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JANUARY 2020 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. Amendment to the Financial Provisioning Regulations, 2015 relating to extending the date to 19 June 2021 on which a holder or holder of a right or permit must comply with the regulations. Published in GG 42956 Notice Number 24 dated 17 January 2020.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

2. Exclusion of certain waste streams or portions of waste streams from the definition of waste for beneficial purposes. Published in GG 42990 Notice Number 85 dated 3 February 2020.

NATIONAL WATER ACT 36 OF 1998

3. Notice to install water measuring devices for water taken for irrigation purposes and to monitor compliance: all water users who are not members of an Irrigation Board or Water Users Association in all water management areas. Published in GG 42956 Notice Number 34 dated 17 January 2020.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

4. Internal rules of Protected Areas managed by Ezemvelo KZN WILDLIFE (the KwaZulu-Natal Conservation Board). Published in GG 42967 Notice Number 43 dated 24 January 2020.

TAXATION LAWS AMENDMENT ACT 34 OF 2019

5. Amendments to the Carbon Tax Act 15 of 2019. Published in GG 42951 Notice Number 21 dated 15 January 2020.

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013

6. General notice of an application for exemption in terms of section 55 of the Act. Published in GG 42972 Notice Number 21 dated 24 January 2020

SPECIAL ECONOMIC ZONES ACT 16 OF 2014

7. Final gazette notice of the proposed expansion of the OR Tambo Special Economic Zone (SEZ) to incorporate the Tshwane Automotive SEZ. Published in GG 42956 Notice Number 33 dated 17 January 2020.

GAS REGULATION LEVIES AT 28 OF 2008

8. Levy and interest payable on Piped-Gas Industry. Published in GG 42970 Notice Number 47 dated 23 January 2020.

PETROLEUM PIPELINES LEVIES ACT 28 OF 2004

9. Levy and interest payable on Petroleum Pipelines Industry. Published in GG 42970 Notice Number 47 dated 23 January 2020.

NATIONAL ENERGY REGULATOR ACT 40 OF 2004

10. Notice of the public hearings on Eskom's Regulatory Clearing Account Application for 2018/19. Published in GG 42970 Notice Number 46 dated 23 January 2020.

STATISTICS SOUTH AFRICA

11. Consumer Price Index (CPI) for December 2019). Published in GG 42980 Notice Number 32 dated 31 January 2020.

SECTION B: SAFETY AND HEALTH (NATIONAL)

MINE HEALTH AND SAFETY ACT 29 OF 1996

12. Guideline for the Compilation of a Mandatory Code of Practice for the Management of Self-Contained Self-Rescuers in Mines. Published in GG 42956 Notice Number 27 dated 17 January 2020.

13. Guideline for the Compilation of a Mandatory Code of Practice for the Prevention of Flammable Gas and Coal Dust Explosions in Collieries. Published in GG 42956 Notice Number 28 dated 17 January 2020.

14. Guideline for the Compilation of a Mandatory Code of Practice for the Management of Working in Confined Spaces at Mines. Published in GG 42956 Notice Number 29 dated 17 January 2020.

15. Guidance Note for the Implementation of HIV Self-testing in the South African Mining Industry. Published in GG 42956 Notice Number 30 dated 17 January 2020.

16. Guidance Note on Strengthening the HCT (HIV Counselling and Testing) Uptake in the South African Mining Industry. Published in GG 42956 Notice Number 31 dated 17 January 2020.

BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997

17. Amendments to the Regulations. Published in GG 42965 Notice Number 39 dated 22 January 2020 and corrected in GG 42986 Notice Number 83 dated 31 January 2020.

HEALTH PROFESSIONS ACT 56 OF 1974

18. Regulations relating to the conduct of enquiries into alleged unprofessional conduct. Published in GG 42980 Notice Number 53 dated 31 January 2020.

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

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

19. Draft procedures to be followed for the assessment and minimum criteria for reporting of identified environmental themes when applying for an environmental authorisation. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 42946 Notice Number 9 dated 10 January 2020.

20. Intention to amend the Section 24H Registration Authority Regulations, 2016. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 42967 Notice Number 40 dated 24 January 2020.

NATIONAL POLICY FOR BENEFICIARY SELECTION AND LAND ALLOCATION

21. Members of the public are invited to submit written comments within 60 days from the date of the publication of the notice. Published in GG 42939 Notice Number 2 dated 3 January 2020.

NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002

22. Proposed determination of permit fees. Interested persons are invited to submit written comments within 30 days of publication of this notice. Published in GG 42939 Notice Number 3 dated 3 January 2020.

PETROLEUM PRODUCTS ACT 120 OF 1977

23. Draft Guidelines to applicants for new industry site and retail licences. Interested persons are invited to submit written comments within 60 days. Published in GG 42946 Notice Number 8 dated 10 January 2020.

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013

24. Draft National Spatial Development Framework. Interested persons are invited to submit written comments within 60 days of the date of this publication. Published in GG 42962 Notice Number 11 dated 20 January 2020.

MERCHANT SHIPPING ACT 57 OF 1951

25. Draft Merchant Shipping (Construction and Equipment of Fishing Vessels of less than 24 metres in length) Regulations. Interested persons are invited to submit written comments within 30 days from the date of publication. Published in GG 42984 Notice Number 41 dated 31 January 2020.

CIVIL AVIATION ACT 13 OF 2009

26. Proposed amendments to the Civil Aviation Regulations. Interested persons are invited to submit written comments on or before 3 February 2020. Published in GG 42940 Notice Number 4 dated 3 January 2020.

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

FREE STATE PROVINCE

22. Declaration of a provincial state of disaster: drought. Published in PG 101 Notice Number 100 dated 24 January 2020.

NORTHERN CAPE PROVINCE

27. Declaration of provincial state of disaster due to the continuing debilitating drought. Published in PG 2319 Notice Number 2 dated 17 January 2020.

EASTERN CAPE PROVINCE

28. Nelson Mandela Bay Metropolitan Municipality: Problem Building By-law. Published in PG 4374 Notice Number 1 dated 27 January 2020.

29. Buffalo City Metropolitan Municipality: Dilapidated Buildings and Unsightly Neglected Structures By-law Published in PG 4373 Notice Number 23 dated 27 January 2020.

30. Buffalo City Metropolitan Municipality: Outdoor Advertising By-law Published in PG 4377 Notice Number 28 dated 3 February 2020.

WESTERN CAPE PROVINCE

31. Langeberg Municipality: Air Quality By-law. Published in PG 8194 dated 24 January 2020.

32. Stellenbosch Municipality: Spatial Development Framework. Published in PG 8200 dated 24 January 2020

33. Mossel Bay Municipality: Outdoor Advertising and Signage By-law. Published in PG 8197 dated 28 January 2020.

MPUMALANGA PROVINCE

34. Mpumalanga Nature Conservation Act 10 of 1998 – Open Season: Ordinary Game. Published in PG 3119 Notice Number 4 dated 17 January 2020.

KWAZULU-NATAL PROVINCE

35. KwaZulu-Natal Road Traffic Act 7 of 1997 – amendment to the Road Traffic Regulations. Published in PG 2158 Notice Number 5 dated 23 January 2020.

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

36. Bitou Local Municipality: Second Draft Municipal Spatial Development Framework. Members of the public are invited to submit written comments on or before 10 March 2020. Published in PG 8190 dated 10 January 2020.

37. Oudtshoorn Municipality: Draft Municipal Spatial Development Framework. Interested persons are invited to submit written comments on or before 6 February 2020. Published in PG 8183 dated 24 January 2020.

38. Witzenburg Local Municipality: Draft Municipal Spatial Development Framework. Interested persons are invited to submit written comments on or before 30 March 2020. Published in PG 8200 dated 31 January 2020.

EASTERN CAPE PROVINCE

39. Draft District Spatial Planning Framework for the Amathole District Municipality. Interested persons are invited to submit written comments within 60 days from the date of publication of this notice. Published in PG 4367 Notice Number 5 dated 13 January 2020.

NORTH WEST PROVINCE

40. Ngaka Modiri Molema Municipality – Draft Spatial Development Framework. Members of the public are invited to submit written comments within 60 days from 21 January 2020. Published in PG 8086 Notice Number 13 dated 21 January 2020.

41. North West Parks and Tourism Board Bill 2019. Members of the public are invited to submit written comments within 30 days after the publication of this notice. Published in PG 8092 Notice Number 14 dated 24 January 2020 and in PG 8088 Notice Number 10 dated 23 January 2020.

FREE STATE PROVINCE

42. Setsoto Municipality: Draft Land Use Scheme. Interested persons are invited to submit written comments within 30 days from 17 January 2020. Published in PG 99 Notice Number 177 dated 17 January 2020.

NORTHERN CAPE PROVINCE

43. Notice of intention to declare a nature reserve and protected environment. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in PG 2324 Notice Number 1 dated 27 January 2020.

KWAZULU-NATAL PROVINCE

44. Draft Standard By-laws – the public and interested parties are invited to submit written comments by no later than 30 days after the publication thereof. Published in PG 2153 Notice Number 1 dated 2 January 2020:

- Cemeteries, Crematoria and Undertakers By-law.
- Sewage Disposal By-law.
- Parks and Recreational Grounds By-law.
- Environmental Health By-law.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 4 FEBRUARY 2020)

1. Economic Regulation of Transport Bill (B1-2020).
2. Independent Electricity Management Operator Bill (B14-2019).
3. National Health Insurance Bill (B11 – 2019).
4. National Minimum Wage Amendment Bill (B9 – 2019).
5. National Health Amendment Bill (B29 – 2018).
6. Science and Technology Laws Amendment Bill (B42 – 2018).
7. National Environmental Management Laws Amendment Bill (B12-2017).
8. National Land Transport Amendment Bill (B7-2016).
9. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 4 FEBRUARY 2020)

1. Promotion of Access to Information Amendment Bill (B20-2019).

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