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Sustainability Legal Specialists (Pty) Ltd



MARCH 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 amended Chapter 2 and Chapter 5 of the Integrated Environmental Management Plan for Phase 1 of the Square Kilometre Array and amendment to the conditions of exclusion. Published in GG 44320 Notice Number 250 dated 25 March 2021.
2. Adoption of a Generic 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 Requirement to Obtain an Environmental Authorisation. Published in GG 44341 Notice Number 276 dated 29 March 2021.

ANTARTIC TREATIES ACT 60 OF 1996

3. Antarctica and Southern Ocean Strategy, 2021. Published in GG 44293 Notice Number 234 dated 19 March 2021.

AGRICULTURAL PETS ACT 36 OF 1983

4. Control Measures relating to Asian Citrus Psyllid and Citrus Greening: Asian and American strains. Published in GG 44230 Notice Number 176 dated 5 March 2021 and Published in GG 44258 Notice Number 209 dated 12 March 2021.
5. Amendment of Control Measures to the Act. Published in GG 44293 Notice Number 225 dated 19 March 2021.
6. Amendment of Regulations to the Act providing for fees payable. Published in GG 44293 Notice Number 224 dated 19 March 2021.

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

7. Amendment to the Regulations relating to the tariffs for the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators, appeals and imports. Published in GG 44394 Notice Number 265 dated 26 March 2021.

SOUTH AFRICA WEATHER SERVICE ACT 8 OF 2001

8. Regulations regarding Fees for the provision of Aviation Meteorological Services. Published in GG 44271 Notice Number 212 dated 12 March 2021.

NATIONAL FORESTS ACT 84 OF 1998

9. Notice of list of protected tree species under section 12 the Act. Published in GG 44204 Notice Number 155 dated 1 March 2021.

WORLD HERITAGE CONVENTION ACT 49 OF 1999

10. Proclamation of certain land in the Mpumalanga Province as the Barberton Makhonjwa Mountains World Heritage Site and to declare the Management Authority. Published in GG 44272 Notice Number 213 dated 12 March 2021.

ANIMAL IDENTIFICATION ACT 6 OF 2002

11. Amendment of Regulations to the Act providing for fees payable. Published in GG 44333

Notice Number 259 dated 26 March 2021.

ASTRONOMY GEOGRAPHIC ADVANTAGE ACT 21 OF 2007

12. Notice of the revised exempted radio frequency spectrum for the Karoo Central Astronomy Advantage Area. Published in GG 44365 Notice Number 285 of 31 March 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT 5 OF 2008

13. Amendment through Legal Metrology Act: Compulsory Specification for:
- Safety Requirements for General Service Lamps – VC 9110. Published in GG 44209 Notice Number 159 dated 1 March 2021.
 - Energy Efficiency and Functional Performance Requirements of General Service Lamps – VC 9109. Published in GG 44210 Notice Number 160 dated 1 March 2021.
 - For Cement – VC 9085. Published in GG 44275 Notice Number 216 dated 15 March 2021.

OCCUPATIONAL DISEASES IN MINES AND WORKS ACT 78 OF 1973

14. Increase of pension benefits. Published in GG 44223 Notice Number 168 dated 2 March 2021.
15. Amendment of amounts to increase benefits. Published in GG 44399 Notice Number 268 dated 26 March 2021.
16. Adjustments of levies paid by Controlled Mines and Works. Published in GG 44400 Notice Number 269 dated 26 March 2021.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

17. Private Domestic Employer and Registration Claims Procedure. Published in GG 44250 Notice Number 106 dated 10 March 2021.
18. Revised Return of Earnings and prescribed form. Published in GG 44302 Notice Number 242 dated 19 March 2021 and Published in GG 44330 Notice Number 133 dated 25 March 2021.
19. Notice of Revision of Assessment for 2021 and an application form. Published in GG 44329 Notice Number 132 dated 25 March 2021.
20. Notice issued by the Director-General under the Act. Published in GG 44331 Notice Number 134 dated 25 March 2021.
21. Notice of annual increase in medical tariffs payable under section 76 of the Act. Published in GG 44344 Notice Number 146 dated 29 March 2021 and Published in GG 44345 Notice Number 147 dated 29 March 2021 and Published in GG 44364 Notice Number 158 dated 30 March 2021.
22. Notice on annual increase in medical tariffs payable under section 76 of the Act: Dental Gazette 2021. Published in GG 44346 Notice Number 148 dated 29 March 2021.
23. Notice on annual increase in medical tariffs payable under section 76 of the Act: Orthotists/Prosthetists 2021. Published in GG 44347 Notice Number 149 dated 29 March 2021.
24. Notice of annual increase in medical tariffs payable under section 76 of the Act: Chiropractor 2021. Published in GG 44354 Notice Number 151 dated 30 March 2021.
25. Renal Care Gazette 2021. Published in GG 44355 Notice Number 152 dated 30 March 2021.
26. Wound Care Gazette 2021. Published in GG 44356 Notice Number 153 dated 30 March 2021.
27. Social Worker and Psychology Gazette 2021. Published in GG 44357 Notice Number 154 dated 30 March 2021.
28. Private Hospital Gazette 2021. Published in GG 44358 Notice Number 155 dated 30 March 2021.

OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

29. Regulations for Hazardous Chemical Agents, 2021. Published in GG 44348 Notice Number 280

dated 29 March 2021.

30. Replacement pages for Annexure 3 of Regulations for Hazardous Chemical Agents, 2021. Published in GG 44366 Notice Number 283 dated 31 March 2021.

MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965

31. Exclusion of Schedule 2, Schedule 3 and Schedule 4 from Certain Provisions of Act. Published in GG 44322 Notice Number 252 dated 25 March 2021.

NATIONAL ROAD TRAFFIC ACT 13 OF 1996

32. Regulations made in the Schedule to this Notice. Published in GG 44259 Notice Number 114 dated 11 March 2021.

NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999

33. Regulations on the Long Term Operation of Nuclear Installations. Published in GG 44394 Notice Number 266 dated 26 March 2021.

NATIONAL LAND TRANSPORT ACT 5 OF 2009

34. North West Land Transport Regulations, 2020. Published in GG 44247 Notice Number 105 dated 8 March 2021.

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

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

35. Draft revised National Biodiversity Framework. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44229 Notice Number 171 of 5 March 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

36. Notice of intention to declare the Remaining Extent of Erf 4492, Swellendam as part of the Bontebok National Park. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44293 Notice Number 232 of 19 March 2021 and Published in GG 44307 Notice Number 246 of 23 March 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

37. Draft amendments to the Regulations and Notices regarding Extended Producer Responsibility, 2020. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44295 Notice Number 239 of 19 March 2021.
38. Draft Norms and Standards for the Treatment of Organic Waste. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44340 Notice Number 275 of 29 March 2021.

NATIONAL WATER ACT 36 OF 1998

39. Amendment of the Vaal River Catchment Management Agency Water Management Area. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44333 Notice Number 263 dated 26 March 2021.

CIVIL AVIATION ACT 13 OF 2009

40. Amendment to the Civil Aviation Regulations, 2011. Members of the public are invited to submit written comments by 5 April 2021. Published in GG 44230 Notice Number 182 dated 5

March 2021.

GEOSCIENCE ACT 100 OF 1993

41. Notice of draft Geoscience Regulations for public comment. Members of the public are invited to submit written comments no later than 30 days from the publication of this notice. Published in GG 44228 Notice Number 84 dated 4 March 2021.

MARINE POLLUTION (VARIOUS ACTS)

42. Draft Notice to consolidate Marine Pollution Legislation. Members of the public are invited to submit written comments no later than 30 April 2021. Published in GG 44276 Notice Number 116 dated 16 March 2021.

MARINE LIVING RESOURCES ACT 18 OF 1998

43. Invitation to apply for a right to conduct sea-based abalone ranching in the area between Doring Bay and Strandfontein Bay, Western Cape. Interested parties must submit their applications to the Department by 17:00 on 19 April 2021. Published in GG 44293 Notice Number 233 dated 19 March 2021.

PETROLEUM PRODUCTS ACT 120 OF 1977

44. Draft Regulations regarding Petroleum Products Specifications and Standards. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44363 Notice Number 282 dated 30 March 2021.

45. Draft Amendment Regulations regarding the Mandatory Blending of Biofuels with Petrol and Diesel. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44362 Notice Number 281 dated 30 March 2021.

NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT 5 OF 2008.

46. As amended through Legal Metrology Act 9 of 2014: Amendment of the Compulsory Specification for frozen lobsters and frozen lobster products derived therefrom – VC 8020. Members of the public are invited to submit written comments within 60 days from the date of publication of this notice. Published in GG 44380 Notice Number 289 dated 31 March 2021.

STANDARDS ACT 8 OF 2008

47. 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 44229 Notice Numbers 91 and 92 of 5 March 2021, published in GG 44257 Notice Number 109 of 12 March 2021 and Published in GG 44257 Notice Numbers 109 and 110 of 12 March 2021 and Published in GG 44293 Notice Number 124 of 19 March 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

48. Directives issued in the Air Services for adjusted Alert Level 3. Published in GG 44208 Notice Number 158 dated 1 March 2021.

49. Directives issued in terms of COVID-19 Temporary Employee/Employer Relief Scheme (C19 TERS), 2021. Published in GG 44222 Notice Number 167 dated 3 March 2021.

50. Amendment of Directives issued in terms of regulation 4(1) of the Regulations under section

- 27(2) of the Act. Published in GG 44297 Notice Number 240 dated 19 March 2021.
51. Amendment to the Directives of Alert Level 1 to the Public Transport Services. Published in GG 44325 Notice Number 255 dated 25 March 2021.
52. Amendment to the Directives of Railway Operations for Alert Level 1. Published in GG 44326 Notice Number 256 dated 25 March 2021.
53. Extension of a National State of Disaster. Published in GG 44256 Notice Number 193 dated 11 March 2021.
54. Amendment of Directives issued in terms of regulation 4(8) and (10) of the Regulations made under section 27(2) of the Act. Published in GG 44335 Notice Number 271 dated 26 March 2021.
55. Amendment of Directions issued in terms of regulation 4(3), read with regulation 69, regarding the re-opening of schools. Published in GG 44339 Notice Number 145 dated 27 March 2021.
56. Directives issued in terms of the National Framework and Criteria for the Management of the 2021 Academic Year. Published in GG 44342 Notice Number 277 dated 29 March 2021.
57. Amendment of Regulations issued in terms of section 27(2) of the Act. Published in GG 44367 Notice Number 284 dated 30 March 2021.
58. Directions issued in terms of regulation 4(7) of the Regulations made under section 27(2) of the Act: Taxi Relief Fund. Published in GG 44381 Notice Number 290 dated 31 March 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004

59. Amendment of Directions regarding measures to address, prevent and combat the spread of COVID-19 relating to Biodiversity Auctions. Published GG 44246 Notice Number 187 dated 5 March 2021.

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

WESTERN CAPE PROVINCE

60. Declaration of a Protected Area around the "Diepkloof Rock Shelter" Provincial Heritage Site. Published in PG 8397 Notice 21 dated 5 March 2021.
61. Declaration of a Declared Provincial Heritage Site. Published in PG 8397 Notice 20 dated 5 March 2021.
62. National Environment Management: Integrated Coastal Management Act, 2008: Notice of Establishment of Coastal Management Line. Published in PG 8401 Notice Number 25 dated 19 March 2021.

NORTH WEST PROVINCE

63. National Environment Management Act 107 of 1998:
- Adoption and Publication of the North West Province Environmental Implementation Plan 2020 – 2025. Published in PG 8193 Notice Number 30 dated 23 March 2021.
 - North West Environment Outlook Report. Published in PG 8193 Notice Number 29 dated 23 March 2021.

NORTHERN CAPE PROVINCE

64. Spatial Planning and Land Use Management Act 16 of 2013: Adoption of the Provincial Spatial Development Framework for the Northern Cape Province, 2020. Published in PG 2398 Notice Number 21 dated 8 March 2021 and Published in PG 2400 Notice Number 27 dated 15 March 2021.
65. National Environment Management Act 107 of 1998: Notification in term of the Environmental Authorisation Application process. Published in PG 2401 Notice Number 28 dated 17 March

2021.

66. Coastal Zone Regulations, 2014: Publication of public launch sites and the identified management bodies for each listed site for the Northern Cape. Published in PG 2406 Notice Number 31 dated 26 March 2021.
67. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of Protected Areas. Published in PG 2407 Notice Number 34 dated 29 March 2021

EASTERN CAPE PROVINCE

68. National Environment Management Act 107 of 1998: Eastern Cape Environmental Implementation Plan. Published in PG 4519 Notice Number 32 dated 8 March 2021.
69. Disaster Management Act 57 of 2002:
 - a. Amendment to the Buffalo City Metropolitan Municipality Disaster Management By-Law. Published in PG 4522 Notice Number 51 dated 15 March 2021.
 - b. Extension of Local State of Disaster Declaration in Kouga Local Municipality. Published in PG 4522 Notice Number 38 dated 15 March 2021.
70. Spatial Planning and Land Use Management Act 16 of 2013: Kouga Municipality:
 - a. Adoption of the Spatial Development Framework, 2020. Published in PG 4523 Notice Number 52 dated 18 March 2021.
 - b. Adoption notice of the Integrated Land Use Scheme. Published in PG 4525 Notice Number 51 dated 19 March 2021.

LIMPOPO PROVINCE

71. Limpopo Environmental Management Act 7 of 2003: Open Season to Hunt Game. Published in PG 3149 Notice Number 20 dated 26 March 2021.
72. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of attached respective land parcels as a Protected Environment. Published in PG 3149 Notice Number 19 dated 26 March 2021.

KWAZULU NATAL PROVINCE

73. Spatial Planning and Land Use Management Act 16 of 2013: Establishment of the Dr Nkosazana Dlamini Zuma Municipal Planning Appeal Authority in terms of the Act. Published in PG 2264 Notice Number 5 dated 25 March 2021.

MPUMALANGA PROVINCE

74. Mpumalanga Nature Conservation Act 10 of 1998: Open Season: Ordinary Game. Published in PG 3242 Notice Number 25 dated 19 March 2021 and Published in PG 3244 Notice Number 32 dated 26 March 2021.
75. Mpumalanga Road Traffic Act 4 of 1998: Mpumalanga Provincial Road Traffic Regulations, 2021. Published in PG 3248 Notice Number 35 dated 31 March 2021.

FREE STATE PROVINCE

76. Matjhabeng Local Municipality: Compilation of an All-Inclusive Land Use Scheme. Published in PG 110 Notice Number 170 dated 26 March 2021 and Published in PG 110 Notice Number 170 dated 26 March 2021.
77. Ngwathe Local Municipality: Compilation of an All-Inclusive Land Use Scheme. Published in PG 110 Notice Number 170 dated 26 March 2021 and Published in PG 110 Notice Number 168 dated 26 March 2021.

GAUTENG PROVINCE

78. Spatial Planning and Land Use Management Act 16 of 2013: Ekurhuleni Municipal Appeals Authority. Published in PG 83 Notice Number 303 dated 31 March 2021.

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

NORTH WEST PROVINCE

79. Spatial Planning and Land Use Management Act 16 of 2013: Spatial Development Framework of Ramotshere Moiloa Local Municipality. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 8187 Notice Number 18 dated 16 March 2021.

NORTHERN CAPE

80. National Environmental Management Act 107 of 1998: Notification of amendment to the Environmental Authorisation Application process. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in PG 2401 Notice Number 28 dated 17 March 2021.

EASTERN CAPE PROVINCE

81. Spatial Planning and Land Use Management Act 16 of 2013:
- a. Review of Matatiele Local Municipality Land Use Management Scheme, 2013. Members of the public are invited to submit their particulars to the municipality. Published in PG 4527 Notice Number 58 dated 22 March 2021.
 - b. Draft Ntabankulu Municipality Spatial Development Framework and proposed names and streets for Ntabankulu Municipality. Members of the public are invited to submit their written comments for 21 days from the date of the notice. Published in PG 4527 Notice Number 57 dated 22 March 2021.

FREE STATE PROVINCE

82. Draft notice in terms of Free State Industry Waste Management Plan for the Informal Waste Industry. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in PG 104 Notice Number 71 dated 5 March 2021.
83. Preparation of a Land Use Scheme for the Mangaung Metropolitan Municipality, 2021. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 107 Notice Number 159 dated 12 March 2021.

LIMPOPO PROVINCE

84. National Environmental Management: Protected Areas Act 57 of 2003: Intention to declare attached respective land parcels as a Protected Environment. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 3143 Notice Number 10 dated 5 March 2021.

KWAZULU NATAL PROVINCE

85. Spatial Planning and Land Use Management Act 16 of 2013: UMhlatuze Local Municipality: Review of Spatial Development Framework (SDF), 2017/2018–2021–2022. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 2263 Notice Number 2 dated 18 March 2021 and Published in PG 2263 Notice Number 3 dated 18 March 2021 and Published in PG 2264 Notice Number 4 dated 25 March 2021.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 8 APRIL 2021)

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

BILLS BEFORE THE PRESIDENT (AS OF 8 APRIL 2021)

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

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