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APRIL 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. Amendment of the Plastic Carrier Bags and Plastic Flat Bags Regulations, 2021. Published in GG 44421 Notice Number 317 dated 7 April 2021.
2. Identification of a Generic Environmental Management Programme relevant to an application for an Environmental Authorisation for the development or expansion of gas transmission pipeline infrastructure. Published in GG 44481 Notice Number 373 dated 23 April 2021.
3. Identification in terms of sections 24(3), 24(5)(a) and 24(5)(b) of the Act of expanded geographical areas of strategic importance for the development of electricity transmission and distribution infrastructure and of procedures to be followed when applying for or deciding on Environmental Authorisations for large scale electricity transmission or distribution development activities. Published in GG 44504 Notice Number 383 dated 29 April 2021.
4. Appointment of a panel of experts to lead a review of the Scientific Basis for the Breach of the Mouth of Lake St Lucia Estuary. Published in GG 44507 Notice Number 240 dated 30 April 2021.

MARINE SPATIAL PLANNING ACT 16 OF 2018

5. Commencement of the Marine Spatial Planning Act. Published in GG 44383 Notice Number 4 dated 1 April 2021.

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

6. Publication of the Codes of Conduct. Published in GG 44459 Notice Number 209 dated 16 April 2021.

AGRICULTURAL PRODUCT STANDARDS ACT 119 OF 1990

7. Amendment of Regulations regarding Departmental Fees. Published in GG 44473 Notice Number 359 dated 23 April 2021.

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002

8. Publication of a Manual in terms of section 14 of the Act. Published in GG 44383 Notice Number 24 dated 1 April 2021.
9. Amendment to the Regulations published under Notice Number 187 of 15 February 2002. Published in GG 44404 Notice Number 307 dated 1 April 2021.
10. Commencement of Promotion of Access to Information Amendment Act, 2019. Published in GG 44403 Notice Number 10 dated 1 April 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

ELECTRICITY ACT 41 OF 1987

11. License fees payable by licensed generators of electricity. Published in GG 44469 Notice Number 357 dated 23 April 2021.

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993

12. Optometrist and Speech/Audiologist Gazette 2021. Published in GG 44406 Notice Number 179 dated 1 April 2021.
13. Physiotherapist Gazette 2021. Published in GG 44407 Notice Number 180 dated 1 April 2021.
14. Occupational Therapy Gazette 2021. Published in GG 44408 Notice Number 181 dated 1 April 2021.
15. Correction of the Regulations on the Compensation Fund's employer assessment model. Published in GG 44409 Notice Number 182 dated 1 April 2021.
16. Notice issued by the Director-General in terms of sections 83(1), 85(1) and 78 of the Act. Published in GG 44422 Notice Number 189 dated 7 April 2021.
17. Notice in terms of sections 80 and 83 of the Act. Published in GG 44425 Notice Number 190 dated 8 April 2021.

MINE HEALTH AND SAFETY ACT 29 OF 1996

18. Guideline for the Compilation of a Mandatory Code of Practice for the Prevention of Flammable Gas Explosions in Mines other than Coal Mines. Published in GG 44427 Notice Number 326 dated 9 April 2021.
19. Guidance note on the management and control of HIV in the South African Mining Industry. Published in GG 44427 Notice Number 327 dated 9 April 2021.

NATIONAL RAILWAY SAFETY REGULATOR ACT 16 OF 2002

20. Determination of permit fees under section 23(2) of the Act. Published in GG 44455 Notice Number 338 dated 16 April 2021.

CIVIL AVIATION ACT 13 OF 2009

21. Ministerial order regarding foreign operator's permits. Published in GG 44449 Notice Number 334 dated 14 April 2021.

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

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998

22. Proposed amendment to the Financial Provisioning Regulations, 2015 to extend the timeframe of compliance to 19 June 2022. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44477 Notice Number 371 dated 22 April 2021.

ELECTRICITY REGULATION ACT 4 OF 2006

23. Licensing exemption and registration notice. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44482 Notice Number 374 dated 23 April 2021.

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002

24. Proposed draft Regulations relating to the Act. Members of the public are invited to submit written comments by or on the 17 May 2021. Published in GG 44479 Notice Number 221 dated 23 April 2021.

NATIONAL ROAD TRAFFIC ACT 93 OF 1996

25. Draft amendments to the National Road Traffic Regulations, 2000. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice.

Published in GG 44484 Notice Number 375 of 23 April 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003

26. Extension of the period for nomination of suitable persons to be appointed as members of SANParks. Members of the public are invited to submit written nominations of suitable persons within 14 days from the date of publication of this notice. Published in GG 44491 Notice Number 378 dated 26 April 2021.

PETROLEUM PRODUCTS ACT 120 OF 1977

27. Draft Liquefied Petroleum Gas Rollout Strategy. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44384 Notice Number 302 dated 1 April 2021.

ASTRONOMY GEOGRAPHIC ADVANTAGE ACT, 2007

28. Notice of the revised exempted radio frequency spectrum for the Karoo Central Astronomy Advantage Area. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44420 Notice Number 316 dated 6 April 2021.

GAS AMENDMENT BILL, 2020

29. Publication of explanatory summary of Gas Amendment Bill, 2020. Published in GG 44438 Notice Number 332 dated 13 April 2021.

NATIONAL ENVIRONMENT MANAGEMENT BIODIVERSITY ACT 10 OF 2004

30. Extension of the period for nomination of suitable persons to be appointed as members of SANBI. Members of the public are invited to submit written nominations of suitable persons by 14 days from the date of publication of this notice. Published in GG 44492 Notice Number 379 dated 26 April 2021.

STANDARDS ACT 8 OF 2008

31. 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 44427 Notice Numbers 192 and 194 dated 9 April 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

32. Extension of a National State of Disaster. Published in GG 44447 Notice Number 333 dated 14 April 2021.

33. Direction providing COVID-19 TERS benefits for certain categories of employees. Published in GG 44465 Notice Number 342 dated 20 April 2021.

34. Amendments to the Regulations issued in terms of section 27(2) of the Act. Published in GG 44485 Notice Number 376 dated 22 April 2021.

35. Amendment of the Directions regarding the re-opening of schools and measures to address, prevent and combat the spread of COVID-19 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 44486 Notice Number 224 dated 23 April 2021.

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

WESTERN CAPE PROVINCE

36. Central Karoo District Municipality: Adoption of the Central Karoo Spatial Development Framework. Published in PG 8415 dated 16 April 2021.
37. National Environmental Management: Protected Areas Act 57 of 2003:
 - a. Declaration of Sunshine Nature Reserve. Published in PG 8420 Notice Number 39 dated 30 April 2021.
 - b. Declaration of Viljoensdrift Nature Reserve. Published in PG 8420 Notice Number 40 dated 30 April 2021.
38. Cederberg Municipality: Coastal Management By-law. Published in PG 8418 dated 30 April 2021.
39. Cederberg Municipality: Control of Boats and Boating on the Clanwilliam Dam By-law. Published in PG 8417 dated 30 April 2021.

NORTH WEST PROVINCE

40. National Land Transport Act 5 of 2009: Regulations in terms of section 10 of the Act. Published in PG 8201 Notice Number 34 dated 12 April 2021.

EASTERN CAPE PROVINCE

41. Nature and Environmental Conservation Ordinance 19 of 1974:
 - a. Bhisho/King William's Town Proclamation. Published in PG 4534 Notice Number 1 dated 9 April 2021 and Published in PG 4537 Notice Number 2 dated 12 April 2021.
42. Municipal Systems Act 32 of 2000: Port St Johns Municipality Building Regulations By-law. Published in PG 4549 Notice Number 75 dated 26 April 2021.

LIMPOPO PROVINCE

43. Fetakgomo Tubatse Local Municipality Land Use Management By-law, 2018: Adoption and approval of the Fetakgomo Tubatse Land Use Scheme, 2021. Published in PG 3153 Notice Number 28 dated 9 April 2021 and Published in PG 3155 Notice Number 28 dated 16 April 2021.

KWAZULU NATAL PROVINCE

44. Municipal Systems Act 32 of 2000: Harry Gwala District Municipality: Amended Municipal Health Services By-laws, 2020. Published in PG 2266 Notice Number 7 dated 1 April 2021.
45. National Environmental Management: Protected Areas Act 57 of 2003:
 - a. Declaration of Ncandu Private Forest and Grassland Nature Reserve, Cumberland Nature Reserve, additions to Karkloof Nature Reserve and Central Umgeni Conservancy as a Protected Environment. Published in PG 2266 Notice Number 20 dated 1 April 2021.
 - b. Declaration of various additions to Ncandu Private Forest and Grassland Nature Reserve in terms of section 23(1) of the Act. Published in PG 2266 Notice Number 22 dated 1 April 2021.
46. Constitution Act 108 of 1996: Amendment to the Umhlathuze Spatial Planning and Land Use Management By-law, 2017. Published in PG 2276 Notice Number 15 dated 29 April 2021.

MPUMALANGA PROVINCE

47. Municipal Systems Act 32 of 2000: Dr JS Moroka Local Municipality: Public Health By-law. Published in PG 3252 Notice Number 22 dated 9 April 2021.

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

NORTH WEST PROVINCE

48. National Land Transport Act 5 of 2009: Regulations in terms of section 10 of the Act: Call for nominations of members to serve in the North West Public Transport Intervention Team. Nomination must be submitted before or by 1 June 2021. Published in PG 8205 Notice Number 36 dated 19 April 2021.

NORTHERN CAPE

49. Spatial Planning and Land Use Management Act 16 of 2013: Frances Baard Draft Spatial Development Framework. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 2412 Notice Number 9 dated 12 April 2021.

EASTERN CAPE PROVINCE

50. Spatial Planning and Land Use Management Act 16 of 2013:

- a. Municipal Systems Act 32 of 2000: Draft Dr Beyers Naude Spatial Development Framework. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 4537 Notice Number 11 dated 12 April 2021.
- b. Development of a zoning scheme for the Mnquma Local Municipality. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 4543 Notice Number 70 dated 19 April 2021.
- c. Draft Jeffreys Bay Central Business District Local Spatial Development Framework. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 4553 Notice Number 82 dated 30 April 2021.
- d. Kouga Municipality: Preparation of precinct plan for the Humansdorp Central Business District. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in PG 4550 Notice Number 77 dated 23 April 2021.

51. National Environmental Management Act 107 of 1998: Notification: Environmental Authorisation Application Process for three Borrow Pits that have been identified in proximity to a construction site. Members of the public are invited to submit written comments. Published in PG 4549 Notice Number 14 dated 26 April 2021.

MPUMALANGA PROVINCE

52. National Land Transport Act 5 of 2009: Intention to institute extraordinary measures in terms of Act. Members of the public are invited to submit written comments within 7 days of publication of this notice. Published in PG 3253 Notice Number 38 dated 9 April 2021.

KWAZULU NATAL PROVINCE

53. Spatial Planning and Land Use Management Act 16 of 2013: UMhlatuze Local Municipality: Review of Spatial Development Framework, 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 2266 Notice Number 6 dated 1 April 2021.

54. KwaZulu-Natal Planning and Development Act 6 of 2008: The Consultation Paper and Draft Norms and Standards for Spatial Imperatives for Public Service Infrastructure in terms of section 144(2) of the Act. Members of the public are invited to submit written comments before or on the 25 April 2021. Published in PG 2267 Notice Numbers 19, 21 and 23 dated 8 April 2021 and Published in PG 2269 Notice Number 23 dated 15 April 2021.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 6 MAY 2021)

1. Gas Amendment Bill (B9-2021).
2. Preservation and Development of Agricultural Land Bill (B8-2021).
3. Railway Safety Bill (B7-2021).
4. Disaster Management Amendment Bill (B2-2021).
5. Animals Protection Amendment Bill (B1-2021).
6. Economic Regulation of Transport Bill (B1-2020).
7. National Road Traffic Amendment Bill (B7-2020).
8. Employment Equity Amendment Bill (B-14-2020).
9. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).
10. Independent Electricity Management Operator Bill (B14-2019).
11. National Health Insurance Bill (B11 – 2019).
12. National Health Amendment Bill (B29 – 2018).
13. National Environmental Management Laws Amendment Bill (B12-2017).
14. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 6 MAY 2021)

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

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