

REPUBLIC OF SOUTH AFRICA

**DEFENCE
AMENDMENT BILL**

*(As introduced in the National Assembly (proposed section 75);
explanatory summary of Bill published in Government Gazette No. 34727 of 2 November 2011)
(The English text is the official text of the Bill)*

(MINISTER OF DEFENCE AND MILITARY VETERANS)

[B 26—2011]

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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.

BILL

To amend the Defence Act, 2002, so as to add the Chief of Corporate Staff to the Military Command; and to provide for matters connected therewith.

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

Amendment of section 4A of Act 42 of 2002, as inserted by section 2 of Act 22 of 2010

- 1.** Section 4A of the Defence Act, 2002, is hereby amended— 5
- (a) by the substitution for paragraphs (h) and (i) of the following paragraphs, respectively:
- “(h) the Chief of Human Resources; **[and]**
- (i) the Chief of Logistics[.]; and”; and
- (b) by the addition of the following paragraph after paragraph (i): 10
- “(j) the Chief of Corporate Staff.”;

Short title

- 2.** This Act is called the Defence Amendment Act, 2011.

**MEMORANDUM ON THE OBJECTS OF THE DEFENCE
AMENDMENT BILL, 2011**

1. OBJECTS OF BILL

The Bill seeks to amend the Defence Act, 2002 (Act No. 42 of 2002), by providing for the inclusion of a Chief of Corporate Staff in the Military Command of the South African National Defence Force (SANDF) established by section 4A of the Act.

2. DISCUSSION

2.1 The Chief of Corporate Staff will be on the same level as Chiefs of Services and Divisions in the SANDF already included in the Military Command. The Defence Amendment Act, 2010, for the first time set out the composition of the Military Command.

2.2 The Chief of Corporate Staff, as the Staff Officer of the Chief of the SANDF, is critical for the proper functioning and coordination of the activities of the SANDF, hence the need to include the Chief of Corporate Staff in the Military Command.

3. CONSULTATION

Various consultations have been conducted with stakeholders within the Department of Defence.

4. COMMUNICATION IMPLICATIONS

The proposal contained in the Bill was sufficiently canvassed with affected internal stakeholders, and it is envisaged that further communication will be dealt with in accordance with the departmental chain of command.

5. FINANCIAL IMPLICATIONS

None.

6. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The Bill provides for the inclusion of the incumbent Chief of Corporate Staff in the existing structure. No new human or logistical resources are envisaged.

7. PARLIAMENTARY PROCESS

7.1 The Department of Defence and the Office of the Chief State Law Adviser 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.

7.2 The Department of Defence and the Office of the Chief State Law Adviser are further of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003, (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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