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MAY 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. Procedures to be followed when applying for or deciding on an Environmental Authorisation for the development or expansion of gas transmission pipeline infrastructure when occurring in Strategic Gas Pipeline Corridors. Published in GG 44551 Notice Number 411 dated 7 May 2021.
2. Regulations to domesticate the requirements of the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. Published in GG 44558 Notice Number 413 dated 12 May 2021.
3. Regulations to prohibit the production, distribution, import, export, sale and use of persistent organic pollutants that are listed by the Stockholm Convention on Persistent Organic Pollutants. Published in GG 44559 Notice Number 414 dated 12 May 2021.

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

4. Amendments to the Regulations and Notices regarding Extended Producer Responsibility, 2020. Published in GG 44539 Notice Number 400 dated 5 May 2021.

PLANT BREEDERS' RIGHTS ACT 15 OF 1976

5. Amendment to the Regulations relating to Plant Breeders' Rights. Published in GG 44593 Notice Number 432 dated 21 May 2021.

GENETICALLY MODIFIED ORGANISMS ACT 15 OF 1997

6. Amendments to the Regulations published under Notice Number 1420 of 26 November 1999. Published in GG 44593 Notice Number 431 dated 21 May 2021.

GAS ACT 48 OF 2001

7. New Rules in terms of the Gas Act 48 of 2001. Published in GG 44636 Notice Number 470 dated 28 May 2021.

SECTION B: SAFETY AND HEALTH (NATIONAL)

NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999

8. Notice in terms of section 28 of the Act on fees for nuclear authorisations. Published in GG 44571 Notice Number 417 dated 14 May 2021.

MEDICINES AND RELATED SUBSTANCES ACT 101 OF 1965

9. Regulations relating to Medical Devices. Published in GG 44593 Notice Number 435 dated 21 May 2021.

HEALTH PROFESSIONS ACT 56 OF 1974

10. Repeal of Rules for the Registration of Community Speech and Hearing Workers. Published in GG 44636 Notice Number 52 dated 28 May 2021.
11. Repeal of Rules for the Registration of Speech and Hearing Assistants. Published in GG 44636 Notice Number 51 dated 28 May 2021.

EMPLOYMENT EQUITY ACT 55 OF 1998

12. Public Register Notice. Published in GG 44636 Notice Number 469 dated 28 May 2021.

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

NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008

13. Extension of time to comment on the draft National Norms and Standards for the Treatment of Organic Waste. Members of the public are invited to submit written comments by 30 July 2021. Published in GG 44602 Notice Number 444 dated 21 May 2021.

AGRICULTURAL PRODUCTS STANDARDS ACT 1990

14. Agricultural Products Standards Amendment Bill. Published in GG 44603 Notice Number 443 dated 21 May 2021.

15. Plant Health (Phytosanitary) Bill. Published in GG 44604 Notice Number 445 dated 21 May 2021.

NATIONAL WATER ACT 36 OF 1998

16. Regulations for the use of water for exploration and production of onshore naturally occurring hydrocarbons that require stimulation, including hydraulic fracturing and underground gasification, to extract, and any activity incidental thereto that may impact detrimentally on the water resource. Members of the public are invited to submit written comments within 30 days from the date of publication of this notice. Published in GG 44545 Notice Number 406 dated 7 May 2021.

CIVIL AVIATION ACT 13 OF 2009

17. Amendment to the Civil Aviation Regulations, 2011. Members of the public are invited to submit written comments by 7 June 2021. Published in GG 44546 Notice Number 410 dated 7 May 2021.

NUCLEAR ENERGY ACT 46 OF 1999

18. Draft Regulations regarding Physical Protective Measures for Nuclear Material. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in GG 44546 Notice Number 407 dated 7 May 2021.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL, 2020

19. Publication of the Occupational Health and Safety Amendment Bill, 2020. Members of the public are invited to submit written comments by no later than 31 July 2021. Published in GG 44572 Notice Number 422 dated 14 May 2021 and Published in GG 44610 Notice Number 447 dated 21 May 2021.

CROSS-BORDER ROAD TRANSPORT ACT 4 OF 1998

20. Draft amendments to the Cross-Border Road Transport Regulations, 2020. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44572 Notice Number 423 dated 14 May 2021.

STANDARDS ACT 8 OF 2008

21. 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 44545 Notice Numbers 261 dated 7 May 2021 and Published in GG 44636 Notice Numbers 315 and 194 dated 28 May 2021.

CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 OF 1983

22. Extension of comment period for the proposed Farm Planning Regulations. Members of the public are invited to submit written comments within 30 days of publication of this notice. Published in GG 44575 Notice Number 425 dated 14 May 2021.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

23. Auto Green Paper on the Advancement of New Energy Vehicles in South Africa. Members of the public are invited to submit written comments within 3 weeks of publication of this notice. Published in GG 44606 Notice Number 308 dated 21 May 2021.

MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002

24. Draft National Mine Closure Strategy. Members of the public are invited to submit written comments before 23 July 2021. Published in GG 44607 Notice Number 446 dated 21 May 2021.

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

25. Publication of the Draft Artisanal and Small-Scale Mining Policy, 2021. Members of the public are invited to submit written comments before 17 June 2021. Published in GG 44538 Notice Number 258 dated 5 May 2021.

FIREARMS CONTROL ACT 60 OF 2000

26. Draft Firearms Control Amendment Bill, 2021. Members of the public are invited to submit written comments no later than 45 days of publication of this notice. Published in GG 44593 Notice Number 437 dated 21 May 2021.

MARINE LIVING RESOURCES ACT 18 OF 1998

27. 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 28 June 2021. Published in GG 44636 Notice Number 466 dated 28 May 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

28. Extension of a National State of Disaster. Published in GG 44574 Notice Number 424 dated 14 May 2021.

29. 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 44633 Notice Number 451 dated 28 May 2021.

30. Determination of Alert Level. Published in GG 44642 Notice Number 476 dated 30 May 2021.

31. Amendment of Regulations issued in terms of Section 27(2) of the Act. Published in GG 44642 Notice Number 477 dated 30 May 2021.

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

WESTERN CAPE PROVINCE

32. National Environmental Management Act 107 of 1998: Notice of Adoption of the Greater Saldanha Area Environmental Management Framework. Published in PG 8422 Notice Number 41 dated 4 May 2021.
33. Western Cape Land Use Planning Act 3 of 2014: Notice of authorisation to deviate from provisions of Act. Published in PG 8429 Notice Number 45 dated 11 May 2021.
34. Stellenbosch Municipality: Roads and Streets By-law, 2021. Published in PG 8436 dated 28 May 2021.
35. Declaration of Heritage Resources as Provincial Heritage Site:
 - a. The Langa Pass office. Published in PG 8435 Notice Number 57 and 58 dated 28 May 2021.
 - b. The Gugulethu 7 Memorial. Published in PG 8435 Notice Number 56 dated 28 May 2021.
 - c. Freedom Square. Published in PG 8435 Notice Number 55 dated 28 May 2021.
 - d. Blaauwberg Nature Reserve. Published in PG 8435 Notice Number 54 dated 28 May 2021.
36. Stellenbosch Municipality: Stormwater By-law, 2020. Published in PG 8434 dated 28 May 2021.
37. Drakenstein Municipality: Air Quality Management By-law, 2021. Published in PG 8425 dated 7 May 2021.

NORTH WEST PROVINCE

38. North West Hunting and Hunting Permit Fee Regulations for Identified Non-exempted Game and Bird Species on Private, State and Community owned land in the North West Province. Published in PG 8211 Notice Number 51 dated 4 May 2021 and Published in PG 8215 Notice Number 58 dated 11 May 2021.

EASTERN CAPE PROVINCE

39. Eastern Cape Repeal of Agricultural Laws, 2020. Published in GG 44545 Notice Number 402 dated 7 May 2021 and Published in PG 4559 Notice Number 1 dated 10 May 2021.
40. Disaster Management Act 57 of 2002: Kouga Local Municipality: Extension of Local State of Disaster Declaration. Published in PG 4569 Notice Number 118 dated 31 May 2021.

LIMPOPO PROVINCE

41. Local Government: Municipal Systems Act 32 of 2000: Emalahleni Local Municipality Electricity By-laws. Published in PG 3168 Notice Number 78 dated 28 May 2021.

KWAZULU NATAL PROVINCE

42. National Environmental Management: Integrated Coastal Management Act 24 of 2008: Listing of KwaZulu-Natal Public Launch Sites and the Identified Management Bodies for each Launch Site. Published in PG 2285 Notice Number 42 dated 13 May 2021.
43. National Environmental Management: Protected Areas Act 57 of 2003: Declaration of the Elandsberg Protected Environment. Published in PG 2285 Notice Number 41 dated 13 May 2021.
44. Spatial Planning and Land Use Management Act 16 of 2013: Single Land Use Scheme for eThekweni Municipality. Published in PG 2287 Notice Number 20 dated 20 May 2021 and Published in PG 2290 Notice Number 23 dated 27 May 2021.

MPUMALANGA PROVINCE

45. Spatial Planning and Land Use Management Act 16 of 2013: Govan Mbeki Municipality Land Use Scheme, 2020. Published in PG 3161 Notice Number 36 dated 7 May 2021.

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

NORTH WEST PROVINCE

46. National Environmental Management Act 107 of 1998: Call for nominations to serve on the DEDECT External Advisory Panel on appeals. Nomination must be submitted within 30 days from the date of this publication. Published in PG 8214 Notice Number 56 dated 11 May 2021.

WESTERN CAPE PROVINCE

47. Mossel Bay Municipality: Intention to Compile the Municipal Spatial Development Framework. Published in PG 8427 dated 7 May 2021.

48. Western Cape Biodiversity Bill [B2-2021]. Members of the public are invited to submit written comments by 7 June 2021. Published in PG 8428 Notice Number 44 dated 10 May 2021.

LIMPOPO PROVINCE

49. National Heritage Resources Act 25 of 1999: Notice of Grave Relocation. Members of the public are invited to submit written comments within 60 days of publication of this notice. Published in PG 3162 Notice Number 35 dated 14 May 2021.

50. Maruleng Local Municipality: Notice that various Draft Policies and By-laws are available for public comment. Members of the public are invited to submit written comments by 21 May 2021. Published in PG 3168 Notice Number 79 dated 28 May 2021.

KWAZULU NATAL PROVINCE

51. KwaZulu-Natal Nature Conservation Management Act 9 of 1997. Call for nomination of Individuals to serve on the KwaZulu-Natal Nature Conservation Board (Ezemvelo KZN Wildlife). Members of the public are invited to submit their nominees no later than 21 May 2021. Published in PG 2282 Notice Number 40 dated 6 May 2021.

GAUTENG PROVINCE

52. City of Ekurhuleni Restriction of Access By-law, 2021. Members of the public are invited to submit written comments from 17 May 2021 to 18 June 2021. Published in PG 163 Notice Number 371 dated 17 May 2021.

PART TWO: PARLIAMENTARY MONITORING

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

BILLS BEFORE PARLIAMENT (AS OF 4 JUNE 2021)

1. Housing Consumer Protection Bill (B10-2021).
2. Gas Amendment Bill (B9-2021).
3. Preservation and Development of Agricultural Land Bill (B8-2021).
4. Railway Safety Bill (B7-2021).
5. Disaster Management Amendment Bill (B2-2021).
6. Animals Protection Amendment Bill (B1-2021).
7. Economic Regulation of Transport Bill (B1-2020).
8. National Road Traffic Amendment Bill (B7-2020).
9. Employment Equity Amendment Bill (B-14-2020).
10. Compensation for Occupational Injuries and Disease Amendment Bill (B21-2020).

11. Independent Electricity Management Operator Bill (B14-2019).
12. National Health Insurance Bill (B11 – 2019).
13. National Health Amendment Bill (B29 – 2018).
14. National Environmental Management Laws Amendment Bill (B12-2017).
15. National Forests Amendment Bill (B11-2016).

BILLS BEFORE THE PRESIDENT (AS OF 4 JUNE 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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