



www.imbewu.co.za

IMBEWU

Sustainability Legal Specialists (Pty) Ltd



NOVEMBER 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: WASTE ACT 59 OF 2008

1. Regulations regarding Extended Producer Responsibility. Published in GG 43879 Notice Number 1184 dated 5 November 2020.
2. Extended Producer Responsibility Scheme for the Electrical & Electronic Equipment Sector. Published in GG 43880 Notice Number 1185 dated 5 November 2020.
3. Extended Producer Responsibility Scheme for the Lighting Sector. Published in GG 43881 Notice Number 1186 dated 5 November 2020.
4. Extended Producer Responsibility Scheme for Paper, Packaging and Some Single Use Products. Published in GG 43882 Notice Number 1187 dated 5 November 2020.

NATIONAL WATER ACT 36 OF 1998

5. Determination of Classes of Water Resource and Associated Resource Quality Objectives for the Berg Catchment. Published in GG 43872 Notice Number 1179 dated 6 November 2020.
6. Mzimvubu-Tsitsikamma Water Management Area in the Eastern Cape Province: Limiting the use of water for urban, agricultural and industrial (including mining) purposes. Published in GG 43900 Notice Number 1220 dated 13 November 2020.

INTERNATIONAL TRADE ADMINISTRATION ACT 71 OF 2002

7. Extension of the Policy Directive on the Exportation of Ferrous and Non-Ferrous Waste and Scrap Metal. Published in GG 43929 Notice Number 1247 dated 23 November 2020.

STATISTIC SOUTH AFRICA

8. Consumer Price Index: September 2020. Published in GG 43872 Notice Number 631 dated 6 November 2020.

SECTION B: SAFETY AND HEALTH (NATIONAL)

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

9. Asbestos Abatement Regulations, 2020. Published in GG 43893 Notice Number 1196 dated 10 November 2020.

MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965

10. Amendment of Notice Number 514 in Government Gazette 43294, published on 7 May 2020: Exclusion of Schedule 2, Schedule 3 and Schedule 4 Substances from the operation of certain provisions of the Act. Published in GG 43913 Notice Number 1233 dated 20 November 2020.

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

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

11. Consultation on proposed amendments to the Environmental Impact Assessment Regulations, 2014. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43904 Notice Number 1224 and dated 13 November 2020.
12. Consultation on the proposed amendments to Chapter 2 and Chapter 5 of the Integrated

Environmental Management Plan for Phase 1 of the Square Kilometre Array and proposed amendment to the conditions of exclusion. Members of the public are invited to submit written comments by 8 January 2021. Published in GG 43944 Notice Number 1271 and dated 27 November 2020.

NATIONAL ENERGY REGULATOR ACT 40 OF 2004

13. Proposed amendment to the concurrence with the Ministerial Determination on the Procurement of 2 500MW New Generation Capacity from Nuclear. Members of the public are invited to submit written comments by 5 February 2021. Published in GG 43926 Notice Number 1244 and dated 23 November 2020.

NATIONAL MINIMUM WAGE ACT 9 OF 2018

14. Investigation into the National Minimum Wage. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43920 Notice Number 1243 and dated 20 November 2020.

MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002

15. Proposed amendment to the investigation in terms of section 50 of the Act. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43942 Notice Number 1269 and dated 27 November 2020.

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT 36 OF 1947

16. Notice detailing the proposed Classes of Stock Remedy in relation to the proposed draft Stock Remedy Regulations. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 43873 Notice Number 1180 and dated 6 November 2020.

NATIONAL ROAD TRAFFIC ACT 93 OF 1996

17. Draft Minimum Service Delivery Standard. Members of the public are invited to submit written comments within 4 weeks from the day of publication of this notice. Published in GG 43913 Notice Number 1237 and dated 20 November 2020.

STANDARDS ACT 8 OF 2008

18. 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 43900 Notice Number 657 dated 13 November 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

19. Directives issued in terms of all correctional centres and remand detention facilities in the Republic of South Africa. Published in GG 43894 Notice Number 1197 dated 10 November 2020.

20. Amendment to the Directives issued regarding the export control regulations in terms of the International Trade Administration Act 71 of 2002. Published in GG 43939 Notice Number 1268 dated 26 November 2020.

21. Amendment of Regulations issued in terms of section 27(2) of the Act. Published in GG 43897 Notice Number 1199 dated 11 November 2020.

22. Directions issued in terms of regulation 4(10) of the Regulations made under section 27(2) of the

Act. Published in GG 43866 Notice Number 131 dated 2 November 2020.

23. Extension of a National State of Disaster. Published in GG 43905 Notice Number 1225 dated 14 November 2020.

LABOUR RELATIONS ACT 66 OF 1995

24. Withdrawal of the COVID-19 Temporary Employee/Employer Relief Scheme Directive of 7 September 2020. Published in GG 43943 Notice Number 1270 dated 27 November 2020.

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

WESTERN CAPE PROVINCE

25. Witzenberg Municipality: Zoning Scheme By-law. Published in PG 8351 dated 13 November 2020.
26. Department of Environmental Affairs and Development Planning: Western Cape Land Use Planning Act 3 of 2014: Notice of authorisation to deviate from provisions of Act. Published in PG 8354 Notice Number 123 dated 16 November 2020.
27. Swellendam Municipality: By-law on Municipal Land Use Planning. Published in PG 8353 dated 13 November 2020.
28. Western Cape Government: Western Cape Environmental Implementation Plan 2020–2025. Published in PG 8359 Notice Number 127 dated 26 November 2020.
29. Council of the City of Cape Town: Problem Property By-law. Published in PG 8362 dated 27 November 2020.

NORTH WEST PROVINCE

30. Spatial Planning and Land Use Management By-law, 2017: Tswaing Local Municipality final Spatial Development Framework 2020-2025. Published in PG 8162 Notice Number 127 dated 10 November 2020.
31. Moses Kotane By-law on Spatial Planning and Land Use Management, 2016: Notice of adopted Land Use Scheme. Published in PG 8166 Notice Number 149 dated 24 November 2020.

NORTHERN CAPE PROVINCE

32. Spatial Planning and Land Use Management Act 16 of 2013: Council of Ga-Segonyana Local Municipality officially adopted and approved their revised and updated Spatial Development Framework and Land Use Scheme as part of their LUMS (Zoning Scheme Regulations, Zoning Map Book & Zoning Register) and By-law on Land Use Management. Published in PG 2377 Notice Number 110 dated 2 November 2020.

FREE STATE PROVINCE

33. Declaration of State of Disaster: as a result of Runaway Veld Fires. Published in PG 75 Notice Number 44 dated 13 November 2020.
34. Mangaung Metropolitan Municipality:
- a. Publication of the Metropolitan Open Space System (Moss), 2020/2021. Published in PG 78 Notice Number 46 dated 27 November 2020.

MPUMALANGA PROVINCE

35. Spatial Planning and Land Use Management Act 16 of 2013: Adoption and approval of the Lekwa Land Use Scheme, 2020. Published in PG 3211 Notice Number 66 dated 20 November 2020.

36. City of Mbombela: By-law relating to Streets, Public Places, the Prevention of Noise Disturbance and Noise Nuisance. Published in PG 3213 Notice Number 68 dated 27 November 2020.

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

GAUTENG PROVINCE

56. Rationalisation of Local Government Affairs Act, 1998:

- a. Draft Air Pollution Control By-laws and the Air Quality Management Plan. Interested persons are invited to submit written comments within 30 days from the day of publication of this notice. Published in PG 214 Notice Number 1316 dated 6 November 2020.
- b. Draft Waste Management By-laws for the City of Johannesburg. Interested persons are invited to submit written comments within 30 days from the day of publication of this notice. Published in PG 214 Notice Number 1317 dated 6 November 2020.
- c. Draft Water Services By-laws for the City of Johannesburg. Interested persons are invited to submit written comments within 30 days from the day of publication of this notice. Published in PG 214 Notice Number 1318 dated 6 November 2020 and Published in PG 214 Notice Number 1319 dated 6 November 2020.

57. National Environmental Management: Waste Management Act 59 of 2008: Notice in terms of section 28(5), read with section 73 of the Act. Interested persons are invited to submit written comments within 30 days from the day of publication of this notice. Published in PG 235 Notice Number 678 dated 27 November 2020.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 2 DECEMBER 2020)

1. Economic Regulation of Transport Bill (B1-2020).
2. National Road Traffic Amendment Bill (B7-2020).
3. Employment Equity Amendment Bill (B-14-2020).
4. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).
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 2 DECEMBER 2020)

1. National Land Transport Amendment Bill (B7-2016).

DISCLAIMER: The information contained in IMBEWU's SHE Legislation Update has been obtained from sources believed to be reliable. IMBEWU does not warrant the accuracy, completeness or adequacy of such information.

If you would no longer like to receive IMBEWU's SHE Legislation Update, please email sam@imbewu.co.za.