

**DEPARTMENT OF SOCIAL DEVELOPMENT
DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING**

No. 1220

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PREVENTION AND TREATMENT OF DRUG DEPENDENCY

ACT, 1992 (ACT NO.20 OF 1992)

RULES OF THE CENTRAL DRUG AUTHORITY

The Central Drug Authority has under section 2(10) of the Prevention and Treatment of Drug Dependency Act, 1992 (Act No.20 of 1992) with the approval of the Minister of Social Development made the rules set out in the schedule hereto.

SCHEDULE

Definitions

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

(a) "CDA" means the Central Drug Authority;

(b) "the Act" means the Prevention and Treatment of Drug Dependency Act, 1992 (Act No.20 of 1992).

Procedure at meetings

Meetings

2. (1) The first meeting of a newly-appointed CDA shall be held at a time and place to be determined by the Minister.

(2) Subsequent meetings of the CDA shall be held at times and places as will from time to time be determined by the chairperson with the approval of the Minister: Provided that such meetings shall be held at least twice per year.

(3) Meetings of committees of the CDA shall be held at times and places as will from time to time be determined by the chairpersons of the

respective committees of the CDA in consultation with the chairperson of the CDA.

Notice of meetings

3. Notice of meetings, together with the agenda and any relevant documentation shall at least seven days prior to the scheduled date of a meeting be provided to members and any other persons invited to attend the meeting: Provided that, if a member did not receive notice of a meeting sent to his or her registered postal address or e-mail address and thus not attend the specified meeting, the proceedings of the meeting and the decisions made at that meeting shall not be rendered invalid.

Attendance at meetings

4 (1) A member of the CDA shall attend each scheduled meeting of the CDA or committee to which he or she is appointed: Provided that-

- (a) a member may absent himself or herself for a just cause after consultation with the chairperson of the CDA or the chairperson of the relevant committee;
- (b) where a member other than a member contemplated in paragraph (c) absents himself or herself on just cause, no substitute may be provided instead.

- (c) where a member contemplated in section 2(2)(a) to (n) of the Act absents himself or herself on just cause, such member may provide a substitute instead.

(2) A meeting shall commence at the scheduled times and the absence or lateness of any member shall not render invalid the proceedings of the meeting or the decisions made during the meeting.

(3) Persons, other than members of the CDA may attend or be invited to attend meetings or parts of meetings of the CDA, if such attendance, in the opinion of the chairperson of the CDA, with the concurrence of the other members shall be in the interests of the furtherance of the activities of the CDA.

Agenda

5. Items for the agenda of meetings may be submitted in writing by members and should be accompanied by the relevant documentation, to be received by the Secretariat 14 days prior to the date set for the specific meeting: Provided that the chairperson may, with the concurrence of members at the meeting, alter the agenda at the commencement of the meeting by the inclusion or exclusion of items, with the exception of items having relevance to the constitution of the CDA.

Attendance register

6. Each person attending a meeting of the CDA shall sign an attendance register.

Quorum:

7. A quorum for any meeting of the CDA or of its committees shall be 50% plus 1 of the members present.

Minutes

8. (1) Minutes shall be taken by the Secretariat at each meeting of the CDA or its committees and be tabled for confirmation and adoption at the subsequent meeting of the CDA or the relevant committee: Provided that-

- (a) minutes shall be recorded in one of the official languages of the Republic, as decided by the CDA;
- (b) minutes of the specific meeting shall be made available to members within 14 days of the conclusion of the meeting;
- (c) a list of decisions and actions to be taken, extracted from the minutes shall be made available to members within 14 days of the conclusion of each meeting of the CDA or its committees.

- (2) Minutes shall not be a verbatim record of the meeting but shall contain a summary of the conduct of the meeting and the decisions made

together with a list of the responsibilities delegated to members for further action: Provided that any member shall have the right to have an own opinion or specific viewpoint entered into the minutes verbatim.

(3) The accuracy and correctness of the minutes of a meeting shall be confirmed by the signing of such minutes by the chairperson of such meeting, once the necessary changes or corrections have been made and recorded.

(4) The pages of minutes shall be numbered and bound or the minutes recorded in a manner that prevents the subsequent withdrawal or insertion of pages, leaves or information.

Decision-making process

9. (1) In the conduct of meetings, the accepted rules of debate shall apply.

(2) Decision-making shall normally be by consensus: Provided that-

(a) where no consensus is achieved members shall vote by a show of hands, with the decision being accorded to the majority: Provided further that where a motion for voting by secret ballot is made and seconded, such method of voting shall be applied.

(3) In the process of voting the chairperson of the CDA shall have an ordinary vote and, in case of an equality of votes, the chairperson shall in addition to his or her ordinary vote have a casting vote.

(4) Decisions made shall be recorded in a register of decisions which shall form part of the documentation of the meetings of the CDA.

(5) Only members of the CDA shall have the right to vote.

Recording and amending decisions

10. (1) Each decision shall be recorded in the minutes of the specific meeting and shall be entered in a register of decisions.

(2) Any member who desires the revision of a decision shall submit a written request to that effect to the Secretariat of the CDA within 14 days of the taking of such decision, together with reasons for such request: Provided that if the decision be reviewed at a subsequent meeting of the CDA, such review and the results thereof shall be recorded in the minutes of the relevant meeting and the register of decisions amended accordingly.

Duties of chairpersons and vice-chairperson at CDA and committee meetings

11. (1) The chairperson of the CDA shall preside at meetings of the CDA: Provided that in the absence of the chairperson for good reason, the deputy chairperson shall preside: Provided further that in the absence of both

the chairperson and the deputy chairperson for good reason, the members present may elect from among their number, a chairperson to preside over the meeting.

(2) The appointed chairperson of a committee shall preside at meetings of the committee: Provided that in the absence of the chairperson for just cause, the vice chairperson shall preside: Provided further that in the event of absence of both the chairperson and the deputy chairperson from the meeting for just cause, the members present at that meeting shall elect one of their number, a chairperson to preside at that meeting.

(3) The deputy chairperson of the CDA and its committees at CDA or committee meetings shall-

- (a) support the chairperson in the performance of his or her duties;
and
- (b) in the absence of the chairperson, perform the duties and exercise the powers delegated to the chairperson,

General performance functions of the CDA

12. (1) The Chairperson of the CDA shall-
- (a) assume the role of leader of the CDA in the execution of its powers and duties as provided in section 3 of the Act, and take the lead in-
 - (i) the determination of needs of the CDA;
 - (ii) the translation of needs into aims, objectives and results;
 - (iii) the development of strategies to meet the needs;
 - (iv) the compilation of the National Drug Master Plan (NDMP) and its subsidiary plans, and
 - (v) the compilation of business and operational plans and financial budgets,
 - (vi) managing the activities of the CDA in order to achieve the results required in the exercise of its powers and performance of duties as outlined in section 3 of the Act;
 - (vii) determining the times of and places at which meetings of the CDA shall be held, with the approval of the Minister;

- (viii) determining the agenda of meetings, with the concurrence of members;
- (ix) presiding over meetings of the CDA giving due cognisance to-
 - (aa) the rules for the conduct of meetings;
 - (bb) the requirements of the constitution of the CDA;
 - (cc) the NDMP and its subsidiary plans;
 - (dd) the business and operational plans and the financial plans of the CDA; and
 - (ee) taking the steps necessary to ensure compliance by members with this rules and the Code of Conduct of the CDA.

Chairpersons and vice chairpersons of committees of CDA

13. The chairpersons and vice chairpersons of committees of the CDA carry out the duties listed in rules 11 and 12: Provided that the prescribed limits of such duties shall be as set out in the terms of reference of the said committees.

Director: Secretariat of the CDA

14 (1) The Director: Secretariat of the CDA shall, subject to the control and direction of the chairperson of the CDA, direct and control the activities of the Secretariat and shall ensure that-

- (a) records, agenda for and minutes of meetings of the CDA and its committees are compiled in accordance with the rules for the conduct of meetings as specified in these rules;
- (b) a system of filing and retrieving records, agenda, minutes and decisions of meetings, reports and other relevant documentation is compiled, implemented and maintained to the satisfaction of the CDA and in accordance with Public Service Regulations 2001, governing the safekeeping and archiving of such documentation;
- (c) arrangements for and the holding of meetings, conferences and similar gatherings of members of the CDA and other relevant persons are made, to the satisfaction of the CDA and in accordance with the financial and other regulations of the Public Service;
- (d) financial transactions related to the functions and duties of the CDA are executed, recorded and audited in accordance with the financial regulations of the Public Service, and

- (e) such other authorised instructions of the CDA and its committees are executed.

Secretariat of CDA

15. The Secretariat of the CDA shall, subject to the control and direction of the Director: Secretariat of the CDA, execute the functions allocated by that Director to the secretariat.

Members of CDA and its committees

16. Members of the CDA and members of CDA committees appointed in terms of section 5(2) of the Act shall execute their assigned functions with integrity, independence and good faith, and shall act in the best interests of the country and the CDA.

Disclosure of information

17. (1) Information relating to the activities and achievements of the CDA may, with the concurrence of the CDA be disclosed to the general public and the media by a spokesperson or spokespersons designated for that purpose by a decision of the CDA: Provided that-

- (a) disclosure of privileged or confidential information shall not be permitted without the express permission of the CDA, and

- (b) disclosure of information considered by the CDA to be of a sensitive nature shall only occur with the concurrence of the Minister.
- (2) Information relating to the activities and achievements of the CDA considered privileged or confidential shall-
 - (a) be classified as such in the minutes of the meetings of the CDA and its committees;
 - (b) where printed copies of such information are made, be marked clearly with the word "Confidential" on the upper and lower edges of each page, and be kept separate from information not considered privileged or confidential.
- (3) Copies of privileged or confidential information shall be filed and stored in a manner that make them unavailable to persons who are not members of the CDA or its committees.

18. Commencement

These rules come into operation on the date of publication thereof in the Gazette.