

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koeraut**

**Isongezelelo
kwiGazethi yePhondo**

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Wednesday, 12 November 2008

Woensdag, 12 November 2008

Lwesithathu, 12 Novemba 2008

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Ibhaliswe ePosini njengePhephandaba

CONTENTS**INHOUD****IZIQULATHO****PROVINCIAL NOTICE****PROVINSIALE KENNISGEWING****ISAZISO SEPHONDO**

The following Bill is hereby published for general information:

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Lo Mthetho uSayilwayo ulandelayo upapashwe apha ukunika ulwazi ngokubanzi:

Western Cape Ambulance Personnel Transfer and Pensions Ordinance Repeal Bill [B 7—2008]

Wes-Kaapse Wetsontwerp tot Herroeping van die Ordonnansie op die Oorplasing en Pensioene van Ambulanspersoneel [W 7—2008]

UMthetho oSayilwayo weNtshona koloni woKhutshelo lwabasebenzi bce-Ambulansi noBhangiso loMmiselo lwemihlaphantsi [B 7—2008]

P.N. 432/2008 12 November 2008

P.K. 432/2008 12 November 2008

P.N. 432/2008 12 Novemba 2008

Any person or organization wishing to comment on the said Bill is requested to lodge such comment in writing before or on 3 December 2008:

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 3 Desember 2008:

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-3 Disemba 2008:

(a) by posting it to:
The Secretary:
Western Cape Provincial Parliament
(Attention: Ms N Manjezi)
P.O. Box 648
Cape Town
8000

(a) deur dit te pos aan:
Die Sekretaris:
Wes-Kaapse Provinsiale Parlement
(Aandag: Me N Manjezi)
Posbus 648
Kaaipstad
8000

(a) ngokuwuposela ku:
Nobhala:
IPalamente yePhondo leNtshona Koloni
(Iya ku: N Manjezi)
P. O. Box 648
EKapa
8000

(b) by e-mail to:
nmanjezi@wcpp.gov.za

(b) deur dit te e-pos aan:
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(b) nge-imeyile ku:
nmanjezi@wcpp.gov.za

(c) by fax to:
N Manjezi
(021) 487-1685

(c) deur dit te faks aan:
N Manjezi
(021) 487-1685

(c) ngefeksi ku:
N Manjezi
(021) 487-1685

P. G. Williams
Secretary to Parliament

P. G. Williams
Sekretaris van die Parlement

P. G. Williams
UNabhala wePalamente

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

5

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. 5

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 koMmiselo woKhutshelo lwaBasebenzi bee-Ambulansi neMihlalaphantsi, 1955 kwanokulungiselela into engalindelekanga esenokwenzeka.

MAWENZIWE USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo lulandelayo:—

Ukutshitshiswa koMmiselo onguNomb. 11 ka-1955

1. Ummiselo woKhutshelo lwaBasebenzi bee-Ambulansi neMihlalaphantsi, 1955, luyatshitshiswa. 5

Isihloko esi futshane

2. Lo Mthetho kuthiwa nguMthetho woKhutshelo lwaBasebenzi bee-Ambulansi noBhangiso loMmiselo lweMihlalaphantsi, 2008.

IMEMORANDAM ECACISAYO

1. UBhangiso oluPhakanyisiweyo loMmiselo

- 1.1 UMmiselo woKhutshelo lwaBasebenzi bee-Ambulansi lweMihlalaphantsi, 1955 (uMmiselo 11 ka-1955) (“i-Ordinance”) lwasekwa ngokusesikweni ukuze lulawule iinkonzo zabasebenzi beenqwelo zezigulane ukusuka kulawulo lwephondo ukuya koomasipala nokulawula izinto ezinxulumene nemihlala-phantsi yabo basebenzi bathunyelwe kwezinye iindawo.
- 1.2 Ngokwe Sibhengezo esinguNomb. 115 Sangomhla we -17 kuJuni ngo-1994, umsebenzi wokulawula loMmiselo wanikwa iPhondo.
- 1.3 Lo Mmiselo (Ordinance) Uphelwe lixesha njengoko ukuthunyelwa kwabasebenzi kwezinye iindawo kulawulwa nguMthetho weeNkonzo zikaRhulumente, 1994 (UMpoposho onguNomb. 103 wango- 1994) kunye no-Mthetho woBudlelane bezaBasebenzi, 1995 (UMthetho Nomb. 66 ka1995). Ukongeza koku, iinkonzo zeenqwelo zezigulane ngoku zingumsebenzi wephondo ngokweCandelo A ngokwesiCwanganiso 5 soMgaqo siseko.
- 1.4 Lo Mthetho usaYilwayo uqhotyoshelweyo uqulunqelwa ukutshitshisa loMmiselo.

2. UkuBonisana

Kwaboniswa neCandelo loMlawuli oyiNtloko weeNkonzo zoMthetho leSebe leNkulumbuso.

3. IMiphumela

Akukho miphumela kubasebenzi kwaneyezemali.