

DAGGA & THE LIKE



DAGGA



CON COURT (September 2018)

- 3 CASES COMBINED
- Declaration of UNCONSTITUTIONALITY
 - 2 YEARS
 - However INTERIM ORDER was made



DAGGA

USE & POSSESSION OF DAGGA

Regulated by:

- DRUGS AND DRUG TRAFFICKING ACT , 1992 and
- MEDICINES AND RELATED SUBSTANCES ACT 1965

DAGGA

CRIMINAL PROSECUTIONS

- CRIMINAL PROCEDURES ACT



DAGGA



THE ORDER THUS ALLOWS:

- That an adult person may use or be in possession of cannabis for his / her personal consumption IN PRIVATE
- Moreover, the cultivation of cannabis by an adult in a private place for HIS/HER PERSONAL CONSUMPTION IN PRIVATE is NO LONGER A CRIMINAL OFFENCE

[De Vos – dailymaverick.co.za 18 September 2018]



DAGGA

- USING IN PUBLIC – NO
- SELLING – NO
- ASSUMPTION OF SELLING
IF YOU HAVE MORE THAN
A CERTAIN WEIGHT ALSO
OUT
- *[it may play a role in
determining whether
there is an offence]*

DAGGA

TESTING :

- ALCOHOL

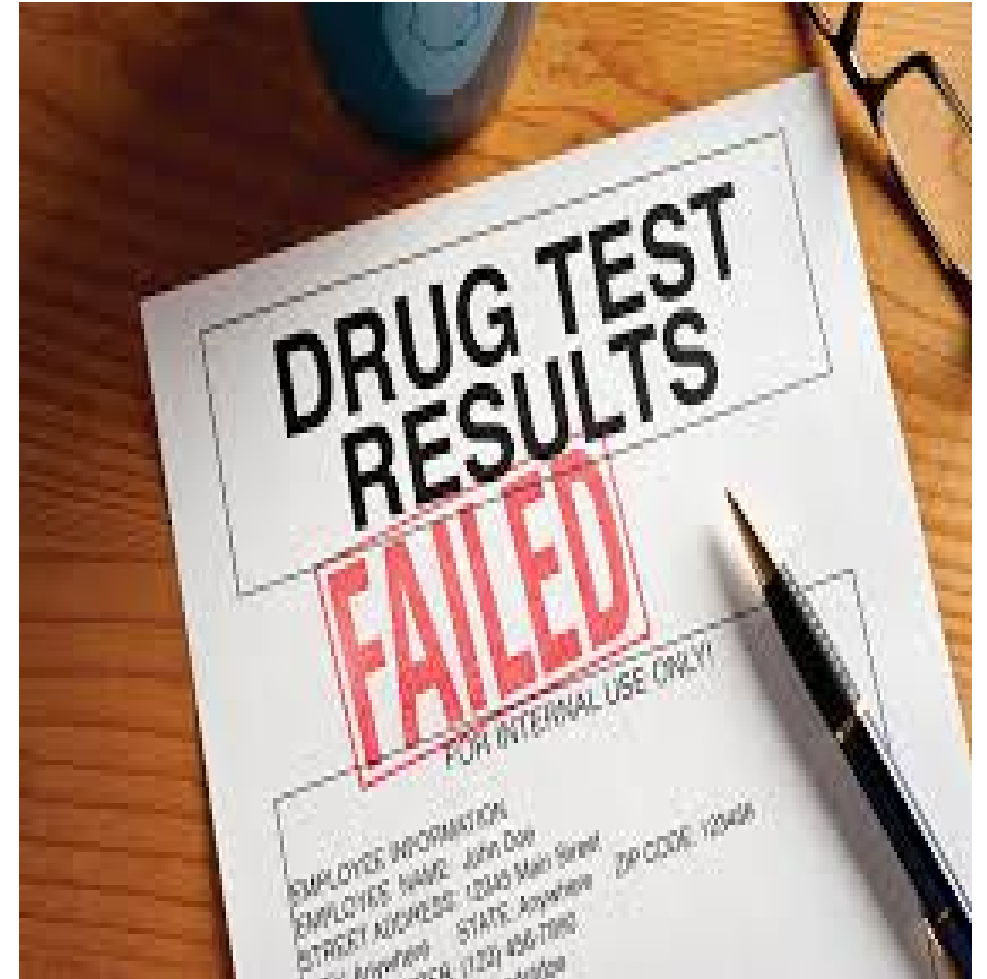
[with reference to driving]

- DAGGA

You cannot determine a LEVEL OF IMPAIRMENT

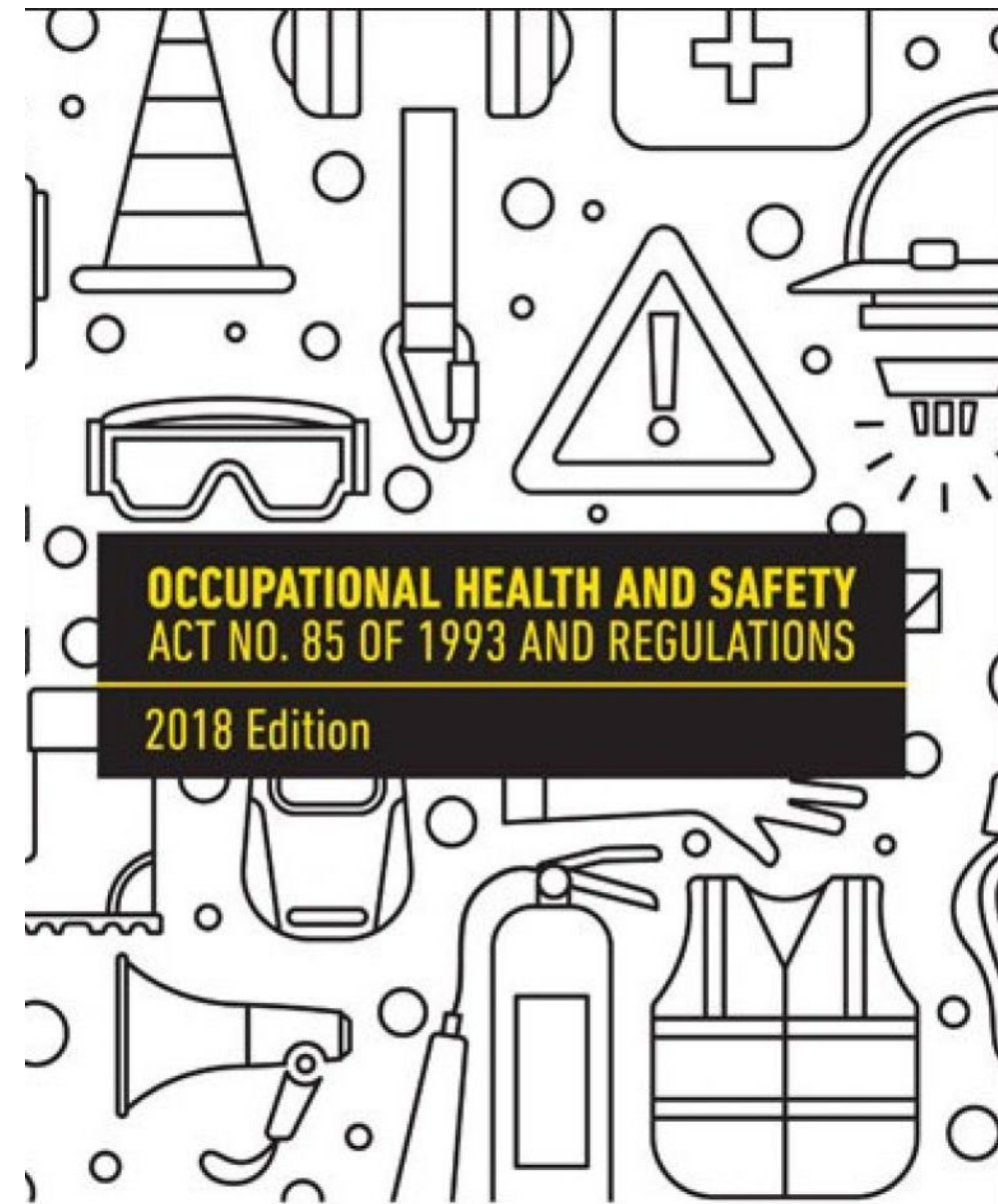
Stays in the system for a longer period than alcohol

- IS THE PERSON “INTOXICATED” ????????????



LEGISLATION:

- MINES' LEGISLATION AND
- THE OCCUPATIONAL HEALTH & SAFETY ACT 1996 ("OHS")
- YOU MAY NOT:
 - Allow a person who is INTOXICATED or
 - Has the INTOXICANT in his / her POSSESSIONaccess to a WORKPLACE FOR THE SAFETY OF OTHERS



DAGGA



CHANGE YOUR POLICIES:

- For both EDUCATORS and GENERAL WORKERS (appointed by either the Provincial Department or the SGB)
- Capture the OHS in the School's POLICY
- Make participation in testing COMPULSORY or even a precursor to entering the premises

DAGGA



AS REGARDS LEARNERS:

- Alter the school policy to EXCLUDE any person from the school terrain who tests positively or displays the symptoms outwardly
- [Field test]
- THEY ONLY RETURN WHEN THEY CAN RENDER A CLEAN TEST (with which the school will assist them)

SAFETY & SECURITY



SASA 1996

- REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS
 - “DANGEROUS OBJECT”
 - “ILLEGAL DRUG”

SAFETY



- Search and Seize
- Access to premises
- “VISITS”: interest of public accountability
- Letter from the HOD
- Parents
- Early release etc

Safety Security



Responsibility







Thank you
Dankie

