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Sustainability Legal Specialists (Pty) Ltd



DECEMBER 2020 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: BIODIVERSITY ACT 10 OF 2004

1. Non-detriment findings. Published in GG 43971 Notice Number 1295 dated 7 December 2020.
2. National Botanical Gardens Expansion Strategy 2019-2030. Published in GG 43981 Notice Number 706 dated 11 December 2020.
3. Notice of intention to declare the Thohoyandou National Botanical Garden in terms of the Act. Published in GG 43981 Notice Number 705 dated 11 December 2020.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

4. Amendment to the Regulations for the Management of the Aliwal Shoal Marine Protected Area. Published in GG 43999 Notice Number 1347 dated 15 December 2020.

NATIONAL ENERGY ACT 34 OF 1998

5. Regulations for the Mandatory Display and Submission of Energy Performance Certificates for Buildings. Published in GG 43972 Notice Number 700 dated 8 December 2020.

NATIONAL WATER ACT 36 OF 1998

6. Correction notice for the Water Resources Classes and associated Resource Quality Objectives in the Berg Catchment. Published in GG 43962 Notice Number 1289 dated 4 December 2020.

WORLD HERITAGE CONVENTION ACT 49 OF 1999

7. Proclamation of certain land in the Northern Cape Province to be the ‡Khomani Cultural Landscape World Heritage Site and to declare the Management Authority. Published in GG 43981 Notice Number 37 dated 11 December 2020.

NATIONAL FOREST ACT 84 OF 1998

8. Declaration of the Grey Dell and Fort Grey Forests Areas as a Natural Forest under section 7(2) of the Act. Published in GG 43992 Notice Number 1339 dated 11 December 2020.
9. Declaration of the Grey Dell and Fort Grey Forests areas as a Controlled Forest Area under sections 17(2) and 7(2) of the Act. Published in GG 43992 Notice Number 1340 dated 11 December 2020.

MARINE LIVING RESOURCES ACT 18 OF 1998

10. Amendment of Regulations published in Government Notice 1111 of 2 September 1998. Published in GG 44017 Notice Number 1373 dated 18 December 2020 and Published in GG 44036 Notice Number 1415 dated 23 December.

STATISTIC SOUTH AFRICA

11. Consumer Price Index: October 2020. Published in GG 43962 Notice Number 693 dated 4 December 2020.

NATIONAL HERITAGE RESOURCES ACT 25 OF 1999

12. Declaration of the Sibhudu Cave, KwaDukuza Municipality, KwaZulu-Natal as a National Heritage Site. Published in GG 43003 Notice Number 1359 dated 18 December 2020.
13. Declaration of the Gravesite of Magrieta Jantjies, Kameelboom Cemetery, Upington, Northern

Cape as a National Heritage Site. Published in GG 43003 Notice Number 1358 dated 18 December 2020.

14. Declaration of the Gravesites of Harry Gwala, Elda Gwala and Lulu Gwala, Swayimane, KwaZulu-Natal as a National Heritage Site. Published in GG 43003 Notice Number 1357 dated 18 December 2020.

INTERNATIONAL TRADE ADMINISTRATION ACT 71 OF 2002

15. Extension of the policy directive on the Expropriation of Ferrous and Non-Ferrous Waste and Scrap Metal. Published in GG 44008 Notice Number 1367 dated 17 December 2020.

SECTION B: SAFETY AND HEALTH (NATIONAL)

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

16. Regulations on compensation fund's tariffs of assessment made by the Minister under the Act. Published in GG 43959 Notice Number 1282 dated 3 December 2020.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

17. Incorporation of a Health and Safety Standard in terms of section 44(1) of the Act. Published in GG 44029 Notice Number 1399 dated 24 December 2020.

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

NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004

18. Draft Methodological Guidelines for Quantification of Greenhouse Gas emissions – Carbon Sequestration in the Forestry Industry. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43962 Notice Number 1283 and dated 4 December 2020.

PRESERVATION AND DEVELOPMENT OF AGRICULTURAL LAND BILL, 2020

19. Intention to introduce the Preservation and Development of Agricultural Land Bill 2020. Published in GG 43990 Notice Number 1338 and dated 11 December 2020.

NUCLEAR ENERGY ACT 46 OF 1999

20. Draft Regulations regarding Nuclear Non-Proliferation. Members of the public are invited to submit written comments by the 11 February 2021. Published in GG 43979 Notice Number 1304 and dated 11 December 2020.

THE EMPLOYMENT SERVICE AMENDMENT BILL, 2021

21. Notice of intention to introduce a Private Member's Bill into Parliament. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43981 Notice Number 708 and dated 11 December 2020.

ELECTRICITY ACT 41 OF 1987

22. Proposed Electricity Licence Fees and Levies on the Piped-Gas and Petroleum Pipeline Industries for 2021/22 Financial Year. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 43983 Notice Number 1334 and dated 10 December 2020.

CIVIL AVIATION ACT 13 OF 2009

23. Notice of amendment to the Civil Aviation Regulations of 2011. Members of the public are invited to submit written comments on or before 24 January 2021. Published in GG 44029 Notice Number 1411 and dated 24 December 2020.

CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 OF 1983

24. Invitation for public comments on amendments to the Regulations published under Notice Number 1048 of 25 May 1984. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44029 Notice Number 1396 and dated 24 December 2020.

25. Invitation for public comments on Regulations on Farm Planning. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44029 Notice Number 1395 and dated 24 December 2020.

NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002

26. Determination of Safety Permit Fees under section 23(2) 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 44031 Notice Number 1394 and dated 24 December 2020.

STANDARDS ACT 8 OF 2008

27. 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 43962 Notice Number 694 dated 4 December 2020 and GG 43981 Notice Number 711 and 710 dated 11 December 2020 and GG 44048 Notice Number 744 dated 31 December 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

28. Amendment of Directives issued in terms of Air Services for Alert Level 1. Published in GG 43956 Notice Number 1279 dated 3 December 2020.

29. Amendment of Directives issued in terms of Seaports for Alert Level 1. Published in GG 43957 Notice Number 1280 dated 3 December 2020.

30. Amendment of the Directions issued in terms of Regulation 4(8) of the Regulations issued in terms of Section 27(2) of the Act. Published in GG 43953 Notice Number 1277 dated 3 December 2020.

31. Amendment of the Directions issued in terms of Regulation 4(1)(a) of the Regulations issued in terms of Section 27(2) of the Act. Published in GG 43954 Notice Number 1278 dated 3 December 2020 and in GG 44004 Notice Number 1360 dated 15 December 2020.

32. Amendment of Regulations issued in terms of Section 27(2) of the Act. Published in GG 43964 Notice Number 1290 dated 3 December 2020, in GG 43997 Notice Number 1346 dated 15 December 2020, in GG 44009 Notice Number 1370 dated 17 December 2020, in GG 44042 Notice Number 1421 dated 24 December 2020, in GG 44044 Notice Number 1423 dated 29 December 2020 and GG 44051 Notice Number 1435 dated 29 December 2020.

33. Amendment of Directives issued in terms of determination of extension for the validity period of learner's licences, driving licence cards, licence discs, professional driving permits and registration of motor vehicles for Alert Level 1. Published in GG 43958 Notice Number 1281 dated 3 December 2020.

34. Determination of Alert Levels and Hotspots: Nelson Mandela Bay. Published in GG 43965 Notice Number 1291 dated 3 December 2020.
35. Explanatory note on Regulations issued 3 December 2020 in terms of the Act. Published in GG 43966 Notice Number 1292 dated 3 December 2020.
36. Extension of a National State of Disaster. Published in GG 43993 Notice Number 1341 dated 14 December 2020.
37. Amendment to the Directives in terms of the public transport services. Published in GG 43995 Notice Number 1344 dated 14 December 2020.
38. Determination of Alert Levels and Hotspots: Garden Route, Sarah Baartman and Nelson Mandela Bay. Published in GG 43996 Notice Number 1345 dated 14 December 2020.
39. Amendment of Directions issued in terms of Regulation 4(7) of the Regulations made under Section 27(2) of the Act in the Public Transport Services. Published in GG 44040 in Notice Number 1420 dated 24 December 2020.
40. Determination of Alert Levels and Hotspot. Published in GG 44045 Notice Number 1424 dated 29 December 2020.
41. Publication of the Eastern Cape Provincial Disaster Risk Management Policy Framework. Published in GG 44043 Notice Number 1422 dated 28 December 2020.
42. Directives issued in terms of marking examination scripts of the 2020 National Senior Certificate and Senior Certificate Examinations. Published in GG 44054 Notice Number 748 dated 31 December 2020.

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

WESTERN CAPE PROVINCE

43. Bergrivier Municipality: By-law on Municipal Land Use Planning. Published in PG 8365 dated 11 December 2020.
44. Declaration of Jakkalsdans Nature Reserve. Published in PG 8363 Notice Number 134 dated 3 December 2020.
45. Declaration of Shaw's Pass Nature Reserve. Published in PG 8363 Notice Number 133 dated 3 December 2020.
46. Declaration of Kwessie Nature Reserve. Published in PG 8363 Notice Number 132 dated 3 December 2020.
47. Declaration of Kogelberg Nature Reserve. Published in PG 8363 Notice Number 131 dated 3 December 2020.
48. Declaration of Triangle Nature Reserve. Published in PG 8363 Notice Number 130 dated 3 December 2020.
49. Declaration of Fontein Nature Reserve. Published in PG 8363 Notice Number 129 dated 3 December 2020.
50. Witzenberg Local Municipality: Zoning Scheme Maps Approval. Published in PG 8363 dated 3 December 2020.

NORTH WEST PROVINCE

51. Spatial Planning and Land Use Management Act 16 of 2013: Tswaing Local Municipal Council has adopted the Tswaing Land Use Scheme, 2020. Published in PG 8168 Notice Number 102 dated 8 December 2020.

EASTERN CAPE PROVINCE

52. Disaster Management Act 57 of 2002:
 - a. Extension of Local State of Disaster Declaration: Provincial Notice 133 of 2018: Kouga

Local Municipality. Published in PG 4485 Notice Number 268 dated 3 December 2020 and Published in PG 4496 Notice Number 298 dated 21 December 2020.

- b. Declaration of Provincial State of Disaster. Published in PG 4493 Notice Number 229 dated 17 December 2020.

53. Local Government Laws Act 1 of 2020: Commencement of the Repeal of the Act. Published in PG 4494 Notice Number 230 dated 17 December 2020.

FREE STATE PROVINCE

54. Mangaung Metropolitan Municipality: Metropolitan Open Space System, 2020/2021. Published in PG 80 Notice Number 48 dated 4 December 2020.

GAUTENG PROVINCE

55. Gauteng Provincial Road Traffic Act 10 of 1997: Amendments to Gauteng Provincial Road Traffic Regulations, 2001. Published in PG 245 Notice Number 1048 dated 3 December 2020.

56. National Environmental Management: Waste Act 59 of 2008:

- a. List of registered persons in terms of regulation 7 of the Gauteng Waste Information Regulations, 2004. Published in PG 246 Notice Number 683 dated 4 December 2020.
- b. List of authorised persons in terms of regulation 5(4) of Gauteng Health Care Waste Management Regulations, 2004. Published in PG 246 Notice Number 684 dated 4 December 2020.

LIMPOPO PROVINCE

57. National Environmental Management: Protected Areas Act 57 of 2003:

- a. Declaration of attached respective land parcels to be included in the existing Balule Nature Reserve. Published in PG 3124 Notice Number 124 dated 4 December 2020.
- b. Correction Notice for the Limpopo Provincial Gazette No. 3090 of 17 July 2020. Published in PG 3124 Notice Number 81 dated 4 December 2020.

KWA – ZULU NATAL PROVINCE

58. Local Government: Municipal Systems Act 32 of 2000: Disaster Management and Fire Prevention By-law for uMlalazi Municipality. Published in PG 2248 Notice Number 97 dated 24 December 2020.

59. The City of uMhlatuze Roads and Traffic Safety By-laws, 2019. Published in PG 2248 Notice Number 95 dated 24 December 2020.

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

EASTERN CAPE PROVINCE

60. Mineral and Petroleum Resources Development Act 28 of 2002: Notice regarding consultation with interested and affected persons in terms of section 10 read with regulation 3 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 4485 Notice Number 216 dated 3 December 2020.

NORTHERN CAPE PROVINCE

61. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare protected areas. Interested persons are invited to submit written comments within 30 days from the day of publication of this notice. Published in PG 2389 Notice Number 123 dated 21 December 2020.

GAUTENG PROVINCE

56. Gauteng Provincial Road Traffic Act 10 of 1997: Amendment to the act. Members of the public are invited to submit written comments on for before 31 January 2020. Published in PG 249 Notice Number 1049 dated 7 December 2020.
57. The Gauteng Provincial Legislature intends to introduce the Gauteng Provincial Laws General Amendment Bill, 2020. Members of the public are invited to submit written comments on for before 26 February 2020. Published in PG 267 Notice Number 1058 dated 23 December 2020.

KWA – ZULU NATAL PROVINCE

62. National Environmental Management: Protected Areas Act 57 of 2003: Consultation process in terms of section 33(1) of the Act. Interested persons are invited to submit written comments within 60 days from the day of publication of this notice. Published in PG 2247 Notice Number 152 dated 17 December 2020.

LIMPOPO PROVINCE

63. Spatial Planning and Land Use Management Act 16 of 2013:
- a. Notice is given in terms of section 20 of Makhuduthamaga Local Municipality Spatial Planning and Land Use Management By-Law of 2020. Interested persons are invited to submit written comments within 60 days from the day of publication of this notice. Published in PG 3127 Notice Number 148 dated 11 December 2020.
 - b. Draft notice in terms of the Draft Land Use Scheme. Interested persons are invited to submit written comments within 60 days from the day of publication of this notice. Published in PG 3130 Notice Number 152 dated 25 December 2020.

NORTH WEST PROVINCE

64. Moretele Spatial Planning and Land Use Management By-law, 2016: Intention of Moretele Local Municipality to review and amend Moretele Spatial Development Framework, 2009. Published in PG 8169 Notice Number 153 dated 15 December 2020.

WESTERN CAPE

65. Western Cape Land Use Planning Amendment Bill [B6–2020]. Members of the public are invited to submit written comments on for before 29 January 2020. Published in PG 8367 Notice Number 13 dated 11 December 2020.

MPUMALANGA PROVINCE

66. Local Government: Municipal Systems Act, 2004: By-law on the Prevention of Public Nuisances. Published in PG 3221 Notice Number 107 dated 25 December 2020.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 8 JANUARY 2021)

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 8 JANUARY 2021)

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

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