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Sustainability Legal Specialists (Pty) Ltd



JULY 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.

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: COVID-19 LEGISLATION

SECTION E: SHE PROVINCIAL AND MUNICIPAL BY-LAWS

SECTION F: 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)

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREA ACT 10 OF 2004

1. Correction to the amendment of the regulations for the management of the Southwest Indian Seamount Marine Protected Area. Published in GG 43528 Notice Number 784 dated 17 July 2020.
2. Correction to the amendment of the notice declaring the Southwest Indian Seamount Marine Protected Area in terms of section 22A of the Act. Published in GG 43528 Notice Number 783 dated 17 July 2020.
3. Correction to the amendment of the notice declaring the Agulhas Front Marine Protected Area in terms of Section 22A of the Act. Published in GG 43528 Notice Number 782 dated 17 July 2020, in GG 43528 Notice Number 781 dated 17 July 2020 and in GG 43534 Notice Number 797 dated 17 July 2020.

ELECTRICITY REGULATION ACT 4 OF 2006

4. Determination under section 34 (1) of the Act. Published in GG 43509 Notice Number 753 dated 7 July 2020.

DISASTER MANAGEMENT ACT 57 OF 2002

5. Revocation of the classification of the drought as a National Disaster. Published in GG 43526 Notice Number 767 dated 16 July 2020.

MARINE LIVING RESOURCES ACT 18 OF 1998

6. Recognition of the Small-Scale Fisheries Collective NPC (SASSFC) and the South African United Fisheries Front (SAUFF) as industrial bodies and interested group. Published in GG 43571 Notice Number 832 and dated 31 July 2020.

MERCHANT SHIPPING (INTERNATIONAL OIL POLLUTION COMPENSATION FUND) CONTRIBUTION ACT 36 OF 2013

7. Determination of rate of levy for 2018 tax period and payment date in terms of section 3 of the Act. Published in GG 43528 Notice Number 789 dated 17 July 2020.

WORLD HERITAGE CONVENTION ACT 49 OF 1999

8. Appointment of members of the board at the Isimangaliso Wetland Park Authority. Published in GG 43562 Notice Number 821 dated 28 July 2020.

INFRASTRUCTURE DEVELOPMENT ACT 23 OF 2014

9. Amendments to strategic integrated projects. Published in GG 43547 Notice Number 812 dated 24 July 2020.

SECTION B: SAFETY AND HEALTH (NATIONAL)

COMPENSATION FOR OCCUPATIONAL INJURIES & DISEASES ACT 138 OF 1993

10. Cancellation of approved loadings of rates in terms of Section (85)2. Published in GG 43528 Notice Number 780 dated 17 July 2020.

11. Amendment to the manner of calculating compensation. Increase of monthly pensions and amendment of schedule 4. Published in GG 43569 Notice Number 823 dated 31 July 2020.

PHARMACY ACT 53 OF 1974

12. Guidance document for continuing professional development. Published in GG 43495 Notice Number 82 dated 3 July 2020.
13. Minimum Standards for Trading Titles: Rules relating to Good Pharmacy Practice. Published in GG 43495 Notice Number 81 dated 3 July 2020.
14. Restoration requirements and process for pharmacists who have been removed from the register. Published in GG 43495 Notice Number 80 dated 3 July 2020.
15. Good Pharmacy Education Standards: Occupational Qualification Framework Sub-Framework. Published in GG 43495 Notice Number 78 dated 3 July 2020.
16. Guidelines for registration of persons who hold a BPharm as Pharmacist Assistant Post Basic. Published in GG 43495 Notice Number 79 dated 3 July 2020.

FIREARM CONTROL ACT 60 OF 2000

17. Declaration of amnesty in terms of Section 139 of the Act. Published in GG 43576 Notice Number 845 dated 31 July 2020.

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

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

18. Intention to amend the procedures to be followed in applying for or deciding on an environmental authorisation application for large scale wind and solar photovoltaic renewable energy development activities when occurring in renewable energy development zones. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43528 Notice Number 788 and dated 17 July 2020.
19. Intention to identify geographical areas of strategic importance for the development of large scale wind and solar photovoltaic energy facilities. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43528 Notice Number 787 and dated 17 July 2020.
20. Draft identification of geographical areas of strategic importance for the development of electricity transmission and distribution infrastructure and to repeal government notice 113. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. published under government gazette 41445 of 16 February 2018.
21. Intention to identify geographical areas important for the development of strategic gas transmission pipeline infrastructure. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43528 Notice Number 785 and dated 17 July 2020.
22. In accordance with the requirements of the Environmental Impact Assessment Regulations - notification regarding opportunity to participate in the Eskom Medupi and Matmiba Coal-Fired power stations: Application for alternative limits in terms of the minimum emission standards. Members of the public are invited to participate as a registered Interested and Affected Party (I&AP) from the 27 July 2020 to 28 August 2020. Published in GG 43552 Notice Number 394 and dated 27 July 2020.
23. Consultation on the intention to identify procedures when applying for the large scale wind and solar photovoltaic facilities. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 841 and dated 31 July 2020.

24. Consultation on the intention to identify the procedures to be followed when applying for or deciding on an environmental authorisation for the development of electricity transmission and distribution infrastructure when occurring in renewable energy development zones. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 840 and dated 31 July 2020.
25. Consultation on the adoption of a Generic Environmental Management Programme and mitigation of environmental impacts resulting from the implementation of working for Ecosystems Projects and the exclusion of these projects from the requirement to obtain an environmental authorisation. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 839 and dated 31 July 2020.
26. Consultation on the adoption of a General Environmental Management Programme for the management and mitigation of environmental impacts resulting from the implementation of the LandCare projects and the exclusion of these projects from the requirements to obtain an environmental authorisation. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 838 and dated 31 July 2020.
27. Consultation on the adoption of a generic environmental management programme for the management and mitigation of environmental impacts resulting from the implementation of working for water projects and the exclusion of these projects from the requirement to obtain an environmental authorisation. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 837 and dated 31 July 2020.
28. Consultation on the intention to identify the procedures to be followed in applying for or deciding on an environment authorisation for the development or expansion of gas transmission pipeline infrastructure when occurring in strategic gas pipeline corridors. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 836 and dated 31 July 2020.
29. Consultation on the intention to adopt a standard for the Development of Electricity Transmission and Distribution Infrastructure within identified Geographical Areas and the exclusion of this infrastructure from the requirement to obtain an environmental authorisation. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 835 and dated 31 July 2020.
30. Consultation on the intention to adopt a Generic Environmental Management Programme relevant to an application for environmental authorisation for the development or expansion of gas transmission pipeline infrastructure. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 834 and dated 31 July 2020.
31. Consultation on the adoption of Generic Environment Programme for the management and mitigation of environmental impacts. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43571 Notice Number 833 and dated 31 July 2020.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

32. Extension of time to comment on the draft regulations regarding extended producer responsibility. Members of the public are invited to submit written by 26 August 2020. Published in GG 43556 Notice Number 817 and dated 28 July 2020.
33. Extension of time to comment on the proposed extended producer responsibility scheme for the electrical and electronic equipment sector. Members of the public are invited to submit written by 26 August 2020. Published in GG 43556 Notice Number 818 and dated 28 July 2020.

34. Extension of time to comment on the proposed extended producer responsibility scheme for paper, packaging and some single use products. Members of the public are invited to submit written comments by 26 August 2020. Published in GG 43556 Notice Number 819 and dated 28 July 2020.
35. Extension of time to comment on the proposed extended producer responsibility scheme for the lighting. Members of the public are invited to submit written comments by 26 August 2020. Published in GG 43556 Notice Number 820 and dated 28 July 2020.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

36. Draft Regulations on Mesothelioma due to occupational asbestos exposure for the compensation fund. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43529 Notice Number 792 and dated 17 July 2020.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

37. Draft Regulations for Hazardous Biological Agents. Members of the public are invited to submit written comments within 90 days from the date of publication of this notice. Published in GG 43569 Notice Number 824 and dated 31 July 2020.

EMPLOYMENT EQUITY ACT 55 OF 1998

38. Publication of the Employment Equity Amendment Bill, 2020. Published in GG 43535 Notice Number 79 and dated 20 July 2020.

NURSING ACT 33 OF 2005

39. Draft regulations regarding the scope of practice for nurses and midwives. Interested persons are invited to submit written comments within 3 months from the date of publication of this notice. Published in GG 43456 Notice Number 694 dated 3 July 2020.

PRIVATE SECURITY INDUSTRY REGULATION ACT 56 OF 2001

40. Proposed amendments to the regulations. Members of the public are invited to submit written comments within 2 months from the date of publication of this notice. Published in GG 43418 Notice Number 659 dated 6 June 2020.

STANDARDS ACT 8 OF 2008

41. Draft standards, proposed amendments to existing SANS codes, issuance of new standards, amendment of current standards and withdrawn standards issued for public comment. Published in GG 43495 Notice Number 365 dated 3 July 2020, in GG 43514 Notice Number 379 dated 10 July 2020 and Published in GG 43571 Notice Number 409 dated 31 July 2020.

CIVIL AVIATION ACT 13 OF 2009

42. Draft amendments to the Regulations regarding Civil Aviation, 2011. Members of the public are invited to submit written comments on or before 24 August 2020. Published in GG 43543 Notice Number 810 and 811 dated 24 July 2020.

AGRICULTURAL PETS ACT 36 OF 1986

43. Draft publication of the control measures relating to Polyphagous Shot Hole Borer. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43496 Notice Number 742 dated 3 July 2020.

SECTION D: COVID-19 LEGISLATION

(note to IMBEWU SHE Legal Register Clients – this legislation will NOT be included in your SHE Legal Registers and associated legislation databases as the regulations will be repealed when the virus has been contained i.e. they are temporary regulations to deal with a particular situation).

DISASTER MANAGEMENT ACT 57 OF 2002

44. Further Extension of a National State of Disaster. Published in GG 43524 Notice Number 765 dated 13 July 2020.
45. Compensation for Occupational Injuries and Diseases Act 130 of 1993: Directive issued in terms of Compensation for workplace. Published in GG 43540 Notice Number 387 dated 23 July 2020.
46. Amendments to the directives issued in terms of the Biodiversity Sector. Published in GG 43564 Notice Number 822 dated 28 July 2020.
47. Amendment to the directions issued in terms of the air service. Published in GG 43493 Notice Number 726 dated 2 July 2020 and in GG 43550 Notice Number 814 dated 24 July 2020.
48. Amendment to the directions issued by the Minister of Social Development. Published in GG 43494 Notice Number 727 dated 2 July 2020.
49. Amendment to the directions issued in terms of Section 27 (2) of the Act. Published in GG 43503 Notice Number 748 dated 3 July 2020, in GG 43521 Notice Number 763 dated 12 July 2020 and in GG 43577 Notice Number 846 dated 31 July 2020.
50. Amendment to the directions issued in terms of allowing sporting events, training and matches to resume, including opening of libraries, museums, cinemas, theatres, galleries and archives. Published in GG 43507 Notice Number 751 dated 6 July 2020.
51. Amendment to the directions issued in terms of National Department of Basic Education, all Provincial Education Departments, all Education District Offices and all Schools in the Republic of South Africa. Published in GG 43510 Notice Number 370 dated 7 July 2020 and in GG 43511 Notice Number 731 dated 8 July 2020.
52. Directive issued in terms of the phased return of children to early childhood development programmes and partial care facilities. Published in GG 43520 Notice Number 762 dated 10 July 2020.
53. Directives issued by the Minister of Health. Published in GG 43533 Notice Number 796 dated 17 July 2020.
54. Determination of extension for validity period of learner's licences, driving licence cards, licence discs, professional driving permits and registration of motor vehicles. Published in GG 43539 Notice Number 802 dated 22 July 2020.
55. Directives issued in terms of the public transport services. Published in GG 43538 Notice Number 801 dated 22 July 2020.
56. Directives issued regarding auctions and sales in execution conducted by Sheriffs of the Court. Published in GG 43553 Notice Number 816 dated 27 July 2020.
57. Directives issued regarding livestock auctions. Published in GG 43571 Notice Number 85 dated 31 July 2020.
58. Fourth amendment of directives issued by the Minister of Home Affairs. Published in GG 43571 Notice Number 85 dated 31 July 2020.

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

WESTERN CAPE PROVINCE

59. Bergrivier Local Municipality: Air Quality By-law. Published in GG 8261 dated 3 July 2020.
60. Cederberg Municipality: Approved Zoning Scheme Map. Published in PG 8270 Notice dated 10 July 2020.

61. Cederberg Municipality: Zoning Scheme By-law. Published in PG 8268 dated 10 July 2020.
62. Swellendam Municipality: Integrated Zoning Scheme. Published in PG 8271 dated 17 July 2020.
63. Western Cape Land Use Planning Act 3 of 2014: Exemption from certain provisions of the act in terms of Matzikama Municipality. Published in PG 8273 Notice Number 54 dated 16 July 2020.

EASTERN CAPE PROVINCE

34. Adjustment of Eastern Cape Department of Health Tariffs: 2020/2021. Published in PG 4421 Notice Number 90 dated 17 July 2020.

MPUMALANGA PROVINCE

64. Emakhazeni Local Municipality: Amendments to the Municipal Management and Control of Informal Settlements By-law. Published in PG 3173 Notice Number 64 dated 17 July 2020.

LIMPOPO PROVINCE

65. National Environmental Management; Protected Areas Act 7 of 2003: Withdrawal of declaration of the Nyl Vallei Private Nature Reserve. Published in PG 3091 Notice Number 67 dated 24 July 2020.
66. National Environmental Management; Protected Areas Act 7 of 2003: Withdrawal of declaration of Orabeni and Kasma Private Nature Reserves. Published in PG 3091 Notice Number 68 dated 24 July 2020.

GAUTENG PROVINCE

67. Gauteng Provincial Road Traffic Act 10 of 1997: Amendments to the Gauteng Provincial Road Traffic Regulations, 2001. Published in PG 127 Notice Number 478 dated 29 July 2020.
68. City of Ekurhuleni Metropolitan Municipality: Transport By-law. Published in PG 116 Notice Number 730 dated 23 July 2020.

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

EASTERN CAPE PROVINCE

69. Spatial Planning & Land Use Management Act 16 of 2013: Draft Spatial Development Framework for Kouga Local Municipality. Interested persons are invited to submit written comments within 60 days from the first day of publication of this notice. Published in PG 4420 Notice Number 112 dated 13 July 2020.

GAUTENG PROVINCE

70. National Land Transport Act 5 of 2009: Notice of intention to implement regulations under the Act. Members of the public are invited to submit written comments by 31 July 2020. Published in PG 126 Notice Number 477 dated 29 July 2020.

NORTH WESTERN PROVINCE

71. City of Matlosana Spatial Planning and Land Use Management By-law, 2016: Draft Spatial Development Framework. Interested persons are invited to submit written comments within 60 days from the first day of publication of this notice. Published in PG 8127 Notice Number 64 dated 17 July 2020.

MPUMALANGA PROVINCE

72. Municipal Systems Act 32 of 2000: Emalahleni Local Municipality – Review of the Spatial Development Framework. Interested persons are invited to submit written comments within 60

days from the first day of publication of this notice. Published in PG 3178 Notice Number 73 dated 31 July 2020.

NORTERN CAPE PROVINCE

73. Spatial Planning and Land Use Management Act 16 of 2013: Gamagara Local Municipality: Draft Spatial Development Framework. Interested persons are invited to submit written comments within 60 days from the first day of publication of this notice. Published in PG 2356 Notice Number 18 dated 27 July 2020.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 4 AUGUST 2020)

1. Economic Regulation of Transport Bill (B1-2020).
2. National Road Traffic Amendment Bill (B7-2020).
3. Disaster Management Tax Relief Bill (B11-2020).
4. Disaster Management Tax Relief Administration Bill (B12-2020).
5. Independent Electricity Management Operator Bill (B14-2019).
6. National Health Insurance Bill (B11 – 2019).
7. National Health Amendment Bill (B29 – 2018).
8. National Environmental Management Laws Amendment Bill (B12-2017).
9. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 4 AUGUST 2020)

1. National Minimum Wage Amendment Bill (B9 – 2019).
2. Science and Technology Laws Amendment Bill (B42 – 2018).
3. National Land Transport Amendment Bill (B7-2016).

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