pakeng e e sa feteng malatsi a le mabedi. 55
- (c) Fa nngwe ya sebopego sa kotlhao se se boletsweng mo go temana (b) se bewa, melawana e tshwanetse go tlamela ka totobalo gore ga go sebopego sepe sa kotlhao se se tla dirwang ntle le fa ngaka e e ikarabelelang ya tlhokomelo ya kalafi ya modirisi wa tirelo yo o amegang a tlhomamisitse gore kotlhao e e jalo e tla 15 re, mo kgopolong ya gagwe, e se nne kotsi kwa boitekanelong jwa modirisi wa tirelo yoo. 60

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(d) The penalty referred to in this subsection must not include corporal punishment or degrading, inhumane and cruel treatment.

(4) Different regulations may be made under subsection (1) in respect of different public or private treatment centres or private or public halfway houses or different categories of public or private treatment centres or public or private halfway houses and the regulations may differentiate between different groups of service users in such treatment centres and halfway houses generally or in any particular treatment centre or halfway house. 5

Repeal of laws and savings

66. (1) Subject to subsection (2), the Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992), is hereby repealed. 10

(2) Any policy, strategy, proclamation, regulation, rule, notice, order, appointment, authorisation, leave of absence, licence, agreement, payment or certificate issued, made, prescribed, given, granted or entered into and any other action taken under any provision of a law repealed by subsection (1), must be regarded as having been issued, made, prescribed, given, granted, entered into or taken under the corresponding provision of this Act. 15

Short title and commencement

67. This Act is called the Prevention of and Treatment for Substance Abuse Act, 2008, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 20

(d) Kotlhao e e boletsweng mo karotlaleletsong e e tshwanetse gore e se tsenyeletse kotlhao ya thupa kgotsa go nyenyefatsa, go sotla motho le tsholo e e setlhogo.

(4) Melawana e e farologaneng e ka dirwa ka fa tlase ga karotlaleletso (1) malebana le ditikatikwe tsa kalafi tse di farologaneng tsa setšhaba kgotsa poraefete kgotsa dintlwana tsa kalafi kgotsa ditlhopha tse di farologaneng tsa setšhaba kgotsa ditikatikwe tsa kalafi tsa poraefete kgotsa tsa setšhaba kgotsa dintlwana tsa kalafi tsa poraefete mme melawana e ka farologanya magareng ga ditlhopha tse di farologaneng tsa badirisi ba tirelo mo ditikatikweng tsa kalafi le dintlwana tsa kalafi ka kakaretso kgotsa mo tikatikweng ya kalafi e e rileng kgotsa ntlwana ya kalafi. 5

Phimolo ya melao le dipolokelo 10

66. (1) Go ya ka karotlaleletso (2), Molao wa Thibelo le Kalafi ya Ikaego ka Seritibatsi, 1992 (Molao Nomoro. 20 wa 1992), o fano go phimolwa.

(2) Pholese efe, leano, kgoeletso, molawana, taolo, kitsiso, taolelo, tlhomo, thebolelo, khunologo ya go se nne teng, laesense, tumalano, tuelo kgotsa setefekeiti se se ntshitsweng, dirilweng, beilweng, neilweng, rebotsweng kgotsa e tsenetswe kgotsa e tserwe ka fa tlase ga tshiamelo e e tsamaelanang ya Molao o. 15

Setlhogo se se khutswane le tshimologo

67. Molao o o bidiwa Molao wa Thibelo le Kalafi ya Tirisobotlhaswa ya Sere, 2008, mme o tsena mo tirisong ka letlha le le tlhomamisitsweng ke Moporesidente ka kgoeletso mo Kaseteng. 20