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**IMBEWU**

*Sustainability Legal Specialists (Pty) Ltd*



## **FEBRUARY 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 ACT 107 OF 1998**

1. Adoption of Generic Environmental Management Programme for:
  - a. Working with Wetlands Programme. Published in GG 44173 Notice Number 107 dated 5 February 2021.
  - b. Working for Water Programme. Published in GG 44173 Notice Number 106 dated 5 February 2021.
  - c. Working for Ecosystems Programme. Published in GG 44173 Notice Number 105 dated 5 February 2021.
2. Identification of Procedures to be followed when Applying for or Deciding on an Environmental Authorisation Application for:
  - a. the Development of Electricity Transmission and Distribution Infrastructure when occurring in Renewable Energy Development Zones. Published in GG 44191 Notice Number 145 dated 26 February 2021.
  - b. Large Scale Wind and Solar Photovoltaic Facilities, when occurring in Renewable Energy Development Zones. Published in GG 44191 Notice Number 142 dated 26 February 2021
3. Identification of Geographical Areas of Strategic Importance for the Development of Large Scale Wind and Solar Photovoltaic Energy Facilities. Published in GG 44191 Notice Number 144 dated 26 February 2021.
4. Identification of Geographical Areas Important for the Development of Strategic Gas Transmission Pipeline Infrastructure. Published in GG 44191 Notice Number 143 dated 26 February 2021.

### **NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004**

5. Commencement of the Alien and Invasive Species Lists, 2020 and the Alien and Invasive Species Regulations, 2020. Published in GG 44182 Notice Number 115 dated 24 February 2021.

### **DISASTER MANAGEMENT ACT 57 OF 2002**

6. Classification of a National Disaster in terms of section 23 of the Act: Strong Winds and Floods due to Tropical Storm Eloise and Summer Seasonal Rains. Published in GG 44156 Notice Number 90 dated 12 February 2021.
7. Declaration of a National State of Disaster: Strong Winds and Floods due to Tropical Storm Eloise and Summer Seasonal Rains. Published in GG 44184 Notice Number 117 dated 24 February 2021.

### **STATISTICS SOUTH AFRICA**

8. Consumer Price Index:
  - a. December 2020. Published in GG 44173 Notice Number 53 dated 5 February 2021.
  - b. November 2020. Published in GG 44173 Notice Number 52 dated 5 February 2021.
  - c. January 2021. Published in GG 44191 Notice Number 76 dated 26 February 2021.

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

9. Application for the Vaalputs Nuclear Installation Licence by NRWDI. Published in GG 44192 Notice Number 10 dated 26 February 2021.

### **BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT 53 OF 2003**

10. Exemption granted in terms of sections 9(6) and 10(2) of the Act to the Department of Mineral Resources and Energy for its Risk Mitigation Independent Power Producer Procurement Programme. Published in GG 44157 Notice Number 91 of 12 February 2021.

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

### **NATIONAL MINIMUM WAGE ACT 9 OF 2018**

11. Annual Review and Adjustment of the National Minimum Wage for 2021. Published in GG 44136 Notice Number 76 dated 8 February 2021.

### **BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997**

12. Determination: Earnings Threshold. Published in GG 44137 Notice Number 77 dated 8 February 2021.

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

### **NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT 39 OF 2004**

13. Draft Methodological Guidelines for Quantification of Greenhouse Gas Emissions. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44190 Notice Number 135 of 19 February 2021.

### **GAS ACT 48 OF 2001**

14. Notice to the draft Gas Act Rules, 2021 in terms of the Act. Members of the public are invited to submit written comments no later than 8 March 2021. Published in GG 44134 Notice Number 74 dated 3 February 2021.

### **NATIONAL HEALTH ACT 61 OF 2003**

15. Proposed Regulations relating Standards for Emergency Medical Services. Members of the public are invited to submit written comments within 3 months from the date of publication of this notice. Published in GG 44161 Notice Number 94 dated 16 February 2021.

### **DISASTER MANAGEMENT AMENDMENT BILL, 2021**

16. Draft 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 44166 Notice Number 46 dated 18 February 2021.

### **WORLD HERITAGE CONVENTION ACT 49 OF 1999**

17. Consultation on the Proclamation of Land situated in the Western and Eastern Cape to be part of the Cape Floral Region Protected Areas World Heritage Site. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44191 Notice Number 141 dated 26 February 2021.

### **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 44190 Notice Number 171 of 19 February 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**

19. Directives issued in terms all courts, court precincts and justice service points in the Republic of South Africa. Published in GG 44133 Notice Number 73 dated 3 February 2020.
20. Directives regarding the re-opening of schools in the National Department of Basic Education, all Provincial Departments of Education, all Education District offices and all schools in the Republic of South Africa. Published in GG 44154 Notice Number 42 dated 12 February 2021.
21. Amendment of Regulations issued in terms of Section 27(2) of the Act. Published in GG 44130 Notice Number 69 dated 1 February 2021 and Published in GG 44158 Notice Number 92 dated 13 February 2021 and Published in GG 44159 Notice Number 93 dated 13 February 2021 and Published in GG 44201 Notice Number 152 dated 28 February 2021.
22. Directives issued in terms of regulation 4(10) of the Regulations made under section 27(2) of the Act. Published in GG 44174 Notice Number 111 dated 22 February 2021.
23. Determination of Alert Level. Published in GG 44201 Notice Number 151 dated 28 February 2021.
24. Directives issued in terms of the Regulations at Sea Ports for Adjusted Alert Level 3. Published in GG 44140 Notice Number 79 dated 10 February 2021.
25. Extension of a National State of Disaster. Published in GG 44150 Notice Number 86 dated 11 February 2021.

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

### **WESTERN CAPE PROVINCE**

26. Notice of Authorisation to deviate from provisions of Act by the Department of Environmental Affairs and Development Planning. Published in PG 8383 Notice 10 dated 11 February 2021.
27. Oudtshoorn Municipality Intergrated Zoning Scheme By-law. Published in PG 8388 dated 16 February 2021.
28. City of Cape Town Municipality Nature Reserve By-law, 2020. Published in PG 8387 dated 18 February 2021.

### **NORTH WEST PROVINCE**

29. Approval of Amendment of Town Planning Scheme: Mahikeng Land Use Scheme, 2018. Published in PG 8178 Notice Number 2 dated 2 February 2021.

### **NORTHERN CAPE PROVINCE**

30. Declaration of Protected Areas. Published in PG 2394 Notice Number 10 dated 22 February 2021.

### **EASTERN CAPE PROVINCE**

31. Kouga Municipality Electricity By-law. Published in PG 4512 Notice Number 26 dated 22 February 2021.

### **LIMPOPO PROVINCE**

32. Mopani District Municipality: Spatial Development Framework Adoption Notice. Published in PG 3138 Notice Number 17 dated 12 February 2021.

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

### WESTERN CAPE PROVINCE

33. Proposed Amendment of the Western Cape Provincial Spatial Development Framework, 2014. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 8382 Notice 9 dated 11 February 2021.

### FREE STATE PROVINCE

34. Consultation Process in terms of the National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare the Upper Wilge Protected Environment. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 93 Notice Number 61 dated 12 February 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 MARCH 2021)

1. Animals Protection Amendment Bill (B1-2021).
2. Disaster Management Amendment Bill (B2-2021).
3. Economic Regulation of Transport Bill (B1-2020).
4. National Road Traffic Amendment Bill (B7-2020).
5. Employment Equity Amendment Bill (B-14-2020).
6. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).
7. Independent Electricity Management Operator Bill (B14-2019).
8. National Health Insurance Bill (B11 – 2019).
9. National Health Amendment Bill (B29 – 2018).
10. National Environmental Management Laws Amendment Bill (B12-2017).
11. National Forests Amendment Bill (B11-2016).

### BILLS BEFORE THE PRESIDENT (AS OF 2 MARCH 2021)

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.*

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