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AUGUST 2019 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)

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

1. Correction notice: withdrawal of Government Notice Number 961 in Government Gazette 42561 dated 5 July 2019 regarding the Requirement to Submit a Report Generated by the National Web Based Environmental Screening Tool (due to an administrative error as the same notice was published twice). Published in GG 42669 Notice Number 1116 dated 30 August 2019.

NATIONAL WATER ACT 36 OF 1998

2. Pongola-Mzimkhulu Water Management Area – Limiting the use of water in terms of item 6 of Schedule of the Act for irrigation, industrial and domestic purposes from Umhlathuze (Goedertrouw) Water Supply in KwaZulu-Natal. Published in GG 42636 Notice Number 1070 dated 16 August 2019.

MARINE LIVING RESOURCES ACT 18 OF 1998

3. Withdrawal of prior notice and call for nominations for appointment of the Consultative Advisory Forum. Published in GG 42608 Notice Number 1018 dated 2 August 2019.
4. Withdrawal of the notice containing information about the date of the Fishing Rights Allocation Process, the proposed review of the application forms for the allocation of fishing rights and the proposed review of several departmental policies. Published in GG 42608 Notice Number 1019 dated 2 August 2019.
5. Withdrawal of the notice containing information about the proposed resource split in the traditional linefish and squid fishing sectors as well as the proposed reclassification of white mussel, oyster and hake handline fishing as small-scale fishing species. Published in GG 42608 Notice Number 1020 dated 2 August 2019.
6. Abolishment of the Fisheries Transformation Council. Published in GG 42608 Notice Number 1021 dated 2 August 2019.

NATIONAL ENERGY REGULATOR ACT 47 OF 1999

7. Fees for Nuclear Authorisations. Published in GG 42608 Notice Number 1017 dated 2 August 2019.

AMATHOLE DISTRICT MUNICIPALITY

8. Report on Current Status of Drought Conditions in this District. Published in GG 42608 Notice Number 1023 dated 2 August 2019.

DEPARTMENT OF ENERGY

9. Nominations of suitable candidates to serve on the Board of the National Nuclear Regulator. Published in GG 42630 Notice Number 1059 dated 12 August 2019.

STATISTICS SOUTH AFRICA

10. Consumer Price Index: June 2019. Published in GG 42608 Notice Number 412 dated 2 August 2019.
11. Consumer Price Index: July 2019. Published in GG 42669 Notice Number 457 dated 30 August 2019.

EMPLOYMENT EQUITY ACT 55 OF 1998

12. Repeal of Employment Equity Regulations. Published in GG 42627 Notice Number 1057 dated 8 August 2019.

SECTION B: SAFETY AND HEALTH (NATIONAL)

MINE HEALTH AND SAFETY ACT 29 OF 1996

13. Notice for nominations of Members of Mine Health and Safety Council (MHSC). Published in GG 42622 Notice Number 118 dated 8 August 2019.

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT ACT 4 OF 2019

14. It is hereby notified that the President has assented to the following Act and comes into operation on a date determined by the President by proclamation in the gazette. Published in GG 42648 Notice Number 1080 dated 19 August 2019.

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

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

15. Consultation on applications received for the exclusion of waste streams or a portion of such waste stream from the definition of waste for the purposes of beneficial use. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42645 Notice Number 1077 dated 16 August 2019.

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

16. Draft non-detriment findings for Black Rhino. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42660 Notice Number 1104 dated 22 August 2019.
17. Draft non-detriment findings for White Rhino. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42660 Notice Number 1105 dated 22 August 2019.
18. Draft non-detriment findings for Aloe Ferox. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42660 Notice Number 1106 dated 22 August 2019.

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004

19. Intention to repeal the Regulations regarding Fuel Burning Appliances in Dwelling Houses made in terms of section 44(1)(dA) of the Atmospheric Pollution Prevention Act, 1965. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42669 Notice Number 1113 dated 30 August 2019.
20. Intention to repeal the Smoke Control Regulations made in terms of section 18 of the Atmospheric Pollution Prevent Act, 1965 and the Smoke Control Zone Orders made in terms of section 20 of the Atmospheric Pollution Prevention Act, 1965. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42669 Notice Number 1114 dated 30 August 2019.
21. Intention to repeal the Regulations relating to the inspection of premises in a dust control area made in terms of section 33(1)(b) of the Atmospheric Pollution Prevent Act, and the Dust Control Areas declared in terms of section 27(1) of the Atmospheric Pollution Prevention Act, 1965. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42669 Notice Number 1115 dated 30 August 2019.

NATIONAL WATER ACT 36 OF 1998

22. Proposed Foxwood Dam (on the Koonap River near Adelaide in the Eastern Cape) and the Environmental Impact Assessment. Members of the public are hereby invited to submit written comments on or before 31 October 2019. Published in GG 42636 Notice Number 1069 dated 16 August 2019.

NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 24 OF 2008

23. Draft General Discharge Authorisations. Members of the public are invited to submit written comments within 30 calendar days of the date of publication. Published in GG 42657 Notice Number 1089 dated 23 August 2019.

STANDARDS ACT 8 OF 2008

24. 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 42608 Notice Number 413 dated 2 August 2019, in GG 42657 Notice Number 451 dated 23 August 2019 and in GG 42669 Notice Number 458 dated 30 August 2019.

NATIONAL ENERGY REGULATOR ACT 40 OF 2004

25. Draft NERSA Rules for Licensable Distribution Areas of Supply. Members of the public are hereby invited to submit written comments on or before 13 September 2019. Published in GG 42650 Notice Number 1083 dated 19 August 2019.

MARINE SPATIAL PLANNING ACT 16 OF 2018

26. Proposed Spatial Management System for South Africa's Marine Planning Areas. Members of the public are invited to submit their written comments within 30 days of publication of this notice. Published in GG 42657 Notice Number 1090 dated 23 August 2019.

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

WESTERN CAPE PROVINCE

27. Overstrand Municipality: By-law relating to Trees. Published in PG 8132 dated 2 August 2019.
28. Approval of the Greater Cape Metro Regional Spatial Implementation Framework as a Provincial Regional Spatial Development Framework in terms of section 7(1) of the Western Cape Land Use Planning Act 3 of 2014. Published in PG 8139 Notice Number 86 dated 13 August 2019.
29. Commencement date of the Western Cape Local Government Laws Rationalisation Act 3 of 2017 is 1 January 2020. Published in PG 8141 Notice Number 7 dated 23 August 2019.
30. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster as a result of drought conditions. Published in PG 8142 dated 30 August 2019.
31. City of Cape Town Metropolitan Municipality: Extension of a Local State of Disaster as a result of the devastating fire. Published in PG 8142 dated 30 August 2019.

FREE STATE PROVINCE

32. Tokologo Local Municipality: Local Spatial Development Framework. Published in PG 55 Notice Number 79 dated 16 August 2019.

KWAZULU-NATAL PROVINCE

33. Adoption of the Environmental Management Framework for the uMgungundlovu District Municipality. Published in PG 2105 Notice Number 109 dated 1 August 2019.

34. Harry Gwala District Municipality. Water and Sanitation Services By-law. Published in PG 2113 Notice Number 106 dated 22 August 2019.
35. Edumbe Local Municipality: Electricity Supply By-law. Published in PG 2114 Notice Number 110 dated 29 August 2019.

EASTERN CAPE PROVINCE

36. Walter Sisulu Local Municipality: Various By-laws. Published in PG 4287 dated 12 August 2019 and in PG 4293 Notice Number 4 dated 19 August 2019:
 - a. Air Pollution Control By-law.
 - b. Funeral Parlours, Cemeteries and Crematoria By-law.
 - c. Abattoirs By-law.
 - d. Outdoor Signs (Advertising and Other) By-law.
 - e. Prevention of Public Nuisances and keeping of Animals By-law.
 - f. Refuse Removal, Refuse Dumps and Solid Waste Disposal By-law.
37. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration in the Kouga Local Municipality due to the prevailing drought conditions. Published in PG 4293 Notice Number 199 dated 19 August 2019.

MPUMALANGA PROVINCE

38. Adoption of the Steve Tshwete Municipal Spatial Development Framework. Published in PG 3077 Notice Number 51 and 73 dated 9 August 2019.
39. Steve Tshwete Local Municipality: Special Rating Area By-Law. Published in PG 3074 Notice Number 47 dated 2 August 2019.
40. Steve Tshwete Local Municipality: City Improvement District By-Law. Published in PG 3074 Notice Number 48 dated 2 August 2019.
41. Steve Tshwete Local Municipality: Problem Building By-Law. Published in PG 3074 Notice Number 49 dated 2 August 2019.
42. Chief Albert Luthuli Municipality: Prevention and Suppression of Nuisance By-Law. Published in PG 3079 Notice Number 57 dated 16 August 2019.
43. Chief Albert Luthuli Municipality: Business By-Law. Published in PG 3079 Notice Number 56 dated 16 August 2019.

NORTHERN CAPE PROVINCE

44. National Environmental Management: Protected Areas Act 57 of 2003: Assignment of nature reserve names and appointment of the Management Authority. Published in PG 2287 Notice Number 80 dated 5 August 2019.

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

LIMPOPO PROVINCE

45. Compilation of the Spatial Development Framework of Greater Letaba Local Municipality in terms of the Act. Further details and complete documentation will be made available to the general public for inputs and comments throughout the process. Published in PG 3027 Notice Number 138 dated 16 August 2019.
46. National Environmental Management: Biodiversity Act 10 of 2004: Intention to publish a bioregional plan in respect of the areas of jurisdiction of the Vhembe District municipality. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in PG 3030 Notice Number 94 dated 30 August 2019.

MPUMALANGA PROVINCE

47. National Environmental Management: Protected Areas Act 57 of 2003: Intention to exclude an area as part of an existing Mabola Protected Environment. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 3077 Notice Number 115 dated 8 August 2019.
48. Draft Land Use Management Scheme for the Mbombela and Umjindi Municipalities. Members of the public are invited to submit their written comments by 1 October 2019. Published in PG 3079 Notice Number 57 dated 16 August 2019.

NORTHERN CAPE PROVINCE

49. Intention to compile an all-inclusive Land Use Management Scheme (LUMS) for the !Kheis Municipality. Further details and complete documentation will be made available to the general public for inputs and comments throughout the process. Published in PG 2290 Notice Number 86 and 87 dated 19 August 2019.
50. Intention to compile the Precinct Plan for the Kuruman Agri-Hub in Ga-Segonyana Local Municipality. PG 2290 Notice Number 88 dated 19 August 2019.

EASTERN CAPE PROVINCE

51. Draft Spatial Framework for the Eastern Cape Provincial Department of Co-operative Governance and Traditional Affairs. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 4295 Notice Number 241 dated 26 August 2019.

WESTERN CAPE PROVINCE

52. Cape Agulhas Municipality: proposed amendment to Municipal Planning By-law. Members of the public are invited to submit their written comments by 2 September 2019. Published in PG 8138 Notice Number 241 dated 8 August 2019.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 4 SEPTEMBER 2019)

1. National Health Insurance Bill (B11 – 2019).

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