



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 694

17

April
April

2023

No. 48434

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
	Social Development, Department of / Maatskaplike Ontwikkeling, Departement van		
3310	Prevention of and Treatment for Substance Abuse Act (70/2008): Rules Governing the Quorum, Procedure at Meetings and Generally, the Conduct of Functions, and Conduct of the Business of the Central Drug Authority ...	48434	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 3310

17 April 2023

**RULES GOVERNING THE QUORUM, PROCEDURE AT MEETINGS AND
GENERALLY, THE CONDUCT OF FUNCTIONS, AND CONDUCT OF THE
BUSINESS OF THE CENTRAL DRUG AUTHORITY**

Department of Social Development

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

**RULES GOVERNING THE QUORUM PROCEDURE AT MEETINGS AND
GENERALLY, THE CONDUCT OF FUNCTIONS OF THE CENTRAL DRUG
AUTHORITY**

The Central Drug Authority, in terms of Section 53(10)(a) of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008), with the approval of the Minister made Rules governing the quorum, procedure at meetings and generally the conduct of the functions of CDA as set out in the schedule.



.....
MS NYAMEKA NANDI MAYATHULA-KHOZA
CHAIRPERSON OF THE CENTRAL DRUG AUTHORITY
DATE:



SCHEDULE

1. Definitions

In these Rules, unless the context indicates otherwise, the following words or terms shall have the meaning assigned to them as follows:

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

“CDA” means the Central Drug Authority;

“CDA member” means a member of the CDA;

“Chairperson” means the person appointed as Chairperson of the CDA by the Minister of Social Development or in the case of a subcommittee, a person elected as Chairperson from and by the members of the respective CDA committees;

“Deputation” means a group of representatives or delegation;

“LDAC” means Local Drug Action Committee established in terms of section 60 of the Act;

“Minister” means the member of the cabinet responsible for Social Development;

“NDMP” means National Drug Master Plan as referred to in section 3 of the Act;

“PPE” Refers to Personal Protective Equipment;

“PSAF” means Provincial Substance Abuse Forum the forum established in terms of section 57 of the Act;

“Rules” means Rules governing the meetings, operations and generally how the CDA should its business;

“Virtual Meeting” means a meeting held by means of electronic devices.”

2. Objective of Rules

The objective of the CDA Rules is to give effect to section 53 (10) (a) of the Act which, makes provision for rules governing CDA quorum, procedures at meetings and core functions, as well as performance of the business of CDA by its members including CDA committees, unless specified otherwise.

3. Application of Rules

These Rules apply to CDA meetings whether physical or virtual or combination of both.

4. General Principles

4(1) Whenever the CDA Rules are adopted by any committee of the CDA, the rules applicable to the Chairperson of CDA shall be construed as applicable to the Chairperson of any committee; and those applicable to the Deputy Chairperson of the CDA shall also be construed as applicable to the Deputy Chairperson of the committee concerned.

4(2) All members have equal -

- (a) rights,
- (b) privileges; and
- (c) obligations.



4(3) The right of every member to speak on any issue is as important as each member's right to vote.

4(4) The main responsibility of Chairperson is to ensure that every member attending the meetings is treated equally, and with dignity and respect.

4(5) In conducting a meeting, decision making shall be by consensus wherever possible.

4(6) In the event that consensus is not reached, a majority vote shall decide an issue, but a minority view shall also be recorded.

4(8) Every matter presented for decision making must be discussed fully to the satisfaction of the majority of members.

4(9) Every member has a right to seek clarity on the matter being discussed in a meeting.

4(10) Every member has a right to request information on any motion or decision pertaining to the CDA business.

4(11) The rules do not substitute the Act from which they are derived and must therefore be read with the Act.

5. Meetings of Central Drug Authority

5(1) Procedures at meetings of CDA must be in compliance with these Rules.

5(2) Except in the case of an emergency, the Chairperson shall give 7 days' notice of every meeting of the CDA.

5(3) All matters to be tabled for discussion must be presented by way of a written submission indicating amongst others, the purpose of the submission and recommendations for action/decisions expected of the CDA.

5(4) The submission as well as supporting documentation, together with the minutes of the previous meeting, must be circulated electronically to all members as part of the Agenda Pack, 7 days prior to the date of the meeting.

5(5) All The agenda must provide for late urgent matters. The Chairperson must have criteria to assess the urgency of a 'late urgent' matter. Furthermore, it must be stated that the "urgent matters" can only be introduced before the agenda is adopted

5(6) Members must read the documents submitted prior to the meeting, as all such documents will be taken as read during the meeting; the Chairperson shall only allow for a brief presentation of the item for a maximum 15 minutes, a discussion by members and a resolution arising out of such a discussion.

5(7) All logistics for the meetings, whether physical or virtual, shall be arranged by the Secretariat, including transport, accommodation, refreshments, parking, venues as necessary, depending on the type of meeting. These arrangements must be confirmed with members at least four working days before the meeting unless there is an ad hoc meeting.

5(8) Only designated substitutes or proxies will be accepted. No substitute or proxy shall be accepted for any committee meetings, unless such substitute or proxy has delegated powers for decision making, which delegation must be in writing.

5(9) Every member invited to a meeting is expected to be punctual and attend the meeting until the business of the meeting is concluded or if need be, request the Chairperson's permission to leave the meeting, citing reasons for such a request.

5(10) Every member present in the meeting must switch off the phone or put it on silent mode during meetings, provided that such silent mode shall not interfere with the meeting, recording and microphone devices, in which case it must be switched off; no phones may be answered inside the meeting venue.



5(11) The CDA shall determine and plan meetings in accordance with the Annual Calendar submitted to the Executive Committee for approval. Deviation from the calendar of the CDA will be based on the need to complete work assigned by the Executive Committee or as determined by the Chairperson.

5(12) All meetings must be held and feed into the Executive and General Meetings of the CDA, to allow Committees to prepare for and table reports at such meetings. Such Committee or other reports must be submitted to the Secretariat 14 days before the meeting.

5(13) The Chairperson may or at the request of five members of the CDA call in writing, for an extraordinary meeting. The Rules of the CDA shall apply.

5(14) 50% plus one of the CDA members shall constitute the quorum for all CDA meetings, including virtual meetings.

5(15) Whenever there is no quorum, the Chairperson of the meeting shall within 15 minutes after establishing such, cause the secretary to record the names of the CDA members present in the minutes, and adjourn the meeting.

6. Order of business in meetings

6(1) The business at ordinary meetings of the CDA shall proceed in the following order: -

- (a) Election of Chairperson, if necessary, in accordance with section 53 (8) of the Act;
- (b) Adoption of the Agenda (with addition of late urgent matters);
- (c) Declaration of Interest on matters under discussion (relevant and preferable, electronic forms to be prepared for signature by members. (In case of virtual meetings, members may declare their interest in the chat box
- (d) Adoption and signing of minutes;
- (e) Statements, communications or business brought forward by the Chairperson;
- (f) Interviews with deputations or persons summoned to attend the meeting;
- (g) Statutory business;
- (h) Business, which by a resolution at a prior meeting, has precedence;
- (i) Matters adjourned from any preceding meeting;
- (j) Reports by committees, delegates, deputations, or officers of the CDA;
- (k) Submission by the Chairperson of reports, communications, memoranda, petitions, and applications dealing with matters of urgency;
- (l) Notices of motions and questions, which shall appear on the agenda in the order in which the Chairperson has received them;
- (m) Communication at any meeting - the Chairperson may without notice make any statement or read any communication;
- (n) General business; and
- (o) New matters: Provided that a member of the CDA may at any time during the proceedings move as a motion of course that precedence be given to any matter appearing on the agenda and may briefly state the reasons for such motion. If such motion is seconded it shall be put to the vote forthwith without discussion and if carried the matter shall receive precedence accordingly.

6(2) Every member of the CDA present at a meeting of the CDA shall sign his or her name in the attendance register, which the secretariat shall make available for that purpose; in the case of virtual meetings, such a responsibility rests with the Secretariat, who will note and record all participants in the meeting.

6(3) Apology with reason must be given-

- (a) in writing, or



(b) telephonically,

prior or during the meeting, to the secretariat in person, a lack of which will be recorded in the minutes as absent without apology.

6(4) All members must sign a Declaration of Interest Form, or sound recording or show of hands, or whichever way the Chairperson may direct., In other instances such as virtual meetings, members may declare their interest in the chat box.

6(5) Minutes of the proceedings of every meeting of the CDA shall be drawn up by the Secretariat; the Chairperson must quality assure the minutes; minutes must be circulated electronically or by other means; and shall be submitted for confirmation at the next ordinary meeting by the Chairperson.

6(6) The Secretariat must draw a matrix of matters arising from the decisions of the previous meeting and the Chairperson must quality assure the matters arising. Matters arising must be circulated together with the minutes electronically or by other means to all members for them to account on the implementation of the decisions. The Secretariat must populate the matrix of matters arising from decisions and these are submitted for noting at the next ordinary meeting by the Chairperson.

6(7) If a copy of the minutes was sent to each member of the CDA at least seven days before the meeting, the minutes shall be presumed to have been read for the purpose of confirmation.

6(8) Except for the sake of accuracy, no motion or discussion shall be allowed upon the minutes.

6(9) A motion to correct the minutes shall be permissible and if carried and the minutes shall forthwith be corrected accordingly and signed.

6(10) Any CDA member, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the CDA at any meeting shall, if the Chairperson so directs, be removed from the meeting.

7. Voting

7(1) Except as otherwise provided in these Rules or resolved by the CDA the decision of the CDA on any question before it shall be determined by a show of hands or in the case of a virtual meeting, by a show of the electronic hand or voice recording, or virtual chat or as determined by the meeting.

7(2) Immediately after a question has been put to a meeting of the CDA for the purpose of being voted upon, or, immediately after the decision has been declared by the Chairperson, any two members of the CDA may demand a division and the Chairperson shall thereupon request those CDA members who desire to support such demand to rise in their places or in the manner in these Rules.

7(3) All divisions shall be recorded in the minutes.

7(4) The Chairperson shall from such record declare the decision of the CDA and the member of CDA who voted for or against the question.

7(5) Fifty percent plus one of the votes of the CDA will constitute a majority.

7(6) If the event of a tie during a vote the Chairperson shall have a casting vote.

7(7) Voting shall be conducted by show of hands or electronically or as determined by a meeting.

7(8) In cases where a decision is to be made by ballot, a ballot paper containing the proposal before the CDA shall be handed to each CDA member who shall signify his vote by means of a cross in the appropriate column according to whether he or she is in favour of or against the proposal.



7(9) Where an appointment or election is to be made from among a number of persons proposed, each CDA member present shall be handed a ballot paper and shall signify his or her vote:

7(10)(a) In the case where the names of such persons appear on the ballot paper, by means of a cross opposite the name of the person or persons whom he or she favours; or

(b) In the case where the names of such persons do not appear on such ballot paper, by writing the name of the person or persons whom he/she favours on such ballot paper.

7(11) After the ballot papers have been marked, they shall be folded and placed in the ballot box provided.

7(12) The Secretariat and two CDA members appointed by the Chairperson shall act as scrutineers under the Chairperson's directions and shall count the votes of the ballot and report to the Chairperson the result thereof.

7(13) The result of the scrutiny shall thereafter be declared the result of the ballot and be handed to the Chairperson in the form of a signed statement.

7(14) Decisions by round robin resolution may be taken where members are not physically present in a meeting. The Secretariat shall compile a submission as directed, requesting members to vote on an issue. The submission must be accompanied by a covering letter which stipulates the following:

- (aa) the date and number of the file;
- (bb) the title of the submission or the subject matter;
- (cc) the background and a brief discussion;
- (dd) the recommendation/s;
- (ee) a space must be provided for each of the recommendations, that will allow members to cast their vote (yes/no), and to give comments; and
- (ff) all round robin forms must be completed, signed and returned to the secretariat who will, under the Chairperson's scrutiny and declaration of results, which must be signed and properly filed.

8. Central Drug Authority

8(1) CDA members consist of all CDA members, including those from the five Portfolio Committees, independent CDA members appointed by the Minister of Social Development and Representatives of designated National Departments.

8(2) The CDA may from time to time, invite external experts in an advisory capacity.

8(3) The CDA Meetings shall be held no less than two times per year.

8(4) The CDA shall meet not less than twice a year with the DG and not less than twice a year with the Minister.

8(5) The objectives of the CDA are to:

- (a) Guide the overall strategic direction of the CDA;
- (b) Give guidance and direction to the CDA Secretariat; and
- (c) Ensure that all CDA Secretariat staff members abide by the decisions of the CDA.

9. Central Drug Authority Executive Committee

9(1) The Executive Committee acts on behalf of and within the powers granted to it by the CDA.

9(2) The CDA Chairperson shall appoint Chairpersons of Committees to be part of the Executive Committee of the CDA.



9(3) The role and functions of the Executive Committee are to:

- (a) provide organisational direction to the CDA and have the power to act on behalf of the CDA in emergency situations;
- (b) monitor and evaluate progress towards achieving strategic goals and other initiatives of the CDA;
- (c) provide organisational oversight on the implementation of the NDMP;
- (d) assess the functioning of Committees and their Chairpersons, and determine their effectiveness, productivity, and necessity;
- (e) monitor and enhance the effectiveness of structures of the CDA at all levels; and
- (f) improve the efficiency and effectiveness of the CDA by streamlining activities of the CDA; and address challenges and ensuring good governance.

9(4) The Executive Committee shall report regularly on its activities, recommendations and decisions, and deliberations to the CDA.

9(5) The Executive Committee shall meet at least once per quarter, as required by the CDA Chairperson or as determined by need.

9(6) The CDA consists of committees which all have specific responsibilities. However, the CDA may establish any Committee or Sub-committee it deems necessary to further its functions. The establishment of such Committee/s shall be decided on by a majority of members and upon such good grounds shown.

9(7) The CDA Executive Committee approves the operational plan, ensuring that it is aligned with the CDA strategy. An operational plan must have a shorter timeframe (typically one year) and must identify the activities and objectives necessary to achieve the CDA strategic objectives.

9(8) The CDA Executive Committee must monitor the implementation of strategic, operational and capital plans and budgets on an ongoing basis.

9(9) The CDA Executive Committee must ensure that CDA has the resources required to accomplish its goals.

9(10) During the strategic planning session, resources including budget, financing needs, and other necessary resources must be identified. The CDA Executive Committee must manage regularly, reports to the CDA on the CDA performance, together with any actions to address areas of non-performance.

9(11) The CDA Executive Committee must recommend annually a comprehensive set of performance measures the CDA that reflect progress against the strategic, operating and plans.

10. Extended General Committee

10(1) The extended general committee consists of all CDA members, NGO's/NPO's, local and international partners of the CDA, key National Departments who may not already be members of the CDA, Provincial Substance Abuse Coordinators (Managers), as well as Provincial Substance Abuse Forum Chairpersons, who may bring no more than 2 representatives (on rotation) of Local Drug Action Committees.

10(2) Meetings of the Extended General Committee are held twice a year and the main objectives include stakeholder engagement, to engage on the Annual Reports.



11. Central Drug Authority Portfolio Committees

11(1) CDA committees shall comprise only members of the CDA or designated proxies and substitutes, and external parties may only be present at Committee meetings by invitation. Committees may however source independent and external professional advice, when necessary, subject to approval by the Chairperson of the CDA.

11(2) All members of respective CDA committees are expected to attend and participate in relevant committee meetings.

11(3) All decisions and deliberations of the committees shall be reported to the CDA Executive Committee, which shall escalate matters as necessary, to the CDA general meeting.

11(4) Every CDA committee shall hold meetings at least once per quarter or as required subject to the approval of the CDA Chairperson.

11(5) Members of CDA committees shall hold office in line with CDA period.

11(6) There must be open communication between committees, the CDA, the Secretariat and any other managerial or statutory structures of the CDA.

11(7) Members of a committee shall remain in office until their successors have been appointed, or until such committee is dissolved.

11(8) The CDA may at any time, after giving notice-

- (a) withdraw,
- (b) extend; or
- (c) modify,

any reference to a committee but any proposal to do so shall first be referred to that committee for consideration and a report on such proposal be tabled with the CDA.

11(9) A member of a committee who without an apology, fails to attend three consecutive meetings of such committee shall cease to be a member and shall be subject to a disciplinary process.

11(10) A member of a committee may resign from such committee by notice in writing, signed by him or her and submitted to the Chairperson.

11(11) Such committee, at the first meeting of the CDA subsequent to such resignation, shall notify the CDA Chairperson of a vacancy on a committee after it has arisen, which vacancy shall be filled by the CDA Chairperson.

11(12) When a CDA member is on leave, any CDA member not on leave may be appointed to act in his or her place in the committee in which the member on leave serves.

12. Roles and responsibilities of Portfolio Committees of Central Drug Authority

12(1) The Governance Committee shall-

- (a) Annually compile the CDA Annual Report for recommendation by the CDA and submission to the Minister of Social Development for approval
- (b) Provide oversight of risk management and ensuring that risk controls are effective for the CDA.
- (c) Recommend to the CDA, the review of the National Drug Master Plan every five years.
- (d) Advise the CDA on the review of policy or legislation or development of new legislation to respond to the challenges of the supply of, demand and treatment for drugs and substances of abuse, as well as the policies governing the CDA and its structures.
- (e) Serve as custodian of good governance of the CDA.



- (f) Facilitate the empowerment, training, and capacity building of the CDA members, its committees and the Secretariat.
- (g) Oversee the effective functioning of all the structures of the CDA, including PSAF and LDACs.
- (h) Ensure the participation of all relevant departments, agencies, NGO's both local and international in the work of the CDA in line with the Act No. 70 of 2008 or as determined by need towards the achievement of the goals of the CDA.
- (i) Ensure compliance with statutory prescripts and international obligations that the country has ratified/acceded to.
- (j) Facilitate submission of reports of the CDA and its substructures.
- (k) Monitor and accelerate functioning of the Secretariat and general administrative support to the CDA.

12(2) Project and Programme Committee, which shall-

- (a) Develop annual plans for programmes and projects to further the goals of the NDMP
- (b) Assume overall responsibility for the business issues associated with projects and programmes that are essential to ensure the delivery of the project outputs and the attainment of project outcomes, in line with the strategic plan of the CDA and the goals of the NDMP
- (c) Monitor, on an ongoing basis, the quality and impact of all projects as they develop.
- (d) Provide advice about changes to projects and programmes developed.
- (e) Provide support, guidance, and oversight on all projects and programmes.
- (f) Provide an annual report of the CDA projects and programme activities to the CDA Executive Committee and CDA at the end of each financial year, for incorporation into the CDA annual report.

12(3) Research, Development, Monitoring and Evaluation Committee, which shall-

- (a) provide oversight and strategies to the CDA on research priorities, and the development of collaborative and strategic research programmes, with particular reference to opportunities arising out of the national research agenda and CDA roles and responsibilities as defined in the Act and the NDMP;
- (b) seek opportunities for the CDA to enhance research programmes in conjunction with external agencies, including the private sector, non-governmental organizations, institutions of higher learning and other government aligned and funded research agencies;
- (c) seek opportunities at national and international level to leverage the expertise and capacity to advance the resourcing (including government funding) of substance abuse research, including intervention strategies and their effectiveness;
- (d) set and monitor key research performance indicators for the CDA
- (e) monitor trends on substance use and abuse research, and related fields being undertaken and to identify and make recommendations on the most appropriate areas for research.
- (f) be a repository of all national and international research on substance abuse, disseminate the latest research information to CDA structures and maintain a resource library (National Clearing House) of publications produced by the CDA and its local and international partners.
- (g) provide an annual report on research, development, monitoring and evaluation activities, at the end of each financial year, for incorporation into the annual report of the CDA.

12(4) Communication and Marketing Committee, which shall-

- (a) Develop and implement the CDA strategic communications and marketing plans to promote the CDA's vision, mission, values, and goals of the NDMP.



- (b) Manage public relations and advance the CDA's internal and external communications affairs.
- (c) Advise on the creation of messages that raise awareness and educate the country on substance abuse related matters.
- (d) Ensure visibility of the CDA in multiple formats and forums.
- (e) The Committee is responsible for the following activities:
 - (i) Develop and maintain a CDA Website.
 - (ii) Establish, maintain, and market social media forms of communication (Twitter feed, WhatsApp, and Facebook page) on substance abuse and publications.
 - (iii) Manage communications in respect of the Clearing House.
 - (iv) Coordinate CDA annual public activities and provide progress report.
 - (v) Oversee CDA branding, including reviews as and when necessary.
 - (vi) Collaborate with and advise the CDA, on matters related to communications.

12(5) Finance, Social and Ethics Committee, which shall-

- (a) facilitate the development of a Social and Ethics Policy for the CDA;
- (b) assess and review the adequacy and effectiveness of the CDA's engagement and interaction with its stakeholders at all levels;
- (c) develop and oversee adherence to the ethical standards (Code of Conduct) of the CDA, and ensure that the CDA takes measures to integrate and achieve adherence to these standards in all aspects of the business of the CDA, thus facilitating a sustainable ethical corporate culture;
- (d) minimizing ethical risks in the CDA and its role-players, and access opportunities to create awareness around ethical practice within the ambit of the CDA's core mandate;
- (e) maintaining and building ethical awareness through training programmes on the policy, including the management of ethical dilemmas inherent in the work of the CDA;
- (f) monitoring that all structures of the CDA and its partners, implement programmes, guidelines and practices are congruent with the CDA's social and ethics policy;
- (g) protect the interests of all role-players including vulnerable individuals, groups, families and communities in the process of implementing the National Drug Master Plan's mandate and objectives, i.e., the CDA's NDMP-related ethical responsibility and ensure that the CDA and all stakeholders adhere to the principles of the NDMP;
- (h) review the CDA's corporate governance from an ethical perspective in cooperation with the Governance Committee, in line with the core mandate of the NDMP;
- (i) periodically review the performance of the CDA in implementing the provisions of the code of ethics, and adhering to the policy, which must then be consolidated into an Annual Report.
- (j) Ensure adequate resourcing of the CDA and its substructures in the performance of their functions;
- (k) Facilitate the rationalisation of existing resources and monitor their effective use; and
- (l) Ensure the adequate resourcing of the CDA, present the CDA MTEF budget to the CDA during the budget planning processes of the Department of Social Development and ensure that the budget and resources of the CDA are used efficiently, effectively, and economically.

13. Meetings with Minister and Director-General

13(1) The CDA Executive Committee shall on behalf of the CDA meet with the Minister and the Director General at least twice a year.



13(2) The objective of the meetings include presenting to the Minister and the Director General the Annual Performance Plans, the Annual Budgets and the Annual Reports of the CDA for the Minister's concurrence and to address challenges regarding the implementation of the National Drug Master Plan.

14. Meetings with Government Clusters

14(1) The CDA Chairperson shall delegate members of the CDA Executive Committee to participate in the Government Clusters.

14(2) The Objective of CDA 's participation in the Government Clusters is to engage Senior Government Officials on progress and challenges in the implementation of the National Drug Master Plan and to find sustainable solutions.

15. Powers of Chairperson of CDA

The CDA Chairperson shall-

- (a) Be the Head and official leader of the CDA and in her/his absence the Deputy Chairperson shall assume such a role;
- (b) Convene meetings of the CDA Executive Committee and CDA;
- (c) Approve the schedule of meetings of the CDA and various committees;
- (d) Mandate individual members to represent the CDA in various capacities;
- (e) Have a casting vote;
- (f) Represent the CDA in matters related to drugs and substance abuse;
- (g) Present periodic reports on the work of the CDA to all relevant forums and stakeholders;
- (h) Ensure that each member of the CDA is provided with a copy of the Rules of the CDA, and each amendment thereof, and has signed for it or them;
- (i) Initiate benchmarking processes with any institution both locally and internationally;
- (j) Institute disciplinary procedures against any member of the CDA for misconduct subject to Rule 16;
- (k) Recommend to the Director General of the Department of Social Development, disciplinary action against any member of the secretariat for misconduct;
- (l) Ensure the adequate resourcing of the CDA, present the CDA MTEF budget in the budget planning processes of the Department of Social Development and ensure that the budget and resources of the CDA are used efficiently, effectively, and economically;
- (m) Perform any functions towards the achievement of the goals of the NDMP and the Act, and the directives of the Minister in this regard;
- (m) Annually review performance of the CDA and its committees to ensure compliance with their obligations as set out in the legal prescripts and terms of reference as agreed; and
- (o) The Chairperson may delegate certain functions as necessary to the Deputy Chairperson of the CDA.

16. Discipline and misconduct



16(1) When the Chairperson of the CDA becomes aware of a transgression of, or a failure to comply with a stipulation of the Rules, or when a written allegation or statement is directed to him/her to the effect that a member of the CDA has allegedly transgressed a stipulation of the Rules or has failed to comply therewith, he or she shall-

(a) investigate the facts and circumstances;

(b) obtain a written comment from the member concerned; and

(c) if he or she is convinced that a transgression of or a failure to comply with a stipulation of the Rules has prima facie occurred, he or she shall submit a report in this regard to the CDA.

16(2) Provided that the member concerned has not submitted a written comment, as contemplated in these Rules, to the Chairperson within a reasonable time after such request was made to him/her, the Chairperson should proceed to submit a report to the CDA.

16(3) If a member of the CDA misconducts himself/herself, behaves in an unseemly manner or obstructs the business of any meeting of the CDA or any committee thereof or challenges the ruling of the Chairperson on any point of order, or declines to withdraw any expression when required to do so by the Chairperson, or indulges in tedious repetition or unbecoming language, or commits any breach of the Rules, the Chairperson shall direct such CDA member to conduct himself/herself properly and if speaking, to discontinue his/her speech and resume his/her seat. In the event of a persistent disregard of the directives of the Chairperson, the Chairperson shall direct such CDA member to retire from the place of the meeting for the remainder of the meeting and may, if necessary, cause him/her to be ejected there from.

16(4) In the event that misconduct contemplated herein, the Chairperson, the Deputy shall carry out the responsibilities contained in these Rules.

16(5) A CDA member commits an act of misconduct if the member-

16(6) refuses or fails to comply with directives of the Chairperson given in terms of these Rules or the Act,

16(7) returns to the place of the meeting prior to the conclusion of the meeting from which he or she was directed to retire, or

16(8) offers resistance whilst being ejected from the place of meeting, he/she shall be guilty of misconduct and liable on conviction to a warning and/or expulsion.

16(9) If the Chairperson is allegedly charged with misconduct, the Deputy-Chairperson will execute the duties as contained in these Rules.

17. Role of individual Central Drug Authority Members

17(1) It is the duty of every member of the CDA to participate actively in the consideration of issues brought to the attention of the CDA, and to act in all respects for the benefit and the best interest of the service and of the country.

17(2) Individual members of the CDA may be mandated to deliver speeches and addresses on behalf of the CDA, in line with the contents of the NDMP and resolutions already taken by the CDA.

17(3) CDA will not be held responsible for any statement made by individual members regarding substance abuse or related issues, unless explicitly mandated to do so.

17(4) All individual members shall-

(a) be willing to meet and work with national, provincial, and local government departments, and keep them informed of the CDA's functions and accomplishments;



- (b) be sensitive to the complexities and nuances of the various cultures in the country and show wisdom in establishing conditions most likely to forge links between planning and governance;
- (c) carry out their functions with integrity, independence, and good faith, and shall act in the best interests of the CDA and the country;
- (d) acts responsibly and fairly with the care, diligence, loyalty, and prudence of a reasonable individual;
- (e) carry out their duties in a way that inspires confidence in the work of the CDA;
- (f) avoid real or apparent conflicts of interest;
- (g) make a full written disclosure of a real or apparent conflict of interest as soon as they are aware of it and shall resolve it in the best interests of the CDA;
- (h) not assist any person or any organization in its dealings with the CDA when such intervention may result in real or apparent preferential treatment to that person or organization by the CDA;
- (i) not use, for their personal benefit or advantage, or for the benefit or advantage of any family member, any information acquired in the performance of their duties that is not otherwise generally available to the public;
- (j) not use, directly or indirectly, any facilities, property, or services of the CDA, nor allow them to be used, for purposes other than those expressly approved by the CDA;
- (k) not mislead or attempt to mislead the CDA in consideration of, and decisions regarding matter serving before the CDA;
- (l) not take, or directly or indirectly encourage, plead, instigate, or participate in any unlawful decision by the CDA; or
- (m) not directly or indirectly encourage, plead, instigate or participate in a debate, conference, meeting or decision with any other person or body, the aim and effect of which is the cession of a right in favour of the CDA, or the breach of agreement by the CDA, or breach of agreement by any other person or body, of an agreement with such a CDA, or any other breach or loss of a right or the neglect of an obligation in such a manner that the CDA incurs loss or is prejudiced in any other manner, or is improperly or unlawfully charged with an obligation;
- (n) not directly or indirectly disclose privileged or confidential information relating to CDA activities to any unauthorized person or body or the representative of such a person or body;
- (o) not request or demand a direct or indirect reward or favour from a person or body, or accept a gift, reward or favour whether in the form of money or otherwise, as a reward for supporting a specific position in a matter before the CDA, or with regard to the execution or duty to be executed or performed by the CDA, or to disclose any privileged information;
- (p) be explicitly informed when such information is confidential or privileged; and
- (q) attend every scheduled meeting of the CDA as well as those of a committee of the CDA to which he/she has been appointed or elected, except where leave of absence has been granted to him or her by the Chairperson.

18. Performance of Central Drug Authority members

18(1) Members of the CDA shall be prepared to fulfil their duties and roles at the beginning of their term of office, through an established development program. This includes Induction and Strategic Planning, to provide a sense of direction and to outline measurable goals that will guide day-to-day decisions, for evaluating progress and changing approaches where necessary. Key is the training on the National Drug Master Plan and training on Governance.



18(2) The CDA Members continuously monitor emerging issues or areas of concern and adjust the CDA performance agreements where necessary. The strategic plan must be reviewed in depth by the CDA on an annual basis.

18(3) The CDA oversees the information flow on reporting for frequent, timely and accurate information to and from the CDA Committees, on progress in the implementation of the strategic plan and any variances.

18(4) The CDA Committee members must sign performance agreements to deliver on their task. The performance agreements must be aligned to the strategic plan which in itself, is derived from and geared towards the achievement of the goals of the NDMP.

18(5) Performance of all CDA Committee members must be monitored annually against the measures outlined in the performance agreement, which must be signed by the Chairperson for each member of the CDA

18(6) CDA Committee Chairpersons shall continuously enhance the members' ability to fulfil their duties and roles by enabling them to identify their own developmental needs at the beginning of each financial year. Members are responsible for identifying and participating in any established development programme/s., subject to the approval by the Chairperson of the CDA.

18(7) Other CDA Committee members shall have access to additional development where needed or desired during their term of service through an established development programme subject to approval by the Chairperson.

19. CDA performance review and monitoring

19(1) The Minister is expected to submit annual performance reports for the department and all its entities, to the Department of National Treasury.

19(2) The CDA must therefore ensure that it continuously monitors, and at prescribed periods submits the performance reports of the CDA, both with regard to progress towards, and the extent of the achievement of goals and objectives outlined in the Strategic Plan, as well as its program and financial performance.

19(3) Annual Financial Statements: The Minister and the Director General (DG) of the DSD must provide the Department of National Treasury with Annual unaudited financial statements that include data to reflect the CDA spending position or status against the approved budget.

19(4) Urgent issues raised by the Department of National Treasury when reviewing and monitoring the report in accordance with the Monitoring Report Review Process approved by the Executive, will be forwarded to the CDA Chairperson and the Department's dedicated DG, for immediate action.

19(5) The Minister or her/his representative reviews and monitors the performance of the CDA, and its committees on an annual basis and provides a report back for improvement of performance thereof.

20. Financial and other interests of members

20(1) Any member of the CDA or a committee who has a direct financial or personal interest in any matter to be discussed by a meeting of the CDA or the committee must declare such interest before the commencement of the meeting.

20(2) Any person has the right to inform the Chairperson in writing, before any meeting, of any possible conflict of interest in respect of any member of the CDA or a committee.



20(3) No member of the CDA shall without approval by the CDA, have financial/business transactions with the work of the CDA.

20(4) Members of the CDA shall declare all gifts as per the parameters determined from time to time by the guidelines provided by the National Treasury. Such guidelines must be provided to all members of the CDA.

20(5) All gifts received by members, beyond and/or exceeding those given in the guidelines or parameters determined by the CDA, shall be recorded in the gift register of the CDA.

20(6) Any member who has a personal or business interest, or where a member has a conflict of interest on any matter that is on the agenda of the and any of its committees, such member must declare such interest prior to the meeting or when such matter is to be addressed on the agenda of such a meeting, and recuse him/herself from such meeting or discussion as the case may be.

20(7) Failure to disclose an interest in terms of the preceding paragraphs constitutes misconduct.

20(8) The Chairperson is then obliged to place the matter as a first item on the agenda for the CDA or a committee to discuss.

20(9) The member so affected must be given an opportunity to respond; where after a ruling is made in his or her absence.

20(10) The affected member is thereafter called into the meeting, where the decision of the CDA or a committee must be communicated to him or her.

20(11) After such declaration or in the event that the CDA or the committee finds that such an interest exists, such member of the CDA or a committee must recuse himself or herself from the meeting before the issue in which he or she has an interest is discussed.

20(12) In the event that the person recusing himself or herself is the Chairperson of the meeting, the vice- Chairperson assumes duty as Chairperson of such meeting.

20(13) In the event that there is no Vice- Chairperson, the CDA or a committee elect, by means of a majority vote, a member of the CDA or a committee to act as Chairperson.

21. Reporting protocols

In compliance with the powers and functions of the CDA as in the Act, the CDA must ensure that the national departments and, PSAF's provide information to the CDA as prescribed by the Act and according to the times stipulated in the Act.

22. Remuneration of Central Drug Authority members

22(1) Every member who is not a public servant shall comply with the National Treasury prescribed standard of procedure to process such fees, travelling, data and subsistence allowance for authorized activities connected to the CDA.

22(2) Where fees are paid to any member of the CDA who is not an officer in the public service, a decision regarding the amount of fees to be paid and the specific work or other activities to be undertaken must be made in advance by either the CDA or the executive committee and this needs to be recorded as such in the minutes.

22(3) Every member who participated in an activity or attended a meeting must submit the report on the outcome of the activity and claims to the Secretariat within 30 days after the conclusion of the meeting or an activity. Failure to submit within 30 days must be substantiated.



22(4) The Secretariat must submit the report to the CDA Executive committee and authorised claims to the DSD's finance section upon receipt.

23. Disclosure of information

A spokesperson designated for that purpose may disclose information relating to the activities and achievements of the CDA to the general public and the media, provided that-

- (a) disclosure of privileged or confidential information shall not be permitted without the express permission of the CDA.
- (b) information considered by the CDA to be of a sensitive nature shall only be disclosed with the concurrence of the Minister; and
- (c) information relating to the activities and achievements of the CDA considered privileged or confidential shall-
 - (aa) be classified as such in the minutes of the CDA and its committees; and
 - (bb) be filed and stored in a manner that makes it unavailable to persons who are not members of the CDA or its committees, with the exception of the secretariat.

24. Termination of Membership of Members of Central Drug Authority

24(1) A member of the CDA ceases to be a member of the CDA if the member-

- (a) resigns by giving written notice to the secretariat of the CDA;
- (b) is absent from three consecutive ordinary meetings of the CDA without the approval of leave by the Chairperson of the CDA;
- (c) is convicted of an offence involving dishonesty or an offence for which the member is imprisoned without the option of a fine;
- (d) is declared unable to attend to his/her personal affairs by a court of law;
- (e) is recalled by his/her constituency;
- (f) is declared a delinquent director as defined in Section 162 of the Company's Act, 2008 (Act No.71 of 2008), or if declared as such by a competent authority.

24(2) Any vacancies on the CDA that arise as a result of death, resignation or other causes as contemplated in subparagraph (15(1)), shall be dealt with in terms, Section 53, Subsection (5) of the Act.

24(3) At least three months prior to the expiry of term of office the CDA, the Secretariat of the CDA must give written notice of such expiry to the Minister, whereupon the applicable procedure regarding appointment, election or designation must be followed.

24(4) Every member shall respect the confidentiality of information received in the performance of their duties, as well as the confidentiality of all deliberations of the CDA.

25. Secretariat

25(1) The CDA Secretariat does work incidental to the performance of the functions of the CDA, subject to control and directions of the CDA. The Secretariat is key in the functioning of the CDA, and to be effective the Secretariat must perform amongst others, the functions below:



- (a) Connect members and stakeholders to work together on common goals.
 - (b) Support the CDA Chairperson by offering sound and trusted advice on governance, policy, and administrative issues, and identifying nuances associated with issues under consideration.
 - (c) Support practical results that achieve goals and objectives.
 - (d) Support the work of the CDA.
 - (e) Ensure transparency while monitoring confidentiality.
 - (f) Act thoughtfully about group members' time and needs, and
 - (g) Deliver on time, every time.
- 25(2) The CDA shall provide more specific and detailed functions to be performed by the Secretariat, premised on industry standards and based on the annual performance plans of the CDA.

26. Funding of Central Drug Authority

- 26(1) The CDA shall compile annually and in line with its strategic plan, and the government's medium term expenditure framework, a budget for its functions as the CDA, and its Provincial Structures, jointly with the provincial Departments of Social Development.
- 26(2) The Chairperson with the support of the Secretariat, must present to the General Meeting of the CDA for approval, the total budget for the MTEF period.
- 26(3) The budget must after approval by the CDA, be presented by the Chairperson to the Minister.
- 26(4) The CDA shall give effect to applicable clauses of the Public Finance Management Act.

27. Repeal

Rules Governing the Quorum, Procedure at meetings and, generally the Conduct of Functions of the Central Drug Authority, 2015 are hereby repealed and these Rules replace any other rules so published for the same purpose in relation to the Central Drug Authority.

28. Short title and commencement

These Rules are called the Rules Governing the Quorum, Procedure at meetings and, generally the Conduct of Functions of the Central Drug Authority and come into force on the date they are approved by the Minister and published in the *gazette*.



SUB-SCHEDULE

1. As per rule 1 of the Rules governing the CDA and in the current context of a disaster, these rules remain applicable.
2. These rules shall from time to time be adjusted according to need and as prescribed by the regulation that will prevail to manage and contain the spread of the virus and to mitigate its impact.

Meetings of the CDA during a disaster

3. The meetings of the CDA shall either be through physical contact, be virtual or be a hybrid of the two, depending on need, disaster regulations applicable at the time, or convenience for the members.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065