PROVINCE OF WESTERN CAPE

WESTERN CAPE AMBULANCE PERSONNEL TRANSFER AND PENSIONS ORDINANCE REPEAL BILL

(As introduced)

(MINISTER OF HEALTH)

[B 7—2008]

PROVINSIE WES-KAAP

WES-KAAPSE WETSONTWERP TOT HERROEPING VAN DIE ORDONNANSIE OP DIE OORPLASING EN PENSIOENE VAN AMBULANSPERSONEEL

(Soos ingedien)

(MINISTER VAN GESONDHEID)

[W 7—2008]

IPHONDO LENTSHONA KOLONI

UMTHETHO OSAYILWAYO WOKHUTSHELO LWABASEBENZI BEE-AMBULANSI NOBHANGISO LOMISELO LWEMIHLALAPHANTSI WENTSHONA KOLONI

(Njengoko wazisiwe)

(NGUMPHATHISWA WESEMPILO)

[B 7—2008]

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BILL

To repeal the Ambulance Personnel Transfer and Pensions Ordinance, 1955, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Repeal of Ordinance No. 11 of 1955

1. The Ambulance Personnel Transfer and Pensions Ordinance, 1955, is repealed.

Short title

2. This Act is called the Western Cape Ambulance Personnel Transfer and Pensions Ordinance Repeal Act, 2008.

EXPLANATORY MEMORANDUM

1. Proposed Repeal of the Ordinance

1.1 The Ambulance Personnel Transfer and Pensions Ordinance, 1955 (Ordinance 11 of 1955) (''the Ordinance'') was promulgated to regulate the transfer of personnel of the ambulance services from the Provincial Administration to local government and to regulate matters pertaining to the pension superannuation benefits of the personnel transferred.

1.2 In terms of Proclamation No. 115 of 17 June 1994, the administration of this Ordinance was assigned to the Province.

1.3 The Ordinance has become redundant as the transfer of public service personnel is currently governed by the Public Service Act, 1994 (Proclamation No. 103 of 1994) and the Labour Relations Act, 1995 (Act No. 66 of 1995). Furthermore, ambulance services is now a provincial function in terms of Part A of Schedule 5 of the Constitution.

1.4 The attached Bill has been drafted to repeal the Ordinance.

2. Consultation

The Department of the Premier, Chief Directorate: Legal Services was consulted.

3. Implications

There are no personnel or financial implications.

WETSONTWERP

Om die Ordonnansie op die Oorplasing en Pensioene van Ambulanspersoneel, 1955, te herroep; en om voorsiening te maak vir verwante sake.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Herroeping van Ordonnansie 11 van 1955

1. Die Ordonnansie op die Oorplasing en Pensioene van Ambulanspersoneel, 1955, word herroep.

Kort titel

2. Hierdie Wet heet die Wes-Kaapse Wet tot Herroeping van die Ordonnansie op die Oorplasing en Pensioene van Ambulanspersoneel, 2008.

VERKLARENDE MEMORANDUM

1. Voorgestelde herroeping van die Ordonnansie

1.1 Die Ordonnansie op die Oorplasing en Pensioene van Ambulanspersoneel, 1955 (Ordonnansie 11 van 1955) (''die Ordonnansie'') is uitgevaardig om die oorplasing van personeel van die ambulansdiens van die Provinsiale Administrasie na plaaslike owerhede te reguleer en om sake verwant aan die pensioenfondsvoordele van oorgeplaaste personeel te reguleer.

1.2 Ingevolge Proklamasie Nr. 115 van 17 Junie 1994 is die administrasie van hierdie Ordonnansie oorgedra aan die Provinsie.

1.3 Die Ordonnansie het oortollig geraak omdat die oorplasing van personeel tans plaasvind ingevolge die Staatsdienswet, 1994 (Proklamasie Nr. 103 van 1994) en die Wet op Arbeidsverhoudinge, 1995 (Wet Nr. 66 van 1995). Daarbenewens is die ambulansdiens nou 'n provinsiale funksie ingevolge Deel A van Bylae 5 van die Grondwet.

1.4 Die aangehegte Wetsontwerp is opgestel om die Ordonnansie te herroep.

2. Oorlegpleging

Oorleg is gepleeg met die Departement van die Premier en die Hoofdirektoraat Regsdienste.

3. Implikasies

Daar is geen personeel- of finansiële implikasies nie.

UMTHETHO OYILWAYO

Ukutshitshiswa koMiselo loKhutshelo lwaBasebenzi bee-Ambulansi neMihlalaphantsi, 1955 kwanokulungiselela into engalindelekanga esenokwenzeka.

XA LO MTHETHO UTHE WAPHUNYEZWA yiPalamente yePhondo leNtshona Koloni, uya kuma ngolu hlobo lulandelayo:—

Ukutshitshiswa koMiselo olunguNomb. 11 yango-1955

1. UMiselo loKhutshelo lwaBasebenzi bee-Ambulansi neMihlalaphantsi, 1955, iyatshitshiswa.

Isihloko

2. Lo Mthetho kuthiwa ngaMthetho woKhutshelo lwaBasebenzi bee-Ambulansi noBhangiso loMiselo lweMihlaluphantsi Repeal Act, 2008.

IMEMORANDAM ECACISAYO

1. UTshitshiso oluCetyiweyo lwe-Ordinance

1.1 UMiselo loKhutshelo lwaBasebenzi bee-Ambulansi weMihlalaphantsi, 1955 (uMiselo 11 ka-1955) (''i-Ordinance'') yasekwa ngokusesikweni ukuze ilawule iinkonzo zabasebenzi beenqwelo zezigulane ukusuka kulawulo lwephondo ukuya koomasipala nokulawula izinto ezinxulumene nemihlalaphantsi yabo basebenzi bathunyelwe kwezinye iindawo.

1.2 NgokoMpoposho onguNomb.115 wangomhla we -17 kuJuni ngo-1994, umsebenzi wokulawula le Ordinance wanikwa iPhondo.

1.3 Le Ordinance iphelelwe lixesha njengoko ukuthunyelwa kwabasebenzi kwezinye iindawo kulawulwa yi-UMthetho weeNkonzo zikaRhulumente, 1994 (UMpoposho onguNomb. 103 wango- 1994) kunye ne-UMthetho woBudlelane bezaBasebensi, 1995 (UMthetho Nomb. 66 ka1995). Ukongeza koku, iinkonzo zeenqwelo zezigulane ngoku zingumsebenzi wephondo ngokweCandelo A ngokwesiCwangciso 5 soMgaqo siseko.

1.4 Lo Mthetho usaYilwayo uqhotyoshelweyo uqulunqelwa ukutshitshisa le Ordinance.

2. UkuBonisana

Kwaboniswana neCandelo loMlawuli oyiNtloko weeNkonzo zoMthetho leSebe leNkulumbuso.

3. UChaphazeleko

Akukho basebenzi okanye iimali eziya kuchaphazeleka.

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