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*Sustainability Legal Specialists (Pty) Ltd*



## **JULY 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.*

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

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

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

1. Notice of the requirement when submitting an application for an environmental authorisation to submit a report generated by the national web based environmental screening tool. Published in GG 42561 Notice Number 960 and 961 dated 5 July 2019.

#### **NATIONAL WATER ACT 36 OF 1998**

2. Continued application of the General Authorisation (relating to sub-sections 21(e), 21(f), 21(g), 21(h) and 21(j)) published in terms of section 39 of the Act. Published in GG 42576 Notice Number 383 dated 12 July 2019.
3. Reserve Determination of Water Resources for the Inkomati Catchment. Published in GG 42584 Notice Number 998 dated 19 July 2019.

#### **NATURAL SCIENTIFIC PROFESSIONS ACT 27 OF 2003**

4. Recommended Consultation Fees. Published in GG 42576 Notice Number 111 dated 12 July 2019.

#### **SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT 74 OF 1996**

5. Referral of matters to existing Special Investigating Unit: National Department of Agriculture, Forestry and Fisheries. Published in GG 42577 Notice Number 36 dated 12 July 2019.
6. Referral of matters to existing Special Investigating Unit: South African Heritage Resources Agency. Published in GG 42577 Notice Number 38 dated 12 July 2019.
7. Amendment of Proclamation Number 27 of 2018 relating to the Department of Water and Sanitation. Published in GG 42577 Notice Number 44 dated 12 July 2019.

#### **NATIONAL NUCLEAR REGULATION ACT 47 OF 1999**

8. Fees for Nuclear Authorisations. Published in GG 42584 Notice Number 991 dated 19 July 2019.

#### **MARINE LIVING RESOURCES ACT 18 OF 1998**

9. Recognition of the Nearshore Crayfishers Association as an Interest Group. Published in GG 42584 Notice Number 989 dated 19 July 2019.

#### **NATIONAL ENERGY REGULATOR ACT 40 OF 2004**

10. Nomination of candidates to serve as full-time regulator member: designated to be primarily responsible for electricity for the National Energy Regulator of South Africa. Published in GG 42588 Notice Number 1000 dated 22 July 2019.
11. Nominations of candidates to serve as part-time regulator members for the National Energy Regulator of South Africa. Published in GG 42588 Notice Number 1001 dated 22 July 2019.

#### **CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996**

12. Transfer of administration of legislation and power functions in terms of section 97 of the Constitution of the Republic of South Africa. Published in GG 42601 Notice Number 48 dated 22 July 2019

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

### **COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993**

13. Annual increase in medical tariffs - Audiologist and Optometrist and additions published to the Physiotherapy and Occupational Therapy Gazette (GG 41596 dated April 2019). Published in GG 42561 Notice Number 353 dated 5 July 2019.
14. Notice to Compensation Fund Medical Service Providers: compulsory invoicing requirement in Medical Claims. Published in GG 42561 Notice Number 354 dated 5 July 2019.

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

### **MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002**

15. Request for written comments on the proposed investigation to confirm the results of previous geoscientific surveys and to establish long-term access to test sites. Proposed establishment of suitable sites for the passive treatment of mine waste water as a result of acid mine drainage. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42576 Notice Number 977 dated 12 July 2019.

### **MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965**

16. Regulations relating to a transparent pricing system for medicines and scheduled substances - draft dispensing fee for pharmacists. Members of the public are invited to submit their written comments within 3 months of publication of this notice. Published in GG 42576 Notice Number 973 dated 12 July 2019.
17. Draft dispensing fee to be charged by persons licensed in terms of section 22C(1)(a). Members of the public are invited to submit their written comments within 3 months of publication of this notice. Published in GG 42576 Notice Number 973 dated 12 July 2019.

### **NATIONAL HEALTH INSURANCE BILL, 2019**

18. Explanatory summary of the Bill is hereby published. Published in GG 42598 Notice Number 1014 dated 26 July 2019.

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

19. 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 42576 Notice Number 381 and 382 dated 12 July 2019.

### **NATIONAL PORTS ACT 12 OF 2005**

20. Draft National Ports Amendment Bill, 2019. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 42574 Notice Number 372 dated 11 July 2019.
21. Draft National Port Amendment Regulations, 2019. Interested persons are invited to submit written comments within 30 days of the date of publication. Published in GG 42585 Notice Number 390 dated 19 July 2019.

### **INDEPENDENT ELECTRICITY MANAGEMENT OPERATOR BILL, 2019**

22. Notice of intention to introduce a Private Member's Bill into Parliament. Published in GG 42576 Notice Number 978 dated 12 July 2019.

### **CIVIL AVIATION ACT 3 OF 2009**

23. Proposed amendments to the Civil Aviation Regulations, 2011. Members of the public are hereby invited to submit written comments on or before 15 August 2019. Published in GG 42581 Notice Number 988 dated 17 July 2019.

### **PROMOTION TO ACCESS TO INFORMATION AMENDMENT BILL, 2019**

24. Members of the public are hereby invited to submit written comments on or before 31 August 2019. Published in GG 42604 Notice Number 1015 dated 31 July 2019.

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

### **WESTERN CAPE PROVINCE**

25. Bergrivier Municipality: By-law Relating to the Management and Use of the Berg River Estuary. Published in PG 8124 dated 5 July 2019.
26. Langeberg Municipality: Adoption of Spatial Development Framework. Published in PG 8121 dated 5 July 2019.
27. Overberg District Municipality: Municipal Health Services By-Law. Published PG 8126 Dated 15 July 2019.
28. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster due to the devastating fire. Published in PG 8131 dated 26 July 2019.
29. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster due to drought conditions. Published in PG 8131 dated 26 July 2019.

### **FREE STATE PROVINCE**

30. Mangaung Metropolitan Municipality - Noise Control By-law. Published in PG 38 Notice Number 39 dated 19 July 2019.
31. Mangaung Metropolitan Municipality - Public Streets By-law. Published in PG 38 Notice Number 41 dated 19 July 2019.
32. Mangaung Metropolitan Municipality - Municipal Cemeteries By-law. Published in PG 38 Notice Number 42 dated 19 July 2019.
33. Mangaung Metropolitan Municipality - Outdoor Advertising By-law. Published in PG 38 Notice Number 46 dated 19 July 2019.
34. Mangaung Metropolitan Municipality - Environmental Health By-law. Published in PG 38 Notice Number 47 dated 19 July 2019.
35. Mangaung Metropolitan Municipality - Keeping of Animals, Poultry and Bees By-law. Published in PG 38 Notice Number 48 dated 19 July 2019.
36. Mangaung Metropolitan Municipality - Unsightly and Neglected Buildings and Premises By-law. Published in PG 38 Notice Number 49 dated 19 July 2019.
37. Mangaung Metropolitan Municipality - Informal Trading By-law. Published in PG 39 Notice Number 50 dated 19 July 2019.
38. Mangaung Metropolitan Municipality - Child Care Facilities By-law. Published in PG 39 Notice Number 51 dated 19 July 2019.
39. Mangaung Metropolitan Municipality - Electricity Supply By-law. Published in PG 39 Notice Number 52 dated 19 July 2019.
40. Mangaung Metropolitan Municipality - Traffic Regulations By-law. Published in PG 39 Notice Number 53 dated 19 July 2019.
41. Mangaung Metropolitan Municipality - Building Regulations By-law. Published in PG 39 Notice Number 54 dated 19 July 2019.

42. Mangaung Metropolitan Municipality - Public Nuisance By-law. Published in PG 39 Notice Number 55 dated 19 July 2019.
43. Mangaung Metropolitan Municipality - Disaster Management By-law. Published in PG 39 Notice Number 56 dated 19 July 2019.
44. Mangaung Metropolitan Municipality - Water Services By-law. Published in PG 39 Notice Number 57 dated 19 July 2019.
45. Mangaung Metropolitan Municipality - Sporting Facilities By-law. Published in PG 39 Notice Number 58 dated 19 July 2019.
46. Mangaung Metropolitan Municipality - Encroachment on Property By-law. Published in PG 39 Notice Number 59 dated 19 July 2019.
47. Mangaung Metropolitan Municipality - Fresh Produce Market By-law. Published in PG 39 Notice Number 61 dated 19 July 2019.
48. Mangaung Metropolitan Municipality - Public Amenities By-law. Published in PG 39 Notice Number 60 dated 19 July 2019.
49. Mangaung Metropolitan Municipality - Display of Property Numbers and Names By-law. Published in PG 39 Notice Number 62 dated 19 July 2019.

### **KWAZULU-NATAL PROVINCE**

50. eThekweni Metropolitan Municipality: Outdoor Advertising By-law, 2018. Published in PG 2097 Notice Number 88 dated 4 July 2019.
51. Jozini Local Municipality: Development of Buildings Regulations and Building By-Law. Published in PG 2096 Notice Number 85 dated 4 July 2019.
52. Umvoti Municipality By-laws - published in PG 2102 Notice Number 98 dated 18 July 2019.
  - a. Fire Brigade Services By-law.
  - b. Public Amenities By-law.
  - c. Street Trading By-law.
  - d. SPLUMA By-law.
  - e. Traffic and Crime Prevention By-law.
  - f. Waste Management By-law.
53. Mkhambathini Local Municipality - adoption of the Spatial Development Framework (SDF). Published in PG 2102 Notice Number 94 dated 18 July 2019.

### **LIMPOPO PROVINCE**

54. Molemole Municipal Spatial Development Framework 2019-2024. Published in PG 3016 Notice Number 99 dated 12 July 2019.
55. Polokwane Local Municipality: Fire Emergency Services By-law. Published in PG 3011 Notice Number 86 dated 28 July 2019.
56. Ba-Phalaborwa Municipality By-laws – published in PG 3010 Notice Number 75 dated 28 June 2019:
  - a. By-law relating to Impounding of Animals.
  - b. Electricity Supply By-law.
  - c. Waste Management By-law.

### **EASTERN CAPE PROVINCE**

57. Matatiele Local Municipality – Waste Management By-law. Published in PG 4268 Notice Number 150 dated 15 July 2019.
58. Mthatha Nodal Area: King Sabata Dalindyebo Municipality - Local Spatial Development Framework. Published in PG 4277 Notice Number 174 dated 29 July 2019.
59. Mqanduli & Viedgesville Local Spatial Development Framework. Published in PG 4277 Notice Number 173 dated 29 July 2019.

60. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration for the Kouga Local Municipality. Published in PG 4277 Notice Number 167 dated 29 July 2019.
61. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of a Protected Environment. Published in PG 4280 Notice Number 219 dated 31 July 2019.

#### **MPUMALANGA PROVINCE**

62. Steve Tshwete Local Municipality: Prohibition and Control Over the Discharge of Fireworks By-laws. Published in PG 3069 Notice Number 41 dated 19 July 2019.

#### **NORTH WEST PROVINCE**

63. Moses Kotane Local Municipality: Solid Waste By-law, 2019. Published in PG 8033 Notice Number 93 dated 16 July 2019.

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

#### **LIMPOPO PROVINCE**

64. Draft Fetakgomo Tubatse Spatial Development Framework. Members of the public are invited to submit their written comments by 17 September 2019. Published in PG 3018 Notice Number 104 dated 19 July 2019.

#### **MPUMALANGA PROVINCE**

65. Draft Lekwa-Teemane Spatial Development Framework. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 8033 Notice Number 87 dated 16 July 2019.

#### **GAUTENG PROVINCE**

66. City of Johannesburg Metropolitan Municipality - proposed amendments to the Joburg Market By-laws. Members of the public are invited to submit their written comments by 9 August 2019. Published in PG 216 Notice Number 1265 dated 10 July 2019.

#### **EASTERN CAPE PROVINCE**

67. Eastern Cape Environmental Management Bill. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 4273 Notice Number 205 dated 22 July 2019.

#### **FREE STATE PROVINCE**

68. Setsoto Local Municipality: Draft Standard Business Regulations By-law. Members of the public are invited to submit their written comments by 16 August 2019. Published in PG 42 Notice Number 68 dated 26 July 2019.
69. Setsoto Local Municipality - Draft Public Passenger and Goods Transportation By-law. Members of the public are invited to submit their written comments by 16 August 2019. Published in PG 42 Notice Number 69 dated 26 July 2019.

#### **WESTERN CAPE PROVINCE**

70. Draft Western Cape Biodiversity Bill 2019 – the period for submission of written comments has been extended to 7 August 2019. Published in PG 8121 Notice Number 76 dated 5 July 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 2 AUGUST 2019)

1. Mineral and Petroleum Resources Development Amendment Bill (B27 – 2013)

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