

REPUBLIC OF SOUTH AFRICA

FIRE BRIGADE SERVICES AMENDMENT BILL

(As amended by the Portfolio Committee on Provincial and Local Government (National Assembly)) (The English text is the official text of the Bill)

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

[B 63B—99]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP BRANDWEERDIENSTE

(Soos gewysig deur die Portefeuljekomitee oor Provinsiale en Plaaslike Regering (Nasionale Vergadering)) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the Fire Brigade Services Act, 1987, so as to amend the definition of “Minister”; 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 1 of Act 99 of 1987, as amended by section 1 of Act 83 of 1990, section 18 of Act 134 of 1992 and Proclamation No. R. 153 of 1994

1. Section 1 of the Fire Brigade Services Act, 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of the definition of “Minister” of the following paragraph:

“(b) in paragraph (f) of the definition of ‘local authority’ and sections 2, 15 and 17, the **[Minister of Provincial Affairs and Constitutional Development]** national Minister responsible for provincial and local government;”. 10

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

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Board shall consist of— 15

- (a) one person designated by the Minister, who shall be the chairperson;
- (b) one person designated by each of the Administrators;
- (c) two persons designated by the South African Local Government Association; 20
- (d) one person designated by the Minister of Finance;
- (e) one person designated by the South African Emergency Services Institute; and
- (f) not more than three persons designated by the Minister, one of whom represents organised business and one of whom represents organised labour.”; 25

(b) by the insertion after subsection (2) of the following subsection:

“(2A) The Board shall comprise both women and men.”;

(c) 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 30

- (d) by the deletion in subsection (5A) of the words “or the government of a self-governing territory”.

Short title

- 3.** This Act is called the Fire Brigade Services Amendment Act, 2000.

MEMORANDUM ON THE OBJECTS OF THE FIRE BRIGADE SERVICES AMENDMENT BILL

The current composition of the national Fire Brigade Board (hereinafter referred to as “the Board”) is not consistent with the new government dispensation in terms of which local government is recognised as an independent and interrelated sphere of government.

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. R. 153 of 31 October 1994, most of the sections of the Act provide that decisions are to be taken 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. It is envisaged that the majority of the newly constituted Board will comprise political office-bearers and that the Board will further make use of the technical advice of technical committees, the establishment of which are provided for by section 2(5)(a) of the Act. In giving recognition to gender equality, it is deemed appropriate to include an injunction that the Board must comprise both women and men.

Clause 1 of the Bill effects a technical amendment to the definition of “Minister”.

Clause 2 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, and to require the Board to comprise both women and men. 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 Services Institute.

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”.