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*Sustainability Legal Specialists (Pty) Ltd*



## **FEBRUARY 2019 SHE LEGISLATION UPDATE**

### **SAFETY, HEALTH & ENVIRONMENTAL (SHE) LEGISLATION UPDATE**

*Note that clients who have a current SHE Legal Register with IMBEWU as well as paid-up subscribers to the IMBEWU's SHE legislation update service are entitled to receive electronic copies of the government gazettes listed below.*

### **INDEX**

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

##### **SECTION A: ENVIRONMENTAL (NATIONAL)**

##### **SECTION B: HEALTH AND SAFETY (NATIONAL)**

##### **SECTION C: SAFETY, HEALTH AND ENVIRONMENTAL (SHE DRAFT LEGISLATION & POLICY)**

##### **SECTION D: SHE PROVINCIAL AND MUNICIPAL BY-LAWS**

##### **SECTION E: DRAFT SHE PROVINCIAL AND MUNICIPAL BY-LAWS**

#### **PART TWO: PARLIAMENTARY MONITORING**

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

### **SECTION A: ENVIRONMENTAL (NATIONAL)**

#### **CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT 108 OF 1996**

1. Calling and setting of a date of Wednesday 8 May 2019 for the Election of the National Assembly. Published in GG 42250 Notice Number 8 dated 26 February 2019.
2. Dissolution of the National Assembly. Published in GG 42250 Notice Number 97 dated 26 February 2019.

#### **STATISTICS SOUTH AFRICA**

3. Consumer Price Index (CPI) for January 2019. Published in GG 42258 Notice Number 108 dated 1 March 2019.

### **SECTION B: SAFETY AND HEALTH (NATIONAL)**

#### **COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993**

4. Unclaimed monies. Published in GG 42222 Notice Number 124 dated 8 February 2019.

#### **OCCUPATIONAL DISEASES IN MINES AND WORKS ACT 78 OF 1973**

5. Increase of Pension Benefits. Published in GG 42253 Notice Number 248 dated 26 February 2019.

#### **LABOUR RELATIONS ACT 66 OF 1995**

6. Repeal of the Code of Good Practice on Picketing. Published in GG 42260 Notice Number 279 dated 1 March 2019.

#### **GENETICALLY MODIFIED ORGANISMS ACT 15 OF 1997**

7. Amendment to the Regulations in connection with Genetically Modified Organisms (GMOs). Published in GG 42230 Notice Number 131 dated 15 February 2019.

#### **AGRICULTURAL PESTS ACT 36 OF 1983**

8. Amendment to the Control Measures. Published in GG 42260 Notice Number 275 dated 1 March 2019
9. Amendment to the Regulations. Published in GG 42260 Notice Number 276 dated 1 March 2019.

#### **PLANT BREEDERS' RIGHT ACT 15 OF 1976**

10. Amendment to the Regulations relating to Plant Breeders' Rights. Published in GG 42230 Notice Number 132 dated 15 February 2019.
11. Receipts of applications for Plant Breeders' Rights. Published in GG 42230 Notice Number 133 dated 15 February 2019.

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

### **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

12. Notice of intention to appoint a high-level panel for review of policies on matters related to management of elephant, lion, leopard, etc. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in GG 42247 Notice Number 243 dated 25 February 2019.

### **NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002**

13. Railway Safety Regulator: Proposed determination in terms of section 28 of the Act. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in GG 42217 Notice Number 118 dated 8 February 2019.

14. Proposed determination of Safety Permit Fees. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in GG 42217 Notice Number 119 dated 8 February 2019.

### **STANDARDS ACT 8 OF 2008**

15. 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 42230 Notice Number 82 dated 15 February 2019, GG 42240 Notice Number 94 dated 22 February 2019 and GG 42258 Notice Number 110 dated 1 March 2019.

### **NATIONAL MINIMUM WAGE ACT 9 OF 2018**

16. National Minimum Wage Amendment Bill, 2019. Members of the public are hereby invited to submit written comments by no later than 15 March 2019. Published in GG 42240 Notice Number 91 dated 22 February 2019.

### **ROAD TRAFFIC MANAGEMENT CORPORATION ACT 20 OD 1999**

17. Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in GG 42230 Notice Number 174 dated 15 February 2019 and corrected by in GG 42245 Notice 241 dated 22 February 2019.

### **CIVIL AVIATION ACT 13 OF 2009**

18. Proposed amendments to the Civil Aviation Regulations, 2011: Schedule 1 and Schedule 2. Members of the public are hereby invited to submit written comments by 15 March 2019. Published in GG 42228 Notice Number 129 dated 15 February 2019.

### **LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT 32 OF 2000**

19. Local Government: Municipal Systems Amendment Bill, 2019: Publication of Explanatory Summary of the Bill. Published in GG 42213 Notice Number 108 dated 1 February 2019.

### **DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES (DAFF)**

19. Invitation to submit application for Daff Quota Import Permit for a rebate of the full anti-dumping duty on bone-in-cuts of frozen chickens (*Gallus Domesticus*), imported from or originating in the USA. Interested parties are hereby invited to submit their applications for DAFF import quota permits in terms of the rebate item as prescribed in GG 42203 of 1 February 2019 for the period 1 April 2019 to 31 March 2020. Published in GG 42269 Notice Number 288 dated 1 March 2019.

## **FERTILIZER, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT 36 OF 1947**

20. Proposed amendment to the Regulations relating to Farm Feeds. Members of the public are hereby invited to submit written comments within 60 days of publication of this notice. Published in GG 42230 Notice Number 70 dated 15 February 2019

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

#### **WESTERN CAPE PROVINCE**

21. Stellenbosch Municipality: Air Quality By-Law. Published in PG 8038 dated 8 February 2019.
22. Saldanha Bay Municipality: Extension of a Local State of Disaster due to the continuing drought. Published in PG 8042 dated 8 February 2019.
23. Heritage Western Cape: Declaration of Heritage Resources. Published in PG 8045 Notice Number 14 dated 15 February 2019.
24. Beaufort West Municipality: By-Law on Municipal Land Use Planning. Published in PG 8046 dated 22 February 2019.
25. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster due to drought in the province. Published in PG 8047 dated 22 February 2019.
26. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster due to the devastating fire in the Imizamo-Yethu Informal Settlement. Published in PG 8047 dated 22 February 2019.
27. Department of Environmental Affairs and Development Planning: Declaration of the Witkliprug Nature Reserve. Published in PG 8047 Notice Number 15 dated 22 February 2019.

#### **EASTERN CAPE PROVINCE**

28. Nature and Environmental Conservation Ordinance 19 of 1974: Hunting Season and Daily Bag Limits, 2019. Published in PG 4184 Notice Number 1 dated 11 February 2019.
29. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration in The Kouga Local Municipality due to prevailing drought. Published in PG 4193 Notice Number 40 dated 22 February 2018 and in PG 4199 Notice Number 48 dated 1 March 2018.
30. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration in Sarah Baartman District Municipality due to prevailing drought. Published in PG 4194 Notice Number 42 dated 22 February 2018.

#### **FREE STATE PROVINCE**

31. Declaration of a local draught disaster in Tokologo Local Municipality (Lejweleputswa District Municipality). Published in PG 126 Notice Number 29 dated 15 February 2018.
32. Declaration of a Free State Provincial State of Disaster due to prevailing drought in the province. Published in PG 130 Notice Number 133 dated 22 February 2019.

#### **KWAZULU-NATAL PROVINCE**

33. Msunduzi Local Municipality: Telecommunications Mast Infrastructure By-law. Published in PG 2040 Notice Number 6 dated 14 February 2019.
34. Kwazulu-Natal Road Traffic Act 7 of 1997: Amendment of the Road Traffic Regulations. Published in PG 2041 Notice Number 17 dated 14 February 2019.
35. Ray Nkonyeni Local Municipality: Waste Management By-law. Published in PG 2046 Notice Number 8 dated 21 February 2019.
36. Ray Nkonyeni Local Municipality: By-law relating to Stormwater. Published in PG 2051 Notice Number 12 dated 28 February 2019.

### **GAUTENG PROVINCE**

37. Local Government: Municipal Systems Act 32 of 2000: Implementation of the Midvaal Local Municipality Spatial Planning and Land Use Management By-law. Published in PG 46 Notice Number 197 dated 13 February 2019.

### **NORTH WEST PROVINCE**

38. City of Motlosana - Amendment to the Billboards and the Display or Advertisements in Public Places By-Law. Published in PG 7974 Notice Number 28 dated 5 February 2019.

### **LIMPOPO PROVINCE**

39. Limpopo Tourism Act 4 of 2018: the Premier has assented to the Act and it is published for general information. Published in PG 2973 Notice Number 23 dated 15 February 2019.

40. Adoption of Spatial Development Frame work (SDF) for the Bela-Bela Local Municipality, 2019. Published in PG 2973 Notice Number 8 dated 15 February 2019 and in PG 2975 Notice Number 8 dated 22 February 2019.

41. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of attached respective land parcels as Protected Environments. Published in PG 2975 Notice Number 22 dated 22 February 2019.

42. Lephalale Local Municipality: Parks and Public Open Spaces By-Law. Published in PG 2979 Notice Number 26 dated 1 March 2019.

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

### **GAUTENG PROVINCE**

43. City of Johannesburg Metropolitan Municipality: Draft Special Rating Area By-Law and Special Rating Area Policy. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in PG 33 Notice Number 119 dated 5 February 2019.

44. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 46 Notice Number 167 dated 13 February 2019 and corrected by PG 53 Notice Number 188 dated 22 February 2019.

### **KWAZULU-NATAL PROVINCE**

45. Proposed amendments to the Umhlathuze Spatial Planning and Land Use Management By-Law, 2017. Members of the public are hereby invited to submit written comments by 16 March 2019. Published in PG 2040 Notice Number 4 dated 7 February 2019.

46. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 2041 Notice Number 18 dated 14 February 2019 and corrected by PG 2049 Notice Number 26 dated 22 February 2019.

47. Kwazulu-Natal Planning and Development Act 6 of 2008: Draft 2 Consultation Paper: Climate Change and Energy Efficiency in Land Use Management. Published in PG 2051 Notice Number 29 dated 28 February 2019.

### **EASTERN CAPE PROVINCE**

48. National Environmental Management: Integrated Coastal Management Act 24 of 2008: Draft OR Tambo District Coastal Management Programme. Members of the public are hereby invited to

submit written comments within 30 days of publication of this notice. Published in PG 4184 Notice Number 1 dated 11 February 2019.

49. National Environmental Management: Integrated Coastal Management Act 24 of 2008: Draft Seekoei Estuarine Management Plan. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in PG 4184 Notice Number 2 dated 11 February 2019.
50. National Environmental Management: Integrated Coastal Management Act 24 of 2008: Draft Amathole District Coastal Management Programme. Members of the public are hereby invited to submit written comments within 30 days of publication of this notice. Published in PG 4184 Notice Number 3 dated 11 February 2019.
51. Raymond Mhlaba Local Municipality: draft by-laws. Published in PG 4184 Notice Number 3 dated 11 February 2019:
  - a. Draft Cemetery By-law.
  - b. Draft Community Safety By-law.
  - c. Draft Dilapidated Buildings and Unsightly and Objectional Structures By-law.
  - d. Draft Public Amenities By-law
  - e. Draft Roads and Streets By-law.
  - f. Draft Solid Waste Disposal By-law
52. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 4188 Notice Number 43 dated 18 February 2019 and corrected in PG 4192 Notice Number 45 dated 22 February 2019.

#### **NORTH WESTERN PROVINCE**

53. Notice of intent: review of the Central District Municipality Spatial Development Framework. Published in PG 7983 Notice Number 21 dated 19 February 2019 and corrected by GP Published in GP 4192 Notice Number 45 dated 22 February 2019.
54. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 7983 Notice Number 26 dated 19 February 2019 and corrected by PG 7985 Notice Number 29 dated 22 February 2019.

#### **NORTHERN CAPE PROVINCE**

55. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 2244 Notice Number 22 dated 15 February 2019 and corrected by PG 2245 Notice Number 23 dated 22 February 2019.

#### **LIMPOPO PROVINCE**

56. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare the attached respective land parcels as Nature Reserves. Members of the public are invited to submit written comments within 60 days of the publication of this notice. Published in PG 2975 Notice Number 21 dated 22 February 2019.
57. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 2973 Notice Number 18 dated 15 February 2019 and corrected by PG 2976 Notice Number 23 dated 22 February 2019.
58. Department of Environmental Affairs and Development Planning: Notice of intention to declare the Ganze Craal Nature Reserve. Members of the public are invited to submit written comments within 60 days of the publication of this notice. Published in PG 8055 Notice Number 22 dated 1 March 2019.



## **MPUMALANGA PROVINCE**

59. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Published in PG 3013 Notice Number 21 dated 15 February 2019 and corrected by PG 3018 Notice Number 27 dated 22 February 2019.

## **FREE STATE PROVINCE**

60. Moqhaka Local Municipality: Draft Municipal Land Use Planning Amendment By-law. Members of the public are invited to submit written comments by 20 March 2019. Published in PG 129 Notice Number 132 dated 22 February 2019.

61. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments by no later than 19 March 2019. Correction notice published in PG 133 dated 1 March 2019.

## **WESTERN CAPE PROVINCE**

62. Road Traffic Management Corporation: Draft National Road Traffic Law Enforcement Code (NRTLEC). Interested persons are invited to submit written comments within 21 days of publication of this notice. Published in PG 8040 dated 28 February 2019 and corrected by PG 8055 dated 1 March 2019.

## **PART TWO: PARLIAMENTARY MONITORING**

*This information was accessed through the Parliamentary Monitoring Group at [www.pmg.org.za](http://www.pmg.org.za)*

### **BILLS BEFORE PARLIAMENT (AS OF 6 MARCH 2019)**

1. National Health Amendment Bill (B8 of 2019)
2. Local Government: Municipal Systems Amendment Bill (B1 of 2019)
3. Carbon Tax Bill (B46 of 2018)
4. National Health Amendment Bill (B29 of 2018)
5. Aquaculture Development Bill (B22 of 2018)
6. Local Government: Municipal Structures Amendment Bill (B19 of 2018)
7. South African National Roads Agency Limited and National Roads Amendment Bill (B20 of 2017)
8. National Environmental Management Laws Amendment Bill (B14 of 2017)
9. National Forests Amendment Bill (B11 of 2016)
10. National Land Transport Amendment Bill (B7 of 2016)
11. Mineral and Petroleum Resources Development Amendment Bill (B27 – 2013)

### **BILLS BEFORE THE PRESIDENT (AS OF 4 FEBRUARY 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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