

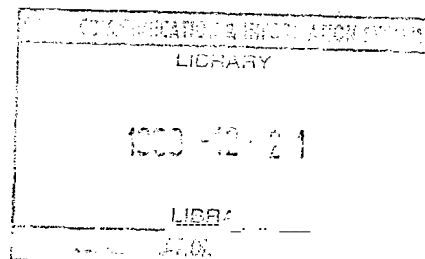
REPUBLIC OF SOUTH AFRICA

FIRE BRIGADE SERVICES AMENDMENT BILL

(As introduced in the National Assembly as a section 76(1) Bill; explanatory summary of Bill published in Government Gazette No. 20598 of 1 November 1999) (The English text is the official text of the Bill)

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

[B 63—99]



REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP BRANDWEERDIENSTE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 76(1)-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No. 20598 van 1 November 1999 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

(MINISTER VIR PROVINSIALE EN PLAASLIKE REGERING)

[W 63—99]

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GENERAL EXPLANATORY NOTE:

Words **underlined** with a solid **line indicate** insertions in existing enactments.

BILL

To amend the Fire Brigade Services Act, 1987, so as to revise the composition of the Fire Brigade Board; to effect amendments of a technical nature; and to provide for matters connected therewith.

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

Amendment of section 2 of Act 99 of 1987, as amended by section 2 of Act 83 of 1990 and section 19 of Act 134 of 1992

1. Section 2 of the Fire Brigade Services Act, 1987, is hereby amended— 5
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) The Board shall consist of—
- | | |
|--|----|
| (a) one person designated by the Minister, who shall be the chairperson; | |
| (b) one person designated by each of the Administrators; | 10 |
| (c) two persons designated by the South African Local Government Association; | |
| (d) one person designated by the Minister of Finance: and | |
| (e) not more than three persons designated by the Minister, one of whom represents organised business and one of whom represents <u>organised labour</u> .”; | 15 |
- (b) by the substitution in subsection (4) for the words “Department of Planning and Provincial Affairs” of the words “national department responsible for provincial and local government”: and
- (c) by the deletion in subsection (5A) of the words “or the government of a 20 self-governing territory”.

Short title

2. This Act is called the Fire Brigade Services Amendment Act, 1999.

MEMORANDUM ON THE OBJECTS OF THE FIRE BRIGADE SERVICES AMENDMENT BILL, 1999

The current composition of the National Fire Brigade Board (hereinafter referred to as "the Board") is not representative in terms of the new local government dispensation. Apart from this, most of the members who represented government departments and other institutions, have either passed away or retired and new appointees have no knowledge of the functions of the Board or of fire brigade services in general.

Although most of the provisions of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) (hereinafter referred to as "the Act") were assigned to the provinces by Proclamation No. 153 of 31 October 1994, most of the sections of the Act provide that approval be granted after consultation with the Board. Given the fact that there are now nine provinces, this implies that the Board will have to convene more frequently to discuss some of the urgent matters identified by the provinces, and that provinces should be properly represented on the Board.

Clause 1 of the Bill seeks to amend section 2 of the Act, by providing for a newly constituted Board which is reflective of the interests of local government and the provinces. Certain technical amendments are also effected.

BODIES/ORGANISATIONS CONSULTED

Local Government MINMEC, which includes representatives from SALGA and the Department of Finance.

South African Emergency Service Institution.

IMPLICATIONS FOR PROVINCES

The MEC responsible for the administration of the assigned provisions of the Act in each province will be required to designate a person to the Board.

FINANCIAL IMPLICATIONS FOR STATE

None.

PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Constitutional Development are of the opinion that the Bill must be dealt with in accordance with section 76 of the Constitution, because the subject matter of the Bill falls within a functional area listed in Schedule 4 to the Constitution, to wit "Firefighting services . . .