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DECEMBER 2018 SHE LEGISLATION UPDATE

SAFETY, HEALTH & ENVIRONMENTAL (SHE) LEGISLATION UPDATE

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PART ONE: LEGISLATION, DRAFT LEGISLATION, REGULATIONS, POLICY AND OTHER DOCUMENTS - NATIONAL AND PROVINCIAL GAZETTES

SECTION A: ENVIRONMENTAL (NATIONAL)

BROAD BASED SOCIO-ECONOMIC EMPOWERMENT CHARTER FOR THE MINING AND MINERALS INDUSTRY 2018

1. Amendments to the Mining Charter 2018. Published in GG 42130 Notice Number 1421 dated 20 December 2018.
2. Mining Charter 2018 Implementation Guidelines. Published in GG 42122 Notice Number 1399 dated 19 December 2018.

NATIONAL WATER ACT 36 OF 1998

3. Mzimvubu-Tsitsikamma Water Management Area (MWA 7) in the Eastern Cape Province: Amending and limiting the use of water in terms of item 6 of Schedule 6 of the Act for urban, agricultural and industrial (including mining) purposes. Published in GG 42092 Notice Number 1365 dated 7 December 2018, GG 42092 Notice Number 1366 dated 7 December 2018 and GG 42127 Notice Number 1418 dated 21 December 2018.

NATIONAL HERITAGE RESOURCES ACT 25 OF 1999

4. Declaration of the South African Astronomical Observatory as a national heritage site. Published in GG 42127 Notice Number 1404 dated 21 December 2018.

ASTRONOMY GEOGRAPHIC ADVANTAGE ACT 21 OF 2007

5. Publication of the forms required to implement the Karoo Central Astronomy Advantage Area Regulations. Published in GG 42085 Notice Number 1337 dated 5 December 2018.

CONSUMER PRICE INDEX (CPI)

6. CPI November 2018 figure. Published in GG 42127 Notice Number 814 dated 21 December 2018.

SECTION B: SAFETY AND HEALTH (NATIONAL)

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

7. Regulations relating to the payment of funeral expenses to dependants of deceased employees. Published in GG 42092 Notice Number 1347 dated 7 December 2018.
8. Audit of Return of Earnings. Published in GG 42113 Notice Number 1385 dated 7 December 2018.
9. Employer Registration Form. Published in GG 42113 Notice Number 1386 dated 7 December 2018.
10. Application for Change of Nature of Business. Published in GG 42113 Notice Number 1387 dated 7 December 2018.
11. Amended: Annual increase in medical tariffs for medical service providers. Published in GG 42112 Notice Number 807 dated 14 December 2018.

LABOUR RELATIONS ACT 66 OF 1995

12. Rules for the conduct of proceedings before the CCMA (effective from 1 January 2019). Published in GG 42092 Notice Number 776 dated 7 December 2018.
13. Picketing Regulations (effective from 1 January 2019). Published in GG 42121 Notice Number 1393 dated 19 December 2018.

14. Repeal of the Code of Good Practice on the Handling of Sexual Harassment Cases. Published in GG 42121 Notice Number 1394 dated 19 December 2018.
15. Withdraw of the current Labour Relations Guidelines and publication of the new Labour Relation Guidelines (effective from 31 December 2018). Published in GG 42121 Notice Number 1395 dated 19 December 2018.
16. Code of Good Practice: Collective Bargaining, Industrial Action and Picketing. Published in GG 42121 Notice Number 1396 dated 19 December 2018.
17. Guidelines for Balloting for Strikes or Lockouts issued in terms of the Act. Published in GG 42121 Notice Number 1397 dated 19 December 2018.

LABOUR RELATIONS AMENDMENT ACT 8 OF 2018

18. Commencement date of the Act is 1 January 2019. Published in GG 42103 Notice Number 1377 dated 12 December 2018.

NATIONAL MINIMUM WAGE ACT 9 OF 2018

19. Commencement date of the Act is 1 January 2019. Published in GG 42104 Notice Number 1378 dated 12 December 2018.
20. Regulations in terms of the Act. Published in GG 42124 Notice Number 1401 dated 19 December 2018.

BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997

21. Amendment to the Basic Conditions of Employment Regulations. Published in GG 42124 Notice Number 1402 dated 19 December 2018.

UNEMPLOYMENT INSURANCE ACT 63 OF 2001

22. Amendment to the Unemployment Insurance Act Regulations. Published in GG 42140 Notice Number 1434 dated 28 December 2018.

NATIONAL ROAD TRAFFIC ACT 93 OF 1996

23. Exemption of certain motor vehicles from complying with the provisions of regulation 224b of the National Road Traffic Regulations. Published in GG 42120 Notice Number 1392 dated 19 December 2018.

AGRICULTURAL PRODUCT STANDARDS ACT 119 OF 1990

24. Regulations relating to the grading, packing and marking of popcorn kernels intended for sale in the Republic of South Africa. Published in GG 42090 Notice Number 1339 dated 7 December 2018.
25. Regulations relating to the classification, packing and marking of vinegar and imitation vinegar intended for sale in the Republic of South Africa. Published in GG 42090 Notice Number 1340 dated 7 December 2018.

SECTION C: SAFETY, HEALTH AND ENVIRONMENTAL (DRAFT NATIONAL LEGISLATION AND REGULATIONS)

DRAFT EXPROPRIATION BILL 2018

26. Interested parties are invited to submit written comments no later than 60 days from the date of publication of this notice. Published in GG 42127 Notice Number 1409 dated 21 December 2018.

NATIONAL WATER ACT 36 OF 1998

27. Proposed reserve determination for the Vaal Catchment Area. Interested persons are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 42127 Notice Number 1419 dated 21 December 2018.

ASTRONOMY GEOGRAPHIC ADVANTAGE ACT 21 OF 2007

28. Notice for a workshop on proposed exemption for Radio Frequency Spectrum Use within the declared Karoo Central Astronomy Advantage Areas. Members of the public are invited to attend the workshop on 23 January 2019. Published in GG 42116 Notice Number 1389 dated 14 December 2018

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

29. Proposed amendment: Increase of maximum amount of earnings on which the assessment of an employer shall be calculated; increase in monthly pensions; and amendment of schedule 4, manner of calculating compensation. Interested persons are invited to submit written comments within 60 days of publication of this notice. Published in GG 42092 Notice Number 1346 dated 7 December 2018.

EMPLOYMENT SERVICES ACT 4 OF 2014

30. Draft Regulations on the Registration of Work Seekers. Interested parties are invited to submit written comments within 30 days after publication of the notice. Published in GG 42140 Notice Number 1430 dated 28 December 2018.

31. Draft Regulations on the Registration of Public Employment Agencies. Interested parties are invited to submit written comments within 60 days after publication of the notice. Published in GG 42140 Notice Number 1431 dated 28 December 2018.

32. Draft Regulations on the Registration of Private Employment Agencies and Temporary Employment Agencies. Interested parties are invited to submit written comments within 60 days after publication of the notice. Published in GG 42140 Notice Number 1432 dated 28 December 2018.

33. Draft Regulations on the Employment of Foreign Nationals. Interested parties are invited to submit written comments within 30 days after publication of the notice. Published in GG 42140 Notice Number 1433 dated 28 December 2018.

STANDARDS ACT 8 OF 2008

34. Draft standards issued for public comment, proposed amendments to existing SANS codes for public comment, issuance of new standards, amendment of current standards and withdrawn standards. Published in GG 42100 Notice Number 803 dated 14 December 2018 and in GG 42127 Notice Number 815 dated 21 December 2018.

ANIMAL DISEASES ACT 35 OF 1984

35. Proposed Veterinary Procedural Notice for African Horse Sickness Control in South Africa). All interested institutions, organisations and individuals are invited to submit written comments within 90 days of the date of publication of this notice. Published in GG 42092 Notice Number 770 dated 7 December 2018

CIVIL AVIATION ACT 13 OF 2009

36. Proposed amendments to the Civil Aviation Regulations. Interested persons are invited to submit written comments on or before 25 January 2018. Published in GG 42101 Notice Number 1375 dated 14 December 2018.

SECTION D: SAFETY, HEALTH AND ENVIRONMENTAL (PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS)

WESTERN CAPE PROVINCE

37. Garden Route District Municipality: Municipal Health Services By-law, 2018. Published in PG 8018 dated 10 December 2018.
38. Western Cape Nature Conservation Board: Hunting Notice. Hunting seasons, daily bag limits and hunting by the use of prohibited hunting methods. Published in PG 8024 Notice 161 dated 12 December 2018.
39. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster due to the continuing drought. Published in PG 8024 dated 14 December 2018.

EASTERN CAPE PROVINCE

40. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration Kouga Local Municipality. Published in PG 4160 Notice Number 277 dated 12 December 2018.

KWAZULU-NATAL PROVINCE

41. Kwazulu-Natal Amafa and Research Institute Act 5 of 2018 - assented to by the Premier on 21 November 2018. Published in PG 2029 Notice Number 11 dated 14 December 2018.
42. National Heritage Resources Act 25 of 1999: Kwazulu-Natal Amafa and Research Institute Regulations, 2018. Published in PG 2028 Notice Number 137 dated 14 December 2018.
43. Mpendle Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 119 dated 20 December 2018.
44. uMngeni Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 120 dated 20 December 2018.
45. uMshwathi Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 121 dated 20 December 2018.
46. Mkambathini Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 122 dated 20 December 2018.
47. Mpofana Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 123 dated 20 December 2018.
48. Richmond Municipality – amendment of the Spatial Planning and Land Use Management By-law. Published in PG 2030 Notice Number 124 dated 20 December 2018.

GAUTENG PROVINCE

49. Gauteng Scrutiny and Subordinate Legislation Act 5 of 2008: Index of subordinate legislation, proclamations and notices for the period 20 December 2017 to 4 December 2018. Published in PG 373 Notice Number 1909 dated 18 December 2018.

NORTHERN CAPE PROVINCE

50. Pixley Ka Seme District Municipality: Municipal Health Services By-law. Published in PG 2232 Notice Number 39 dated 24 December 2018.

SECTION E: SAFETY, HEALTH AND ENVIRONMENTAL (DRAFT PROVINCIAL LEGISLATION AND MUNICIPAL BY-LAWS)

WESTERN CAPE PROVINCE

51. Western Cape Land Use Planning Regulations, 2015: Amendment, 2018. Members of the public are invited to submit written comments before or on 31 January 2019. Published in PG 8014 Notice Number 150 dated 10 December 2018.
52. Draft Western Cape Special Economic Development Infrastructure Company Bill, 2018. Interested persons are invited to submit written comments on or before 31 January 2019. Published in PG 8022 Notice Number 160 dated 12 December 2018.
53. Breede Valley Municipality Amendment of the Spatial Development Framework. The first draft of the amendment will enter into a public participation period for 60 days until 15 February 2019. Published in PG 8024 dated 14 December 2018.

LIMPOPO PROVINCE

54. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare attached respective land parcels as the Balule Nature Reserve. Members of the public are invited to submit written comments within 60 days from the date of the publication of this notice. Published in PG 2963 Notice Number 184 dated 7 December 2018.
55. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare attached respective land parcels as additions to the Balule Nature Reserve in Limpopo Province. Members of the public are invited to submit written comments within 60 days from the date of the publication of this notice. Published in PG 2963 Notice Number 183 dated 7 December 2018.

KWAZULU-NATAL PROVINCE

56. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare several protected areas. Members of the public are invited to submit written comments within 60 days of the publication of this notice. Published in PG 2030 Notice Number 138 dated 20 December 2018.

PART TWO: PARLIAMENTARY MONITORING

This information was accessed through the Parliamentary Monitoring Group at www.pmg.org.za

BILLS BEFORE PARLIAMENT (AS OF 8 JANUARY 2019)

1. Carbon Tax Bill (B46 of 2018)
2. National Health Amendment Bill (B29 of 2018)
3. Aquaculture Development Bill (B22 of 2018)
4. Local Government: Municipal Structures Amendment Bill (B19 of 2018)
5. South African National Roads Agency Limited and National Roads Amendment Bill (B20 of 2017)
6. National Environmental Management Laws Amendment Bill (B14 of 2017)
7. National Forests Amendment Bill (B11 of 2016)
8. National Land Transport Amendment Bill (B7 of 2016)
9. Mineral and Petroleum Resources Development Amendment Bill (B27 – 2013)

BILLS BEFORE THE PRESIDENT (AS OF 8 JANUARY 2019)

1. Marine Spatial Planning Bill (B9 of 2017)
2. Plant Improvement Bill (B8 of 2015)
3. Plant Breeders Rights Bill (B11 of 2015)

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