

REPUBLIC OF SOUTH AFRICA

DISESTABLISHMENT OF THE LOCAL GOVERNMENT AFFAIRS COUNCIL BILL

(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Gazette No. 20542 of 11 October 1999) (The English text is the official text of the Bill)

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

[B 54—99]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIE AFSKAFFING VAN DIE RAAD OP PLAASLIKE BESTUURSAANGELEENTHEDE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No. 20542 van 11 Oktober 1999 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

(MINISTER VIR PROVINSIALE EN PLAASLIKE REGERING)

[W 54—99]

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BILL

To provide for the disestablishment of the Local Government Affairs Council; to repeal the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989); and provide for matters connected therewith.

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

Disestablishment of Local Government Affairs Council

1. The Local Government Affairs Council (hereinafter referred to as “the Council”) established by section 2 of the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), is hereby disestablished. 5

Repeal of laws

2. Subject to section 3, the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), the Local Government Affairs Council Amendment Act (House of Assembly), 1991 (Act No. 45 of 1991), and the Local Government Affairs Council Amendment Act (House of Assembly), 1992 (Act No. 37 of 1992), are hereby repealed. 10

Transitional arrangements

3. (1) The Minister for Provincial and Local Government may, after such consultation as may be necessary, which must include consultation with the persons who, immediately before the commencement of this Act, were members of the Council or in the employ of the Council, make such arrangements as may be necessary for winding up the affairs of the Council and for the finalisation of any matter, including matters relating to the employees, assets, liabilities, rights, obligations and finances of the Council. 15

(2) The Minister referred to in subsection (1) must pay any money left over after the winding up of the Council’s affairs into the National Revenue Fund. 20

Short title

4. This Act is called the Disestablishment of the Local Government Affairs Council Act, 1999.

MEMORANDUM ON THE OBJECTS OF THE DISESTABLISHMENT OF THE LOCAL GOVERNMENT AFFAIRS COUNCIL BILL, 1999

After the abolition of the own affairs administrations, the administration of the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989), was assigned to the then Transvaal Provincial Administration. After the 1994 general election all laws pertaining to local government were assigned to the then Minister for Provincial Affairs and Constitutional Development and, due to the fact that the Local Government Affairs Council ("the Council") served all four provinces which formed part of the former Transvaal, the said Act was not assigned to those provinces.

As all local area committees that are spread across the whole of the former Transvaal and over which the Council had jurisdiction, have now become part of transitional councils, the Council has been exempted from the execution of its functions in respect of these areas. The Council has no other functions. In terms of section 2(4) of the said Act, however, the Council may only be disestablished by an Act of Parliament.

The Bill seeks to repeal the said Act and two amendment Acts, and to disestablish the Council as all outstanding matters preventing the disestablishment of the said Council have now been finalised.

Consultation

Although the abovementioned four provinces as well as the Local Government Affairs Council have been consulted, this is an enabling Bill and consultation is not really appropriate.

Financial implications for State

None.

Implications for provinces

None.

Parliamentary procedure

The State Law Advisers and the Department of Constitutional Development are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.