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**IMBEWU**

*Sustainability Legal Specialists (Pty) Ltd*



## **JANUARY 2021 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: AIR QUALITY ACT 39 OF 2004**

1. Amendments to the Regulations regarding the Phasing-out and Management of Ozone Depleting Substances. Published in GG 44065 Notice Number 10 dated 11 January 2021.

#### **NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008**

2. Amendment of Regulations and Notices regarding Extended Producer Responsibility, 2020. Published in GG 44078 Notice Number 20 dated 15 January 2021.
3. National Waste Management Strategy, 2020. Published in GG 44116 Notice Number 56 dated 28 January 2021.

#### **NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999**

4. Erratum to proposed NNR Authorisation fees for 2020/2021. Published in GG 44076 Notice Number 19 dated 15 January 2021.

#### **TAXATION LAWS AMENDMENT ACT 23 OF 2020**

5. Taxation Laws Amendment Act, 2020 which amends the Carbon Tax Act, 2019. Published in GG 44083 Notice Number 25 dated 20 January 2021.

#### **NATIONAL ENERGY REGULATER ACT 40 OF 2004**

6. Notice of public hearing on the reviewed Notified Maximum Demand and/ or Maximum Export Capacity Rules. Published in GG 44098 Notice Number 38 dated 25 January 2020.

#### **GENETICALLY MODIFIED ORGANISMS ACT 15 OF 1997**

7. Amended Regulations made in terms of section 20 of the Genetically Modified Organisms Act, 1997. Published in GG 44102 Notice Number 41 dated 27 January 2021 and published in GG 44115 Notice Number 55 dated 28 January 2021.

### **SECTION B: SAFETY AND HEALTH (NATIONAL)**

8. No applicable safety and health (National) legislation was published in January 2021.

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

#### **STANDARDS ACT 8 OF 2008**

9. 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 44064 Notice Number 4 dated 8 January 2021.

### **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**

10. Amendment of Directives regarding Sports, Arts and Culture. Published in GG 44055 Notice Number 1 dated 5 January 2020.
11. Amendment of Directives regarding the dates for the re-opening of schools to provide for the 2021 academic year. Published in GG 44096 Notice Number 18 dated 22 January 2020.
12. 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 44072 Notice Number 16 dated 14 January 2021.
13. Directions issued regarding all Correctional Centres and Remand Detention Facilities in the Republic of South Africa. Published in GG 44111 Notice Number 54 dated 28 January 2021.
14. Amendment of Regulations issued in terms of Section 27(2) of the Act. Published in GG 44066 Notice Number 11 dated 11 January 2021.
15. Directives issued in terms of Public Transport Services for Adjusted Alert Level 3. Published in GG 44120 Notice Number 59 dated 29 January 2021.
16. Directives issued in terms of the Regulations at Sea Ports for Adjusted Alert Level 3. Published in GG 44121 Notice Number 60 dated 29 January 2020.
17. Directives issued in terms of Cross-Border Road Transport Services for Adjusted Alert Level 3. Published in GG 44122 Notice Number 61 dated 29 January 2021.
18. Extension of a National State of Disaster. Published in GG 44071 Notice Number 15 dated 15 January 2021.
19. Directives issued in terms of Railway Operations for Adjusted Alert Level 3. Published in GG 44123 Notice Number 62 dated 29 January 2021.
20. Directives issued in terms of Air Services for Adjusted Alert Level 3. Published in GG 44124 Notice Number 63 dated 29 January 2021.

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

### **WESTERN CAPE PROVINCE**

21. Declaration of a Local State of Disaster with the boundaries of the City of Cape Town Metropolitan Municipality as a result of fire:
  - a. within the Fish Hoek area. Published in PG 8370 Notice 4 dated 7 January 2021.
  - b. within the Khayelitsha area. Published in PG 8369 Notice 138 dated 18 January 2021.

### **NORTH WEST PROVINCE**

22. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of certain properties as the Molopo Private Protected Environment. Published in PG 8176 Notice Number 8 dated 26 January 2021.

### **EASTERN CAPE PROVINCE**

23. Disaster Management Act 57 of 2002: Extension of Local State of Disaster Declaration in the Kouga Local Municipality. Published in PG 4506 Notice Number 12 dated 29 January 2021.

### **GAUTENG PROVINCE**

24. National Environmental Management Act 107 of 1998: Gauteng Environmental Implementation Plan 2020-2025 for implementation. Published in PG 4 Notice Number 44 dated 13 January 2021.

### **MPUMALANGA PROVINCE**

25. National Environmental Management: Protected Areas Act 57 of 2003: Exclusion of part of the protected environment (farms properties) as part of the existing Mabola Protected Environment. Published in PG 3225 Notice Number 2 dated 15 January 2021.

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

### **GAUTENG PROVINCE**

56. Spatial Planning and Land Use Management Act 16 of 2013: Draft notice in terms of the Rand West Spatial Development Framework (2018). Members of the public are invited to submit written comments within 60 days from 27 January 2021 to 27 March 2021. Published in PG 10 Notice Number 115 dated 27 January 2021 and in PG 10 Notice Number 114 dated 27 January 2021.

### **NORTH WEST PROVINCE**

26. Spatial Planning and Land Use Management Act 16 of 2013:
- Compilation of the Spatial Development Framework of Kagisano-Molopo Local Municipality. Members of the public are invited to submit written comments. Published in PG 8176 Notice Number 10 dated 26 January 2021.
  - Compilation of the Spatial Development Framework of Mamusa Local Municipality. Members of the public are invited to submit written comments. Published in PG 8176 Notice Number 9 dated 26 January 2021.

### **WESTERN CAPE PROVINCE**

27. Western Cape Department of Environmental Affairs and Development Planning: Draft Environmental Management Framework for the Greater Saldanha Area. Members of the public are invited to submit written comments from 21 January 2021 until 21 February 2021. Published in PG 8372 Notice Number 2 dated 21 January 2021.
28. Department of Environmental Affairs and Development Planning: Notice of Intention to Declare Gourikwa Nature Reserve. Interested persons are invited to submit written comments within 60 days from the day of publication of this notice. Published in PG 8373 Notice Number 3 dated 22 January 2021.

### **FREE STATE PROVINCE**

29. Compilation of the Spatial Development Framework of Setsoto Local Municipality in terms of the Spatial Planning and Land Use Management Act 16 of 2013. Members of the public are invited to submit written comments. Published in PG 85 Notice Number 125 dated 22 January 2021.

## **PART TWO: PARLIAMENTARY MONITORING**

*This information was accessed through the Parliamentary Monitoring Group at [www.pmg.org.za](http://www.pmg.org.za)*

### **BILLS BEFORE PARLIAMENT (AS OF 2 FEBRUARY 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 2 FEBRUARY 2021)**

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

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